LEGISLATIVE COUNCIL

Thursday 23 November 2006

The PRESIDENT (Hon. R.K. Sneath) took the chair at 2.18 p.m. and read prayers.

FOSTER, Hon. N.K., DEATH

The Hon. P. HOLLOWAY (Minister for Police): With the leave of the council, I move:

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

It was with a great deal of sadness that we learnt earlier this week of the passing of the former state and federal MP, World War II veteran, and labour movement stalwart, Norm Foster. Norm is survived by his wife, Betty, his children (Darryl, Derek, David, Robert and Mark), his seven grandchildren and four great-grandchildren. To his family and many friends I extend my condolences and those of the members of the government.

Historically, Norm will no doubt be remembered for the events of June 1982, when his vote in the Legislative Council was crucial to the success of the Tonkin government's indenture bill giving the go-ahead to the Roxby Downs mining project. However, not so many South Australians would know much of the Norm Foster story, especially his military service during World War II, his dedication to serving the South Australian community in the federal and the state parliaments, and his lifelong commitment to the labour and trade union movements in Australia.

Norman Kenneth Foster was born in Adelaide on 12 March 1921. He was one of 12 children, with seven brothers and four sisters. Norm left school at the age of 13, during the Great Depression, and worked in a range of labouring jobs including in his family's own market gardens in Adelaide's northern suburbs. When war was declared he immediately volunteered, joining the 10th Battalion of the AIF. I note that, in the corridor of the House of Assembly, amongst some of the photographs of when this chamber we are in today was opened, I think, in 1939, there is a photograph of the troops who were present (or cadets, as it might have been), one of whom was Norm Foster, at the time of the outbreak of the war.

As I said, when war was declared, Norm Foster immediately volunteered, joining the 10th Battalion of the AIF, which is a very famous South Australian battalion. The family's war service history is unique. Along with Norm, five of his brothers also served, and two of his sisters served overseas during World War II. Norm's World War II record covers six years from 1939 to 1945 (the full period of the war), serving in England, Tobruk, New Guinea and as a signaller in Borneo. He was mentioned in dispatches for his bravery in action, and his commanding officer in Borneo, the former chief of the general staff, Sir Tom Daly, described Norm as a very good and very gallant soldier.

In an article published in *The Advertiser* in 2001, Norm is quoted as saying that, while he had terrible memories of his war experience, including stepping over the corpses of dead mates, he would enlist again if he had his time over again. He said that he went into the army voluntarily, because that is what you do when your country is in trouble: 'It doesn't matter what generation you're in, when that kind of thing happens, you don't think twice', said Norm. Norm also served as president of the 10th Battalion Association. I know that, in that capacity, Norm was a regular visitor to the Daws Road Repatriation General Hospital, visiting sick veterans, where I saw him on a number of occasions.

After the war, Norm returned to Adelaide and took up a job on the Port Adelaide wharves, signalling the start of his service to the trade union movement. He became what was called a vigilance officer for the Waterside Workers Federation, which was an important job which involved making sure that the stevedoring companies were complying with the rules and regulations in regard to the safety and welfare of the workers. It needs to be remembered that, in those days, thousands of men worked on the wharves, and their jobs were often difficult and dangerous.

Norm moved steadily through the ranks of the union movement in South Australia, eventually becoming president of the United Trades and Labor Council in 1964. Norm's political career began in October 1969, when he was elected to the House of Representatives as the member for the South Australian electorate of Sturt. Since that seat was first created in the 1949 redistribution, it had been held for several of those years by Sir Keith Wilson, and then his son, Ian, of course. It was also held for several years by the late Norman Makin, before he became the first member for Bonython. In fact, I understand that the Labor Party had difficulty in finding a candidate for Sturt in 1969, but Norm took up the challenge, and he stunningly won the seat by fewer than 50 votes, recording a 14 per cent swing to the ALP.

That was the same year as the election of a number of other members, such as Chris Hurford, Richie Gunn and Ralph Jacobi, with whom I had the pleasure of working for many years. It was during that capacity that I particularly got to know Norm Foster. Norm gave his maiden speech to the federal parliament on 18 March 1970, and very early on he indicated his commitment to his community by expressing concern about the plight of young home owners in his electorate. His speech also canvassed many of the issues important to Norm throughout his life: social equality; the plight of pensioners and disabled children; the defence of the country; and, of course, the trade union movement. His speech was also feisty. He was pulled up by the speaker a couple of times, and was even asked to withdraw a remark he made about a cabinet minister. This was all in his maiden speech. Of course, it was this feistiness and his behaviour in parliament that earned Norm his famous nickname, stormie Normie.

Norm is remembered by many as being a political trailblazer. As an example, in early 1972 he organised what was arguably one of Adelaide's first major gatherings to discuss conservation issues. Around 200 people turned up at the Fernilee Lodge (now gone, of course) meeting to hear the federal ALP spokesman on conservation, Tony Mulvihill. Norm was also an outspoken opponent of Australia's involvement in the war in Vietnam. As his Second World War record suggests, Norm was no pacifist; however, he never glorified war, and he shared the views of the young and idealistic members of the protest movement. Norm's flyer for the 1972 election campaign featured some of the key issues with which he had been involved during his three years in the House of Representatives, including the battle against the subdivision of Penfold's vineyards at Magill, the removal of

the tax on wine, French nuclear testing in the Pacific and alleged federal government interference in the ABC's current affairs program *This Day Tonight*—some things never change!

Unfortunately for Norm and the Labor Party, he was defeated by Ian Wilson at the December 1972 federal election, despite a ringing endorsement from Labor leader Gough Whitlam, who said that few members in their first term of federal parliament could have achieved the impact and effectiveness displayed by Norm Foster. However, Norm's passion for politics did not wane; and, if my memory serves me correctly, during the next few years Norm did a bit of work for the Hon. Clyde Cameron in relation to industrial affairs during the first period of that Whitlam government. Of course, he was placed in the No. 1 position on Labor's Legislative Council ticket for the 1975 state election, and he was duly elected. Incidentally, that ticket also included three other people who went on to successful careers in South Australian politics: Chris Sumner, John Cornwall and Anne Levy.

The dramatic events in this place of June 1982 are now part of South Australia's political history. The Tonkin government's legislation setting up the Roxby Downs mine was initially defeated in the Legislative Council, with Norm joining his Labor colleagues in opposing the bill. Newspaper reports at the time suggest there were real fears that one of the Roxby consortium partners, BP, would pull out of the deal. History shows that the indenture bill was recommitted by the government. First, Norm resigned from the Labor Party and then crossed the floor to ensure that the government bill was successful. Certainly, I remember that time. As I said, I used to work for the former federal member Ralph Jacobi, who had a standing interest in the mines and energy field. I can remember many of the conversations he had with Norm Foster over these issues at the time.

Norm was quoted as saying that he had no regrets, because he considered that it was the right thing to do for the state. He said that, while the situation was unpleasant, he put a lot of homework into his decision. I can certainly vouch for that. Norm has also since been quoted as saying that he was never put under any pressure by Western Mining Corporation, and he doubted that the company even knew he was planning to cross the floor and vote in favour of the government bill. Norm contested, of course, the 1982 election as an Independent Labor candidate, but he was unsuccessful.

However, after a time, the bitterness that related to that decision faded, and in November 1988 he was formally readmitted to the Labor Party by a unanimous vote. On Australia Day 1994, Norm was awarded a Medal of the Order of Australia for his services to parliament, the trade union movement and ex-service organisations—and it was a very proud moment for him. Twenty-four years after the events of June 1982, it is interesting to reflect on the impact of one man's decision to change his vote and support the Roxby Downs Indenture Bill. Today Olympic Dam is on the verge of a massive expansion, which would make it the largest open-cut mine in the world, employing thousands of people. It has become one of the key economic drivers in South Australia and one of our major employers.

South Australia is the poorer for Norm Foster's passing. I remember someone who was a person of great personal integrity, a person who had a great sense of fun and a person with the loudest voice I have ever heard. I remember at ALP conferences that Norm Foster did not need a microphone. It could be a large hall like the old Bishop auditorium filled with over 300 or 400 people, and Norm Foster could make himself heard very clearly from the back without any difficulty at all, and he always had something incisive to say. On behalf of all Labor members of the Legislative Council, I extend my condolences to Norm's family and friends.

The Hon. R.I. LUCAS (Leader of the Opposition): I rise on behalf of Liberal members to support the motion moved and spoken to by the Leader of the Government. Just commenting on the leader's last comment, one of my clearest recollections of Norm Foster is certainly his loudness both inside the chamber and anywhere that you happened to be within shooting distance of him, whether it be in the corridors or elsewhere. Certainly during that period of the 1970s and 1980s, in essence, my only association with him was to say hello in the corridors or passing in the street, or whatever, and occasionally to see and to listen to his performance in the Legislative Council, or occasionally to read about it as well. Certainly he had views which he expressed firmly and loudly, and everyone knew what his views were on whatever the issue was.

The leader described the Hon. Norm Foster's military background and service. From one of the other articles that have been provided to both of us, certainly he came from a family evidently steeped with very similar views, because one of the articles refers to the fact that not only did Norm go into military service but also he had seven brothers, five of whom had war service, and he had four sisters, two also who served overseas in World War II. Seven brothers and sisters—eight siblings I suppose including himself—who served in one way or another. Clearly, there was a family tradition and history of service to Australia and, on behalf of Liberal members, we certainly acknowledge that in terms of his early service to our country.

There is a touching story in one of the newspaper articles of an Anzac Day service, I think in 2001, which *The Advertiser* covered and at which a 14-year old Parafield Gardens student declined to shake the hand of Norm Foster, but instead went up and hugged him and echoed the words of many by saying, 'Thank you; that's all I wanted to say'. This was Natasha Picton, who was one of seven Parafield Gardens students who were at the particular Anzac Day service which Norm attended. She said:

> 'My dad has taken me to a dawn service every year since I was seven,' she said. 'It means a lot to us. My grandfather was in the navy in World War II and my cousin went to East Timor last year.' Natasha described meeting Mr Foster, who spent six years in the Middle East, New Guinea and in Borneo between 1939 and 1945, as "a real privilege". To meet someone who actually risked their life for our freedom is incredible. It's not something that happens every day', she said.

I think all members, and I am sure many in the community would say 'Hear, hear' to that. Norm Foster commented how terrific it was to receive an acknowledgment from so many young people in recent years in the increasing popularity of the Anzac Day memorial services. Foster's membership of the Legislative Council was a stormy one. The leader, of course, has referred to the issues in relation to Roxby Downs, and I will turn to those in a moment.

There are a number of press clippings from Norm's period, such as 'Stormy Normie will not stop interjecting' and '"Stormy Normie" joins Ebenezer.' Evidently, at that time, he was only the second member ever to have been named and expelled from the Legislative Council for any misdemeanour, the first being Ebenezer Ward. I thought it was intriguing and an indication of Norm Foster the person

because, at that stage, the critical vote was the Hon. Lance Milne's, the sole Australian Democrat at that stage. Obviously, there was a motion to expel a member from the council for misbehaving. The article states:

> Mr Foster said yesterday he would have voted for his own suspension if the motion to suspend him had not been supported by Mr Milne. . . who holds the balance of power on the floor of the chamber. He said that if Mr Milne had not voted for the motion—and he had supported him. . . in his call for a royal commission into the fire—the authority of the chair would not have been upheld.
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> 'If Lance had not crossed the floor to vote for my suspension, I would have crossed the floor to vote for it myself. . . And I mean that. That is because the authority of the chair should not be lost under those circumstances. But I am not sorry for what I said. It had to be said.'

That is probably a good indication of Norm Foster. He was outraged, evidently, about a proposal back in 1975 (I do not recall this, but it is in the newspaper, so it must be true), when he said:

> 'I don't even think Idi Amin of Uganda would have thought of this one,' blasted Normie Foster yesterday. And I personally won't go along with it—I'll interject whenever I feel it is necessary.

Evidently, the then president, the Hon. Frank Potter—obviously, along with a number of Liberal members at that time—was contemplating a ban on interjections in the Legislative Council. You may want to look at that particular article, Mr President, given the performance of some of the government members in this chamber, who interject ceaselessly. Evidently, there was this proposal, and Norm was outraged. I am not sure what happened—perhaps the clerk might be able to inform us later—but it appears to have died a natural death because, as we know, interjections have continued, certainly during the time of Norm Foster and subsequent to that time as well.

There is a lovely story of Norm Foster throwing his shoe across the chamber at a Liberal member, and I have been trying to find out which Liberal member it was—again, the clerk might be able to assist, I suppose. It was a stormy episode, evidently, during a particular debate. I suspect the shoe was just wobbling on the floor, and he decided to pick it up and throw it at the member across the chamber. I remember over the years members of the Legislative Council recounting that story with great mirth when describing Normie's storminess in the Legislative Council.

Looking at the contributions made by Norm Foster in the Legislative Council, I think it was the Leader of the Government who referred to his maiden speech in the House of Representatives, which I think he described as feisty, when he was called to order, etc. When you look at his maiden contribution in the Legislative Council it runs to some eight or nine *Hansard* pages. I will not go through all of it, but, again, it was feisty, I suppose because he had previous experience. He was not truly a maiden member, although he was a maiden member in the Legislative Council. The Hon. Murray Hill spoke immediately afterwards, and he summarised that contribution, at least from his perspective, as follows:

> I have just heard what I thought was the principal maiden speech of the Hon. Mr Foster. I think he deserves a prize for making the longest speech I have heard in my time in this place. The only other thing I should like to say about his speech is that I hope in future we shall hear more controlled contributions from him.

I suspect that was not the case. Norm Foster's contributions from his first speech to his last were fiery, feisty, or whatever descripter you want to use, but no-one was left doubting what his views were on any particular issue.

I turn now to the issues of 1982 and the Roxby Downs vote, because the leader has referred to that, at least in part. The people of South Australia obviously owe a great debt to the Hon. Normie Foster. It was an extraordinarily difficult period. As the leader indicated, he voted with the Labor Party in the Legislative Council, first. I think it was a vote taken in the early hours of the morning at about 1.30 a.m. against the Roxby Downs indenture bill. The rumours were rumbling around Parliament House, as they had for some time, that the Hon. Norm Foster had some significant doubts as to how he should vote but, in the end, in the first vote, he voted with his Labor colleagues.

I know from members of the Liberal government at the time that they were aware that he and others within the Labor caucus were hoping privately that the Roxby Downs development would go ahead, albeit there was a party vote against it. As everyone is aware, he then made that very difficult decision. I think some of the articles refer to the abuse he received in the time-honoured Labor tradition of calling someone who votes against the party a scab, which was often used to describe Norm Foster. He received death threats, and it was an entirely unpleasant experience for not only himself but his family during that difficult time.

It was an extraordinary period because between the first vote and the resubmitted second vote, intense discussions were obviously taking place within the then government. In 1982—the period of that particular government was from 1979 to 1982—an election was due, and a very strong body of opinion within the government said, 'The Labor Party has voted against this. You, the premier, Mr Tonkin, ought to go to the people of South Australia to seek a vote of confidence on the Roxby Downs development'. That body of opinion within the Liberal government of the time argued very strongly that this was a way to win the government another term in office. The alternative view was, 'Norm Foster may well change his vote and we may well be able to get up this major development which is critical to the future of the state's development.'

I have to say that it is to the eternal credit of David Tonkin and those who supported him—this then became the majority view—that they chose what I believe can be described as the statesmanlike position. They took the decision in terms of what was in the best interests of the state of South Australia by resubmitting the vote to get the Roxby Downs indenture through rather than going immediately to an election and using the Labor Party's vote against Roxby Downs and the jobs associated with it as political leverage to win the 1982 election.

Of course, history demonstrates that the Tonkin government lost the 1982 election and the Bannon decade commenced. One can only speculate on what might have been if they had adopted the minority view of the time, the more hard-nosed political view, which was to take the Labor Party to the polls immediately and see what the people of South Australia said about it and whether or not this particular development should be supported.

Norm Foster was expelled from the Labor Party as a result of running as an Independent against an endorsed candidate. The reality was that, if you wanted to get your superannuation, you might have to take this kind of action, and I would have thought that even Labor Party members would have understood the reasons why the Hon. Norm Foster stood as an Independent in 1982. Nevertheless, that was used as one of the reasons to expel him from the party. I am intrigued—I did not realise this at the time—that the person who moved

the motion to readmit the Hon. Norm Foster was the Hon. Trevor Crothers. He was a power broker within the Centre Left faction at that particular time.

From the Labor Party's viewpoint, there is a nice conjunction of events and names in a particular article by Randall Ashbourne, but, nevertheless, I will proceed. The article, 'Labor welcomes stormy Norm home', states:

> A leading identity in Labor's powerful Centre Left faction has hinted at major changes to the party's anti-nuclear policies. Labor MLC, Mr Trevor Crothers, told the party's special policy convention in Adelaide yesterday policies now regarded as sacred could be overturned by environmental demands.
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> He was moving for the convention to re-admit rebel former MP, Mr Norm Foster, who split the party's anti-uranium stand wide open in 1982.
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> In June, 1982, Mr Foster deserted the Bannon Opposition's official stand and crossed the floor of the Legislative Council to vote in favour of Tonkin Government legislation, allowing the initial go-ahead for the giant Roxby Downs uranium mine.
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> He was pilloried by the party, especially the Left Wing. But, within months, the then Opposition Leader, Mr Bannon, fought, and won, a changed national ALP policy—a shift which allowed him to campaign on a pro-Roxby platform, and narrowly win the 1985 state election.
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> Yesterday, Mr Foster was welcomed back into the party in a unanimous vote. Mr Crothers, a powerful figure within the Centre Left faction, praised Mr Foster for making a decision which had allowed Labor to regain electoral success on a national scale. He then went on to predict that existing Labor policies restricting further uranium mining and banning the domestic use of nuclear energy could be overturned, as Mr Foster had helped overturn the no-mining policy.
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> 'Methods of energy generation frowned on by the party now could become acceptable in the future because of the continuing depletion of the ozone layer,' Mr Crothers said.

I remind members that this was back in 1988, some 18 years ago. As I said, it is interesting because, of course, the Hon. Trevor Crothers suffered the same fate when he made a decision in relation to the ETSA development. He was expelled from the Labor Party, together with the Hon. Terry Cameron, as a result of that decision.

In concluding, the views that the Hon. Norm Foster had at the time in relation to the Roxby Downs development were views that he held strongly. I will conclude by quoting from a 1998 interview by Miles Kemp, another name well-known to members of the Labor Party. The article states:

> Mr Foster—himself subjected to death threats—says he now feels vindicated, and did very soon after the contentious vote when the benefits to the State became obvious. 'It never worried me because I looked on them as fools for opposing something that was so good for this State,' he said. 'Blind Freddy could have seen the great benefits in this mine for employment for South Australians.'

They were the strongly-held views of Mr Foster towards those who led the charge at that time, and some are still prominent in the government today. They were the strong views he had about those who opposed that policy at the time. He held those views at the time and he held them through the remaining years as well.

On behalf of Liberal members, I want, first, to acknowledge Norm Foster's military service to Australia and his public service (both in the federal parliament and in the state parliament). Also, I want to acknowledge the courage that he demonstrated in relation to the Roxby Downs vote, in particular. On behalf of Liberal members, I pass on our sympathies to his family, acquaintances and friends.

The Hon. CAROLINE SCHAEFER: I rise today to offer my condolences to the Foster family, more as a representative of the Whyte family than on my own behalf. I did, of course, meet the Hon. Norm Foster on a number of occasions, but I did not know him well. However, my father and Norm shared many things in common, including a long friendship and a mutual respect which endured long after their time in this place. Dad was a member of the upper house from October 1966 to December 1985, while Norm served from July 1975 to November 1982. Much of their parliamentary careers overlapped. Less well known, however, is that they share the same birthday, 21 March 1921, and they both served in the Second World War—Norm in the second 10th and dad in the second 48th.

The second 10th arrived at Tobruk via England and the second 48th arrived at Tobruk via Palestine. Both fought in the siege of Alamein and both, were proud members of the Rats of Tobruk. In fact, Norm was President of the Rats of Tobruk Association for many years after they returned, and many of dad's colleagues still speak with fondness of the amount of time and effort that Norm put into helping other exservicemen who were less fortunate than himself.

Dad would disagree with the Hon. Rob Lucas because he claims to be the president who kicked out Norm from this chamber, he being only the second person ever and the first for some 73 years. It was the first time he expelled him, but apparently not the last by any means. However, they maintained a great and good hearted friendship in spite of that.

As has been said, Norm was one of 13 children. He left school early and worked particularly hard on a market garden before enlisting at a very young age to serve during the Second World War as a volunteer. Probably the hard work and discipline he learned over that time gave him the courage to proceed throughout his life. Certainly anyone who is even a vague student of the history of the Second World War knows that, of those who served in Alamein and Tobruk, there were, I think, none who did not serve with distinction in very difficult times. Those who survived those terrible times probably came out with a great degree of purpose and courage in their lives, and certainly Norm was one of those.

As we know, he well earned his reputation as stormy Normie. He was a committed unionist and was committed to all of the things in which he believed. As has been said previously, he took the decision to cross the floor and vote for the future of South Australia, which indeed it was, and he said some 17 years later:

> I had no regrets because I considered it to be the right thing to do for this state.

At the time, he was attacked by his party for crossing the floor. He went on:

> It could have been more pleasant—

that was certainly an understatement—

> but a lot of homework was put into it; it was not a difficult decision for me. It was a good project, it ought to be here and it is.

That was very much his attitude to life. He did not really care what anyone else thought of him, as long as he did what he believed was the right thing. He was not noted for tact, I understand, and not necessarily noted for discretion or respect for rules, but he was well liked as something of a rascal and was well respected. In an article in 2000, Dr Dean Jaensch said:

> Recently I was asked a curly question: What attributes should a good politician have? One way to answer is to name people who have the qualities which deserve respect. I came up with names like Bert Kelly, Ralph Jacobi, Norm Foster and Tim Fischer—all for different reasons, but with one common factor: they worked out what they believed in and fought hard but fair to achieve it.

Norm Foster has earned and secured himself a place in the history of South Australia because of his single act of crossing the floor and allowing Roxby Downs to proceed. He was a man of principle and passion who worked tirelessly for the things and people he believed in. I sometimes think we would be better today with people as colourful as him in this place. I extend my condolences and that of my family to the Foster family.

The Hon. R.P. WORTLEY: I first knew of Norm Foster when I was just a young boy (probably younger than 10) when he was secretary of the Waterside Workers Federation, and my father was a very proud member of the Waterside Workers Federation, known as the wharfies. One of the big events we used to look forward to every year was the wharfies picnic. Norm Foster would always attend, and he was the only person I think I have ever known who, with 400 or 500 children around, could actually start the races without using a megaphone. He was definitely a real character. I was only a young lad when I first knew of Norm in the Labor Party. I remember going to Canberra with my father when I was about 12, and Norm met us at the steps of the old Parliament House and took the family through. He told us about some of the events which had taken place there. He even mentioned the fact of his maiden speech and how it was probably one of the most memorable speeches he had ever given.

I spoke to my father today and told him I was going to make comment regarding Norm. I remember that when I was a kid at the kitchen table my father always came up with stories about the waterside workers, and Norm's name often came up. I was quite vague on exactly what some of the stories were, but I knew that my father never said anything negative about Norm. My father's exact words were, 'Norm was always one for the people, and he always had great integrity.' I think that is indicative of the speeches that have been given to this council.

When Norm was kicked out of the Labor Party, as I said, I was only a young whippersnapper. I must say the ramifications of that decision did not really bear upon me until I flew up to Roxby Downs with a number of members of this chamber recently and saw the magnitude of the development there. Looking back on it, one would have to say that Norm was a man of vision. He knew then the benefits that would come to this state. I am sure that if it was a different time, like today, Norm would find that he had a lot more support from the Labor Party now for his beliefs regarding Roxby than he did then. It was a sad time, being way ahead of his time when he crossed the floor.

I will be attending his funeral tomorrow, and I think it is important that kind words are said about Norm, because he was man of true character and great integrity who stood up for what he believed in. I give my deepest condolences to his family, his wife and his children.

Motion carried by members standing in their places in silence.

[Sitting suspended from 2 58 to 3.15 p.m.]

CEDUNA QUAYS DEVELOPMENT

A petition signed by 187 residents of South Australia, concerning the development of the Ceduna Quays Development and praying that this council will acknowledge and take into account the community that does not want to see this development commence in the interest and prosperity of local industry, history and community, was presented by the Hon. B. Finnigan.

Petition received.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos 27, 130, 182, 206, 209, 235, 337, 338, 496 to 499 and 501 to 503.

SPEED CAMERAS

27. **The Hon. J.M.A. LENSINK:** Can the Minister advise:

1. How many times speed cameras have operated;
2. The total value of expiation fees; and
3. How many serious and fatal accidents have occurred; for the following locations—North East Road, Valley View; North East Road, Holden Hill; North East Road, Modbury; Lower North East Road, Highbury; Lower North East Road, Dernancourt; Lower North East Road, Hope Valley; The Golden Way, Golden Grove; The Golden Way, Greenwith; The Golden Way, Modbury Heights; The Golden Way, Wynn Vale; Target Hill Road, Greenwith; Target Hill Road, Salisbury Heights; Grenfell Road, Banksia Park; Grenfell Road, Fairview Heights; Grenfell Road, Modbury Heights; Grenfell Road, Redwood Park; Grenfell Road, Surrey Downs; Grenfell Road, Wynn Vale; Golden Grove Road, Golden Grove; Golden Grove Road, Surrey Downs; Golden Grove Road, Greenwith; Golden Grove Road, Ridgehaven; Golden Grove Road, Modbury North; for the years:
   (a) 2002;
   (b) 2003; and
   (c) 2004?

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

1. Data from the South Australia Police Traffic Intelligence Section's Traffic Online System indicates that speed camera deployment for the requested years is:

LOCATION	2002	2003	2004
North East Road, Valley View	6	15	1
North East Road, Holden Hill	9	8	8
North East Road, Modbury	8	1	0
Lower North East Road, Highbury	3	2	3
Lower North East Road, Dernancourt	27	13	7
Lower North East Road, Hope Valley	0	0	0
The Golden Way, Golden Grove	0	0	0
The Golden Way, Greenwith	0	0	0
The Golden Way, Modbury Heights	0	0	0
The Golden Way, Wynn Vale	0	0	0

Target Hill Road, Greenwith	1	1	1
Target Hill Road, Salisbury Heights	0	0	0
Grenfell Road, Banksia Park	5	2	1
Grenfell Road, Fairview Heights	N/R	N/R	N/R
Grenfell Road, Modbury Heights	10	11	9
Grenfell Road, Redwood Park	4	0	1
Grenfell Road, Surrey Downs	19	13	10
Grenfell Road, Wynn Vale	0	0	0
Golden Grove Road, Golden Grove	1	3	1
Golden Grove Road, Surrey Downs	2	0	0
Golden Grove Road, Greenwith	0	0	0
Golden Grove Road, Ridgehaven	0	0	0
Golden Grove Road, Modbury North	0	0	0

2. Expiation fees issued for speeding offences detected by speed cameras for the requested years are:

LOCATION	2002 ($)	2003 ($)	2004 ($)
North East Road, Valley View	27,962	32,421	2,289
North East Road, Holden Hill	22,047	11,535	4,885
North East Road, Modbury	86,806	21,329	2,718
Lower North East Road, Highbury	6,084	6,061	10,183
Lower North east Road, Dernancourt	88,747	72,115	25,575
Lower North East Road, Hope Valley	0	0	0
The Golden Way, Golden Grove	0	0	0
The Golden Way, Greenwith	0	0	0
The Golden Way, Modbury Heights	0	0	0
The Golden Way, Wynn Vale	0	0	154
Target Hill Road, Greenwith	0	0	0
Target Hill Road, Salisbury Heights	12,685	3,373	1,246
Grenfell Road, Banksia Park	0	1,882	33,232
Grenfell Road, Fairview Heights	N/R	N/R	N/R
Grenfell Road, Modbury Heights	0	0	0
Grenfell Road, Redwood Park	4,398	0	308
Grenfell Road, Surrey Downs	53,968	57,328	17,594
Grenfell Road, Wynn Vale	0	0	0
Golden Grove Road, Golden Grove	0	0	0
Golden Grove Road, Surrey Downs	22,892	0	0
Golden Grove Road, Greenwith	0	0	0
Golden Grove Road, Ridgehaven	0	0	0
Golden Grove Road, Modbury North	4,054	0	0
TOTAL	329,623	206,044	98,184

* Includes levy to the Victims of Crime Fund

3. Serious and fatal accidents for these locations for the requested years are:

There were no fatal crashes recorded at the given locations. Casualty crashes are:

LOCATION	2002	2003	2004
North East Road, Valley View	0	1	2
North East Road, Holden Hill	0	4	1
North East Road, Modbury	0	0	1
Lower North East Road, Highbury	0	3	4
Lower North East Road, Dernancourt	0	1	6

Lower North East Road, Hope Valley	0	2	1
The Golden Way, Golden Grove	1	0	1
The Golden Way, Greenwith	0	0	1
The Golden Way, Modbury Heights	0	1	0
The Golden Way, Wynn Vale	2	8	1
Target Hill Road, Greenwith	1	1	2
Target Hill Road, Salisbury Heights	0	1	3
Grenfell Road, Banksia Park	0	2	4
Grenfell Road, Fairview Heights	N/R	N/R	N/R
Grenfell Road, Modbury Heights	0	1	1
Grenfell Road, Redwood Park	0	2	4
Grenfell Road, Surrey Downs	0	5	0
Grenfell Road, Wynn Vale	0	1	5
Golden Grove Road, Golden Grove	0	3	2
Golden Grove Road, Surrey Downs	0	2	3
Golden Grove Road, Greenwith	0	1	1
Golden Grove Road, Ridgehaven	0	4	8
Golden Grove Road, Modbury North	1	4	0

NOTE: The suburb of Fairview Heights is not recorded as a location. The Tea Tree Gully Council has been contacted and advises that

MINISTERIAL STAFF

130. **The Hon. R.I. LUCAS:**

1. Can the Minister for Administrative Services and Government Enterprises advise the names of all officers working in the minister's office as at 1 December 2004?
2. What positions were vacant as at 1 December 2004?
3. For each position, was the person employed under ministerial contract, or appointed under the Public Sector Management Act?
4. What was the salary for each position and any other financial benefit included in the remuneration package?
5. (a) What was the total approved budget for the minister's office in 2004-05; and
   (b) Can the minister detail any of the salaries paid by a department or agency rather than the minister's office budget?
6. Can the minister detail any expenditure incurred since 5 March 2002 and up to 1 December 2005 on renovations to the minister's office and the purchase of any new items of furniture with a value greater than $500?

The Hon. P. HOLLOWAY: The Minister for Administrative Services and Government Enterprises has provided the following information:

Part I, III & IV

Details of Ministerial Contract staff were printed in the Government Gazette dated 16 December 2004.

Details of public servant staff located in the Minister's office as advised at 1 December 2004 is as follows:

I. Position Title	III. Ministerial Contract/PSM Act	IV. Salary & Other Benefits
Senior Officer	PSM Act	$81,501 + allowance of $11,255
Strategic Policy Officer – IR	PSM Act	$76,996
Strategic Policy Adviser – DAIS	PSM Act	$74,163
Ministerial Liaison Officer – WorkCover	WorkCover Corporation	$62,413
Ministerial Liaison Officer – Workplace Services	PSM Act	$61,596
Ministerial Liaison Officer – Recreation, Sport & Racing	PSM Act	$63,485
A/Ministerial Liaison Officer – Administrative Services & Gambling	PSM Act	$61,596
Ministerial Liaison Officer – SA Water	South Australian Water Corporation	$73,716
PA to the Chief of Staff and Advisers	PSM Act	$41,516
Office Manager	PSM Act	$61,596
Parliamentary Officer	PSM Act	$48,777
Correspondence / Admin Support Officer	PSM Act	$37,116
Correspondence / Admin Support Officer	PSM Act	$37,116
Correspondence / Admin Support Officer	PSM Act	$35,647

Part II

As at 1 December 2004 the following positions were vacant:

- Manager, Correspondence Unit
- Receptionist

Part V

(a) Total approved budget for the Minister's Office in 2004-2005 is $1,127,497.

(b) Salaries paid by a Department or Agency rather than the Minister's Office budget:

Senior Officer	Department for Administrative and Information Services
Strategic Policy Officer–IR	Department for Administrative and Information Services

Strategic Policy Adviser–DAIS	Department for Administrative and Information Services
Ministerial Liaison Officer - WorkCover	WorkCover Corporation
Ministerial Liaison Officer - Workplace Services	Department for Administrative and Information Services
Ministerial Liaison Officer - Recreation, Sport & Racing	Department for Administrative and Information Services
A/Ministerial Liaison Officer - Administrative Services & Gambling	Department for Administrative and Information Services
Ministerial Liaison Officer - SA Water	South Australian Water Corporation
PA to the Chief of Staff and Advisers	Department for Administrative and Information Services
Receptionist on 1 December 2004)	Department for Administrative (vacant and Information Services

Part VI

Material relating to this was released to the Hon. Angas Redford MLC as a response to a Freedom of Information request.

MINISTERIAL TRAVEL

182. **The Hon. R.I. LUCAS:** Can the Minister for Families and Communities state:

1. What was the total cost of any overseas trip undertaken by the minister and staff since 1 December 2004 up to 1 December 2005?

2. What are the names of the officers who accompanied the minister on each trip?

3. Was any officer given permission to take private leave as part of the overseas trip?

4. Was the cost of each trip met by the minister's office budget, or by the minister's department or agency?

5. (a) What cities and locations were visited on each trip; and
(b) What was the purpose of each visit?

The Hon. CARMEL ZOLLO: The Minister for Families and Communities has provided the following information:

There were no overseas trips undertaken during the period of 1 December 2004 to 1 December 2005.

MINISTERIAL STAFF

206. **The Hon. R.I. LUCAS:**

1. Can the Deputy Premier advise the names of all officers working in the Deputy Premier's office as at 1 December 2005?

2. What positions were vacant as at 1 December 2005?

3. For each position, was the person employed under ministerial contract, or appointed under the Public Sector Management Act?

4. What was the salary for each position and any other financial benefit included in the remuneration package?

5. (a) What was the total approved budget for the Deputy Premier's office in 2005-06; and
(b) Can the minister detail any of the salaries paid by a department or agency rather than the Deputy Premier's office budget?

6. Can the minister detail any expenditure incurred since 1 December 2004 and up to 1 December 2005 on renovations to the Deputy Premier's office and the purchase of any new items of furniture with a value greater than $500?

The Hon. P. HOLLOWAY: The Deputy Premier has provided the following information:

1. The following public service staff were employed in the Minister's office as at 1 December 2005.

Position Title	III. Ministerial Contract/PSM ACT	IV. Salary & Other Benefits
Ministerial Liaison Officer (DTF)	PSM Act	ASO-5+
Ministerial Liaison Officer (Police)	PSM Act	ASO-5+
Office Manager	PSM Act	ASO-7
Personal Assistant to Minister	PSM Act	ASO-5
Senior Administrative Officer (part time-0.8 FTE)	PSM Act	ASO-5
Parliamentary Officer	PSM Act	ASO-4
Personal Assistant to Chief of Staff	PSM Act	ASO-3+
Business Support Officer (DTF)	PSM Act	ASO-2
Business Support Officer (Police)	PSM Act	ASO-2
Business Support Officer (Cabinet)	PSM Act	ASO-2
Business Support Officer (Reception)	PSM Act	ASO-2
Trainee	PSM Act	TRA-1

\+ plus an allowance for out of hours work

The Member is referred to the Government Gazette where details of Ministerial contract staff were printed on 6 July 2006.

2. Administrative Officer (part time – 0.4 FTE)

3. The Member is referred to the Government Gazette where details of Ministerial contract staff were printed on 6 July 2006.

4. The Member is referred to the Government Gazette where details of Ministerial contract staff were printed on 6 July 2006.

5. (a) $1,257,000
(b) Salaries of the following positions were funded outside of the above allocation by the agencies indicated:
- Ministerial Liaison Officer (Treasury & Finance)
- Ministerial Liaison Officer (Justice portfolio—Attorney-General's)
- Senior Administrative Officer (part time) (Treasury & Finance)
- Business Support Officer (Justice portfolio – Attorney-General's+)
- Parliamentary Officer (Treasury & Finance)
- Business Support Officer (Treasury & Finance)
- Business Support Officer (Treasury & Finance)

6. Nil.

209. **The Hon. R.I. LUCAS:**

1. Can the Minister for Administrative Services and Government Enterprises advice the names of all officers working in the Minister for Administrative Services' office as at 1 December 2005?

2. What positions were vacant as at 1 December 2005?

3. For each position, was the person employed under ministerial contract, or appointed under the Public Sector Management Act?

4. What was the salary for each position and any other financial benefit included in the remuneration package?

5. (a) What was the total approved budget for the minister's office in 2005-06; and
(b) Can the Minister detail any of the salaries paid by a department or agency rather than the minister's office budget?

6. Can the minister detail any expenditure incurred since 1 December 2004 and up to 1 December 2005 on renovations to the minister's office and the purchase of any new items of furniture with a value greater than $500?

The Hon. P. HOLLOWAY: The Minister for Administrative Services and Government Enterprises has provided the following information:

Part I, III & IV

Details of Ministerial Contract staff were printed in the Government Gazette dated 6 July 2006.

Details of Public Servant staff located in the Minister's office as advised at 1 December 2005 is as follows:

I. Position Title	III. Ministerial Contract/PSM Act	IV. Salary & Other Benefits
Senior Officer	PSM Act	$84,354 + allowance of $11,355 pa
Strategic Policy Adviser	PSM Act	$76,759
Strategic Policy Officer	PSM Act	$79,691
Personal Assistant to Chief of Staff and Advisers	PSM Act	$43,385
Ministerial Liaison Officer–Administrative Services	PSM Act	$66,024
Ministerial Liaison Officer–SA Water	South Australian Water Corporation	$76,320
Ministerial Liaison Officer–Workplace Services	PSM Act	$64,060
A/Ministerial Liaison Officer–Recreation, Sport and Racing	PSM Act	$64,060
Office Manager	PSM Act	$66,024
Ministerial Liaison Officer–WorkCover	WorkCover Corporation	$58,478
Manager, Correspondence Unit	PSM Act	$49,584
Receptionist	PSM Act	$37,253
Correspondence/Administrative Support Officer	PSM Act	$40,321
A/Correspondence/Administrative Support Officer	PSM Act	$38,787
A/Correspondence/Administrative Support Officer	PSM Act	$37,253

Part II

As at 1 December 2005 the following positions were vacant:

- Parliamentary Officer
- Trainee

Part V

(a) Total approved budget for the Minister's Office in 2005-2006 is $1,160,030

(b) Salaries paid by a Department or Agency rather than the Minister's Office budget:

Senior Officer	Department for Administrative and Information Services
Strategic Policy Adviser	Department for Administrative and Information Services
Strategic Policy Officer	Department for Administrative and Information Services
Ministerial Liaison Officer Administrative Services	Department for Administrative and Information Services
A/Ministerial Liaison Officer Recreation, Sport and Racing	Department for Administrative and Information Services
Ministerial Liaison Officer Workplace Services	Department for Administrative and Information Services
Ministerial Liaison Officer WorkCover	WorkCover Corporation
Ministerial Liaison Officer SA Water	South Australian Water Corporation
Receptionist	Department for Administrative and Information Services
Personal Assistant to the Chief of Staff and Advisers	Department for Administrative and Information Services

Part VI

Expenditure incurred since 1 December 2004 to 1 December 2005 on renovations to the Minister's office was a total of $36,010. This was covered by the Department for Administrative and Information Services.

SOCIAL INCLUSION BOARD

235. **The Hon. J.M.A. LENSINK:** Can the Minister for Environment and Conservation advise:

1. Details of any support or advice being provided from the office of the minister to the Social Inclusion Board, including secondment of staff?

2. Details of any support or advice being provided from the Department of Health to the Social Inclusion Board, including secondment of staff?

The Hon. G.E. GAGO:

1. I have been present at several meetings of the Social Inclusion Board when the discussion has been about mental health.

The Social Inclusion Unit currently has no staff seconded from the Office of the Minister for Mental Health and Substance Abuse.

The Minister for Health has advised that:

2. The Director, Mental Health has been an observer at Board discussions about mental health. The Director, Mental Health has also attended the Mental Health Advisory Panels, conducted as part of the Board's community consultation on mental health and has regular meetings with the Executive Director of the Social Inclusion Unit.

The Social Inclusion Unit currently has no staff seconded from the Department of Health.

WIND TURBINES, CATHEDRAL ROCK

337. **The Hon. SANDRA KANCK:**

1. Can the Minister for Energy advise how many wind turbines at Cathedral Rock on Eyre Peninsula are working?

2. Why are some of the wind turbines at Cathedral Rock not working?

3. How many wind turbines at other wind farms in South Australia are not working?

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

1. I have been advised by Cathedral Rocks Wind Farm Pty Ltd, that 21 of the 33 turbines there are operating as at 4 August 2006.

2. I am advised that the turbines are not working due to various technical faults in the equipment and that the operator of Cathedral Rocks wind farm is currently in negotiation with the manufacturer of its equipment in relation to this question.

3. As with other generators, turbines in wind farms across the State will be taken off line from time to time to undertake regular maintenance and to rectify faults. Earlier this year, for example, there was an incident in the South East where a turbine was damaged by fire. It is worth noting that, in this era of privatised electricity markets, these matters are now the concern of private sector owners of generators, with the national market operator, NEMMCO, monitoring capacity and demand across the market in real time.

POLICE, GAY AND LESBIAN LIAISON OFFICERS

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

1. What is the status of the Gay and Lesbian Liaison Officers Network?

2. Has a Gay and Lesbian Liaison Officers Network been established?

3. If so, how many times has it met and what outcomes have been achieved?

4. Is funding available for a coordinator?

5. Has a coordinator been appointed?

The Hon. P. HOLLOWAY: South Australia Police (SAPOL) has approved the establishment of a Gay and Lesbian Liaison Officer (GLLO) network with a primary objective being to improve safety by working in partnership with the Gay, Lesbian, Bisexual, Transgender, Intersex and Queer (GLBTIQ) community. The GLLO Network has not formally commenced operation, however the structural and policy arrangements supporting the network are being progressed. The structure of the approved network is a police officer in the Community Programs Section at each Local Service Area

(LSA); an officer within the Major Crime Investigation Branch and an officer within the Sexual Crime Investigation Branch. Each police officer will combine the GLLO role with their operational duties. On that basis, the Position Information Document for the Community Program Section Managers in country and metropolitan areas, as well as for the officers within Community Program Section, has been amended to include the duties and responsibilities as a GLLO. Each LSA commander will also be able to call for police volunteers within that LSA or operational area to undertake GLLO duties in addition to their substantive roles. Any volunteers will supplement the work of the nominated officer. Nominations for an officer to undertake the GLLO role in each area are being finalised.

As the GLLO Network is in the process of being established, there have not yet been any meetings of GLLOs. SAPOL's Equity and Diversity Branch has liaised with representatives from the Gay and Lesbian community and service providers to inform them of the GLLO network and to seek views on the intended role of GLLOs. The consultation included explaining the proposed two day training which GLLOs and their managers will receive. Comments and ideas from the community representatives will be factored into the training program.

The establishment of the GLLO co-ordinator position does not require new funding. The GLLO coordinator's role and responsibilities will be subsumed within an existing Project Officer (sworn police officer) position within SAPOL's Equity and Diversity Branch.

An appointment to the Project Officer position has not yet been made although the position has been advertised within SAPOL. It is anticipated that the position will again be advertised in the near future.

SEX OFFENDER TREATMENT PROGRAM

496. **The Hon. J.M.A. LENSINK:** For the years 2003-04, 2004-05 and 2005-06, how many prisoners:

1. Were assessed for the sex offenders program;
2. Commenced the sex offenders program; and
3. Completed the sex offenders program?

The Hon. CARMEL ZOLLO: I am advised that:

The sex offender program was piloted in prison and in the community in 2005 and the second round of programs is currently being run, therefore only figures for the years 2004-2005 and 2005-2006 are provided.

In 2004-2005—

- 40 prisoners were assessed for the prison-based program and 20 offenders were assessed for the community-based program;
- 10 prisoners commenced the prison-based program and 11 offenders commenced the community-based program;
- 9 prisoners completed the prison-based program and 10 offenders completed the community-based program.

In 2005-2006 to date—

- 25 prisoners were assessed for the prison-based program and 28 offenders were assessed for the community-based program;
- 10 prisoners have commenced and are participating in the prison-based program and 10 offenders have commenced and are participating in the community-based program;
- At the time of preparation of this response, 10 Prisoners completed the prison-based program and the current community-based program is due to end September 2006.

VIOLENT OFFENDERS PROGRAM

497. **The Hon. J.M.A. LENSINK:** For the years 2003-04, 2004-05 and 2005-06, how many prisoners:

1. Were assessed for the violent offenders program;
2. Commenced the violent offenders program; and
3. Completed the violent offenders program?

The Hon. CARMEL ZOLLO: I am advised that:

The violent offender program is currently being piloted at Mobilong Prison so only figures for the years 2004-2005 and 2005-2006 are provided.

In 2004-2005—

- 10 prisoners were assessed for the program to be piloted at Mobilong Prison;

In 2005-2006 to date—

- 15 prisoners were assessed for the pilot program;
- 12 prisoners have commenced and are participating in the pilot program;
- In brief, 25 potential participants were assessed during 2004/2005/2006, resulting in 12 current participants; and
- The current pilot program is due to end October 2006.

ABORIGINAL OFFENDERS PROGRAM

498. **The Hon. J.M.A. LENSINK:** For the years 2003-04, 2004-05 and 2005-06, how many prisoners:

1. Were assessed for the Aboriginal offenders program;
2. Commenced the Aboriginal offenders program; and
3. Completed the Aboriginal offenders program?

The Hon. CARMEL ZOLLO: I am advised that:

The Aboriginal offender programs commenced in 2004-05, therefore only figures for the years 2004-2005 and 2005-06 are provided.

In 2004-2005—

- 38 prisoners were assessed for the program;
- 27 prisoners commenced the program; and
- 24 prisoners completed the program.

In 2005-2006 to date—

- 45 prisoners were assessed for the program;
- 29 prisoners commenced the program; and
- At the time of preparation of this response, 16 prisoners had completed the program, with some programs yet to conclude.

OFFENDERS PROGRAM

499. **The Hon. J.M.A. LENSINK:** On what dates did the Minister receive evaluations of the:

1. Sex offenders program;
2. Violent offenders program; and
3. Aboriginal offenders program?

The Hon. CARMEL ZOLLO: I am advised that:

Evaluation of the sex offender program; the violent offender program; and programs delivered to Aboriginal prisoners and offenders employ multiple methods to assess the integrity and outcomes of the programs. Both quantitative and qualitative measures are used to provide an analysis of outcomes, process and context of the programs. A variety of methods are used including surveys, pre and post questionnaires and interviews with a range of professionals involved with the program.

Research of international and interstate evaluations suggests that the Department for Correctional Services' evaluation framework for the sex offender program is comprehensive, rigorous and thorough and that it has the potential to provide sound quantitative and qualitative outcomes.

At this early stage in terms of program outcomes the Department is not in a position to report statistically significant recidivism data. Best practice for reporting recidivism data is considered 5-10 years post program. Even at this later stage, many recidivism studies are still unable to provide conclusive results.

Program integrity continues to be monitored to ensure congruence with expectations and best practice guidelines for the delivery of programs.

For the reasons above, the evaluations for the sex offender program; the violent offender program; and programs delivered to Aboriginal prisoners and offenders are yet to be received.

CORRECTIONAL SERVICES, VISITING INSPECTORS

501. **The Hon. J.M.A. LENSINK:** As at 30 June 2006:

1. How many visiting inspectors were employed to visit prisoners; and
2. How many prisoners does each visiting inspector visit per week?

The Hon. CARMEL ZOLLO: I am advised that:

1. The Department for Correctional Services has 25 Visiting Justices of the Peace (Visiting Inspectors).

2. All prisons are visited each week by one visiting inspector. However, because of its size, two inspectors usually visit Yatala Labour Prison. Currently, Cadell Training Centre is visited fortnightly by a Visiting Inspector. On average, the Visiting Inspectors speak with in excess of 10 prisoners during each visit.

COOK, Mr D.J.

502. **The Hon. J.M.A. LENSINK:** As at 30 June 2006, how many people had formally registered concerns relating to the welfare of an inmate (as per recommendation 8 of the report prepared by the

Department of Correctional Services on the Death in Custody of Damien John Cook)?

The Hon. CARMEL ZOLLO: I am advised that:

In accordance with recommendation 8, part one, the Department for Correctional Services has implemented the use of Information Pamphlets that are placed in the entrance of the Adelaide Remand Centre for visitors to access. The Information Pamphlet outlines what to do if they have concerns about a prisoner's welfare and safety, particularly in relation to the possibility of self-harm and enables a visitor or other person concerned to formally register their concerns.

The Information Pamphlets have been in use at the Adelaide Remand Centre since February 2006.

A formal process has been put into place to ensure that in the event that a visitor or other person raises concern about a prisoner, the information is recorded in a Journal and immediately brought to the attention of the relevant Manager. It is actioned by the Unit Manager or Officer in Charge of the Centre after hours, who must immediately take the appropriate action to ensure the wellbeing of the prisoner is not compromised. This action may include notification to Prison Medical and the High Risk Assessment Team.

As at 30 June 2006, no members of the public had raised formal concerns.

AERO-MAGNETIC SURVEYS

503. **The Hon. SANDRA KANCK:** What has been the total expenditure by the government on aero-magnetic surveys for mineralisation for each year from 1990 to the present?

The Hon. P. HOLLOWAY: One of the largest challenges facing explorers in South Australia is the weathered blanket of rock, soil and sand, known as "cover", over more than 90% of the South Australian landscape. Modern geophysical techniques such as airborne geophysics are an effective tool to see through cover because it extends over huge areas of terrain quite quickly and is one of the best ways to understand sub-cover geology. This data greatly assists private companies to narrow down their areas of interest, focus their expenditure and reduce their risk of failure. Better data means more targeted exploration, which translates to less risk and more discoveries. South Australia has been a leader in this area since the initiation of the first South Australian Exploration Initiative program in 1992. The cumulative work has led to a current pipeline of over 15 mining projects in various stages of the permitting process. The total expenditure on aero-magnetic surveys is $14,953,783.

Below is a table highlighting funds invested by South Australia Government in airborne data acquisition every year since 1990 as requested.

Calender Year	AMOUNT $(AU)
1990	N/A
1991	N/A
1992	N/A
1993	6,044,805
1994	3,231,283
1995	1,654,631
1996	N/A
1997	N/A
1998	N/A
1999	1,086,307
2000	893,494
2001	1,357,446
2002	N/A
2003	N/A
2004	N/A
2005	350,000
2006 (to end October)	335,817
TOTAL	14,953,783

AUDITOR-GENERAL'S REPORT

The PRESIDENT: I lay on the table the supplementary report of the Auditor-General 2006 in relation to the state's finances and related matters: Some Audit Observations.

OMBUDSMAN'S REPORT

The PRESIDENT: I lay on the table the report of the Ombudsman 2005-06.

PAPERS TABLED

The following papers were laid on the table:

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

Reports, 2005-06—
- Electricity Supply Industry Planning Council
- South Australian Infrastructure Corporation

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

Reports, 2005-06—
- Adelaide Dolphin Sanctuary Act 2005
- Environment Protection Authority
- Pastoral Board of South Australia
- South Australian National Parks and Wildlife Council
- Wilderness Protection Act 1992
- Wildlife Advisory Committee
- Zero Waste SA.

QUESTION TIME

POLICE DRUG DETECTION DOGS

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Leader of the Government a question about the police.

Leave granted.

The Hon. R.I. LUCAS: During the period of June to September this year, three officers and three highly-trained Labrador drug-sniffing dogs—Molly, Jay and Hooch— went through their drug-training program at the police academy. Those officers and the Labradors (Molly, Jay and Hooch) graduated in September this year and are now part of the Dog Operations Unit of the South Australia Police. I am told that these sniffer dogs, as they are referred to colloquially, are technically called Passive Alert Detection Dogs (PADD), and they are trained to detect cannabis, cocaine, heroin, amphetamines and ecstasy.

One of their prime roles, police have advised me, is to be used in open areas such as Hindley Street, for example, to monitor drug activity in and around nightclubs and hotels where police may well have a suspicion that drug activity is occurring. In particular, police have advised me that the dogs were intended to be used in queues outside hotels and nightclubs as people wait to go in to detect the presence of drugs. These Passive Alert Detection Dogs are trained to sit quietly next to anyone who has drugs on their person rather than anything else. They are intended to operate in the same manner as customs dogs at airports with which people would be familiar.

I was advised that, many months ago, the Minister for Police had been advised that, for these police dogs to be used to undertake the prime purpose for which they had been trained, there would need to be changes in legislation. The Minister for Police, in particular, had been warned. I raised this issue publicly about five weeks ago, knowing that we had only two months left of this parliamentary session. I alerted the Minister for Police that we knew he had been advised of this issue. First, we asked him why he had not taken action before they had graduated; but, secondly, given that mistake, we asked him to take action urgently to introduce legislation.

As members are aware, it is the government's intention that there be only three more sitting days in this session before Christmas. We do not return again until February/March next year, when legislation could be

considered and passed in both houses of parliament. My questions to the Minister for Police are as follows:

1. When was he first advised by police or anyone else that the legislation would need to be changed or amended to allow these sniffer dogs to be used for the purposes for which they have specifically been trained?

2. Does he accept that it is either his incompetence or negligence—or both—which means that these highly-trained and expensively-trained sniffer dogs and their handlers will not be able to do the job for which they were specifically trained for a period of at least six months or so?

The Hon. P. HOLLOWAY (Minister for Police): The Leader of the Opposition is correct; he did raise it five weeks ago. In fact, it was put out in a press release on the same morning I appeared before the House of Assembly's estimates committees, and of course questions were asked during that estimates committee to which I responded in relation to that. The Deputy Commissioner, John White, also provided an answer, which was along the lines that the police were preparing a submission in relation to this matter. In fact, I referred to this yesterday during an answer to a question. I am not sure whether the Leader of the Opposition was paying attention yesterday but, following a question from the Hon. Bernie Finnigan, the Hon. Ann Bressington asked a supplementary about the legal issues in relation to the use of drug detection.

It is not correct to say that these PADD dogs currently have no purpose. In fact, the dogs have been used on a number of occasions in drug searches of property, for example. I understand that they have been performing their task fairly well. After the Leader of the Opposition raised this question, I went back and I can find no record of the police, up until the time of the estimates, requesting that legislation be moved in relation to those dogs. We have had a look through our records and can find no request. It has always been understood by me, as I indicated during estimates, that there might well be some need for legislation in relation to these dogs.

The Hon. R.I. Lucas: You're saying you were never told. That is not true, and you know it.

The Hon. P. HOLLOWAY: No, I am saying it because we actually went back and checked the record and certainly no submission has been put to me. As I understand it, there has been some lengthy discussion internally within the police force about some of these issues, but I am still to this day awaiting the submission in relation to the particular legislative changes which the police require in relation to the operation of these PADD dogs. I repeat what I said during estimates: as soon as we receive the submission, we will certainly give it rapid consideration. As I also indicated during estimates, the great priority is changes to DNA legislation. I invite members to read yesterday's report from the Auditor-General in relation to DNA. Members can see how urgent it is that we have the DNA legislation. I said during estimates and I repeat: the top priority has been getting that legislation done—

The Hon. D.W. Ridgway: You are asleep at the wheel.

The Hon. P. HOLLOWAY: Before the end of the session this government will be introducing DNA legislation so that members can consider it over the break. They will be the most major changes to DNA legislation since the legislation—

The Hon. R.I. Lucas: That should have been done months ago.

The Hon. P. HOLLOWAY: Why don't you read the report and see how complicated the whole DNA area is. Just read it. Talk about laziness. Here is the laziness—because he has not read it. If he had, he would understand just how complicated that legislation is. Also, for the benefit of the Leader of the Opposition, I must confess that, no, I do not personally draft legislation. I do not know of anyone in here who does. Obviously I do not have the capacity that the Leader of the Opposition did to draft his own legislation during the eight years that he was a minister and treasurer. I have to say that I lack his drafting skill and I did not personally go away to draft all the legislation.

What I can say is that the instructions were given some years ago. I suspect that the only person who probably could do that is probably the Hon. Robert Lawson. Certainly there has been an enormous amount of work. One of the first things we have done with the DNA legislation is to ensure that a senior police officer has been working in the Attorney-General's Department. In the past, we have had these two silos: on the one hand, we have had the Attorney-General's Department drafting legislation; and, on the other hand, we have had the police. When the legislation has come out, it has then gone back to the police and they have commented on it. There has been comment back and forth. What we are doing now and what we have done with this legislation—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY:—and it is a first; it was not thought of by those people opposite—is that we have put a senior police officer over there to work with the Attorney's department so that, when the legislation is drafted, it will reflect the appropriate balance between the police department on the one hand and the Attorney-General's Department on the other hand, so that there is a proper balance between the policing requirements and those of civil liberties and justice. That legislation will be the priority of this government. As yesterday's Auditor-General's Report shows, it is clearly the most important operation. Meanwhile, in relation to the PADD dogs, when the police have prepared their submission, we will look at that issue as well. It is totally wrong for the Leader of the Opposition to suggest that those dogs are not currently performing an important role in drug detection.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Since the Leader of the Opposition is such an expert perhaps he could tell us—we will test him out—what his views are on civil liberties. Should there be random drug tests on people? Should the police be able to stop people and randomly test them? What does the Leader of the Opposition think? What is his view? The *Hansard* record will show that, of course, the Leader of the Opposition cannot answer and will not answer that question; he has not even thought about it. However, they are some of the very fundamental and important issues that need to be addressed in this whole drug debate. What is more, I even gave this answer yesterday. It is a pity that the Leader of the Opposition was out there trying to get himself on television again, giving a press release. That is really all he is interested in in relation to these matters. He is not really interested in doing all the hard policy development work and understanding what is required.

Members interjecting:

The PRESIDENT: Order!

The Hon. A.M. BRESSINGTON: I have a supplementary question deriving from the answer. Given that the police minister has explained the arrangement between the police

and the Attorney-General's Office, can he explain why the Police Commissioner made a statement in 2001 about changing the legislation from the expiation notice to fines in relation to cannabis when the police minister stated that that would help them greatly to do their job?

The Hon. P. HOLLOWAY: I accept that the honourable member who has asked the question has shown during her time in this place and previously that she has a long interest in the subject and, of course, some credibility in her views. The point I was making in my earlier answer is that one of the innovations this government has taken is to ensure that a senior police officer is attached to the Attorney's department in legislation of this type so that the right balance between policing issues and the practical issues involved in making legislation work, as well as the important legal principles that are necessary in any legislation that affects people's liberty, can be achieved. In relation to other legislation, this government has before the Attorney's office a series of submissions that I have received from the police in relation to reform of legislation. Over coming years, members of this parliament will see a significant amount of legislation in relation to law reform, just as we have over the past four years. We have seen the most significant law and order reform agenda this state has seen, and it will continue over the next few years.

CORRECTIONAL SERVICES, DEATHS IN CUSTODY

The Hon. J.M.A. LENSINK: I seek leave to make an explanation before asking the Minister for Correctional Services questions about deaths in custody.

Leave granted.

The Hon. J.M.A. LENSINK: The minister tabled two reports from the Department of Health and the Department for Correctional Services in response to the coronial inquiry into the death in custody of Mr Darryl Kym Walker in the Port Lincoln Prison on 2 June 2003. I will not go through all of this, because members can read it for themselves. Recommendations 14.4, 14.5 and 14.6 have been responded to by the Department of Health, which represents prison health services. Three points in relation to recommendation 14.4 indicate that no new nurses have been employed to provide additional mental health services in prisons. Recommendation 14.5 is that there be more mental health workers such as psychologists and social workers.

The response from the department indicates additional resources but, because they are in mainstream hospitals, it does not indicate whether there is any additional support in prisons. In recommendation 14.6, which is in relation to supported accommodation, especially in regional areas, again, the report from the Department of Health indicates mainstream services which do not specifically mention prison services. What actions has the minister taken, or what discussions has she had, with the Department of Health in relation to the provision of additional services, and is she satisfied with the department's response to this death in custody?

The Hon. CARMEL ZOLLO (Minister for Correctional Services): Quite clearly, I tabled both responses together yesterday. I am not certain whether the honourable member who asked the question actually has the response from the minister for mental health in relation to the recommendations, but I think it is worthwhile placing them on the record.

The Hon. J.M.A. Lensink: That is where I got them from.

The Hon. CARMEL ZOLLO: Is that where you got them from?

The Hon. J.M.A. Lensink: They were mainstream services.

The Hon. CARMEL ZOLLO: Okay, so you did get them from here?

The Hon. J.M.A. Lensink: It is what was tabled yesterday.

The Hon. CARMEL ZOLLO: All right. Clearly, both departments work together in relation to the Department for Correctional Services. We are always continuing to make progress towards reducing deaths in custody—because no death is acceptable—in particular, by removing potential hanging points. We already have an ongoing program to eliminate hanging points in all of our prisons, and a significant proportion of the corrections capital budget in each year is spent on eliminating them. I know that we have spent about $800 000 over the past three years. I think we have had $560 000 dedicated funding from the government for the removal of hanging points from between 2003 and 2006, and approximately $240 000 has come from the Department for Correctional Services' own capital works equipment budget. Of course, addressing the problem is not just about the infrastructure, but also it is also about staff and supervision. High risk assessment teams have been introduced into our prisons. Mental health first aid training is being introduced for prison staff. Any new prisons will meet nationally agreed safe cell standards.

I am certain that we are all very pleased to hear that we have a new prison precinct to be built in South Australia. Those new cells will meet all those important standards. In addition to this, the department has established an investigation review committee that monitors the actioning of recommendations made by the department's investigating team and the Coroner wherever there is a death in custody. The Department for Correctional Services does not have a designated special needs unit. Prisoners designated as at risk and who are showing potential for self harm may be placed either in special management units or in prison infirmaries. These units provide a safe environment for prisoners until such time as they can undergo any medical assessment and treatment as may be required prior to their return to the mainstream prison population. Currently, it is considered that the Department for Correctional Services practices adequately meet the needs of these at risk prisoners.

Every possible action is taken to identify and treat offenders at risk of self harm and prisoners have a risk assessment completed when they enter the prison system, they have access to medical and psychiatric help, and they can access programs designed to assist them with coping in prison. We know the procedure in this place. I think I have placed on record that, following any death in prison, the department and the police prepare individual reports, which are provided to the Coroner until he concludes his investigations, which can sometimes take as long as 12 months. As I have said, any death in custody is tragic and unacceptable, and we will continue to work to be vigilant and take all reasonable steps to prevent such occurring.

MITSUBISHI MOTORS

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Leader of the Government a question about Mitsubishi Motors.

Leave granted.

The Hon. R.D. LAWSON: On 13 October this year the Premier stated that this state government was committed to supporting Mitsubishi Motors and that it was already significantly increasing its purchase of Mitsubishi products. He announced amidst great fanfare a proposal to increase state government purchases of Mitsubishi 380 sedans. Similar claims were made by other ministers of the government in the estimates committees. In the Police Commissioner's annual report (tabled recently in this place) it is recorded that SAPOL has 975 vehicles, up from 960 last year; they travelled 32 million kilometres per annum; and two-thirds of the fleet is replaced annually. I understand that the replacement rate of police vehicles is among the highest in the government and that the percentage of Mitsubishi vehicles in the police fleet is trifling. My questions to the Minister for Police are:

1. How many Mitsubishi vehicles were in the South Australian police fleet as at 30 October 2004 and how many as at 30 October 2006?

2. What steps has the minister taken to ensure that South Australia Police increases its trifling support of Mitsubishi Motors?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): This government's support for Mitsubishi needs no apology in this place. My colleague the Deputy Premier and Treasurer just last week went with the federal Minister for Industry and Trade, Mr Ian Macfarlane, to Japan to meet with the President of Mitsubishi Motors to ensure that Mitsubishi's operations in this state continue. More important is the proportion of vehicles this government purchases; for which department they are purchased I would think would not be particularly significant. I am aware that police highway patrol cars and others are V8 vehicles. There are obvious reasons for that: a more powerful vehicle is needed for pursuit purposes. That is why the Holden V8, also manufactured in South Australia with the employment of South Australian workers, is also purchased.

What is important is the bottom line, the overall number of vehicles purchased across the state, and this state has been a very good supporter of Mitsubishi in that regard. Some Mitsubishi vehicles are used by the police force for administrative purposes, such as delivering summonses and the like, but it is the choice of the police that for major patrol and pursuit vehicles the Holden V8 is used—and there are obvious reasons for that. I do not think this government need apologise in any way whatsoever for its purchasing policies in relation to Mitsubishi or South Australian motor vehicles.

BUSHFIRE PLAN AMENDMENT REPORTS

The Hon. I.K. HUNTER: I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about bushfire plan amendment reports.

Leave granted.

The Hon. I.K. HUNTER: South Australians know only too well that many of our communities are in regions that face the risk of bushfires. Will the minister explain what measures the government is implementing dealing with dwellings built in bushfire risk areas of this state?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): New planning and building requirements are now in place for future dwellings in identified bushfire risk areas on Eyre Peninsula and Kangaroo Island, in the South-East and on Yorke Peninsula. Of course, this is the first time explicit bushfire related planning and building requirements, similar to those that exist in the Mount Lofty Ranges, have been extended to bushfire risk areas in other parts of the state.

The changes follow a detailed community consultation process across the 14 local council areas affected, utilising detailed bushfire risk mapping. Altogether, about 500 pages of information, including some 300 maps, were prepared to define the new bushfire protection areas. This mapping and analysis involved working with satellite images, weather statistics, vegetation and fuel load data, and population growth information. The result has been that various areas within these regions have been classified into one of three levels of bushfire risk: high, medium, or general risk. The newly mapped and classified bushfire risk areas were cross-checked with local councils, bushfire protection officers, and the South Australian Country Fire Service. They were then released for wider public input.

Each level of bushfire risk now attracts different planning and building requirements for future dwellings. Simply put, as the level of risk increases, the requirements grow. The requirements are also in line with the recommendations that have been made to people building in bushfire risk areas for many years. They include having dedicated water supplies for firefighting, buffer zones between homes, and flammable or combustible vegetation, and appropriate access roads and building features which increase bushfire protection, such as covers under eaves, metal flywire screens and steel shoes for posts.

Referral to the CFS is required for proposals in the highest risk areas. It is important to note that the proposed changes do not affect existing dwellings unless they are being significantly altered. There are also some excluded areas within the identified bushfire risk areas where enhanced protection measures are not required, including townships with adequate water supply and firefighting access.

The Eyre Peninsula councils with areas where the new rules will now apply are: the District Councils of Lower Eyre Peninsula, Tumby Bay, Streaky Bay and Elliston, and the City of Port Lincoln. The South-East councils are: the District Councils of Robe, Naracoorte and Lucindale, Grant, Tatiara, Kingston and Wattle Range, and the City of Mount Gambier. The Yorke Peninsula councils are: the District Council of Yorke Peninsula and, on Kangaroo Island, the Kangaroo Island Council.

Changes for the Mid-North, Riverland, Murray Bridge and some fringe northern metropolitan and outer metropolitan areas are also on the way. These were released for community consultation earlier this year and are currently being finalised. Parts of the following 12 local council areas will be affected by these new requirements, including in the Mid-North, the Clare and Gilbert Valleys council, the Mount Remarkable District Council, the Northern Areas Council, the Port Pirie Regional Council and the Wakefield Regional Council; in the Riverland, the Berri Barmera Council and the Renmark Paringa District Council; in Murray Bridge, the Murray Bridge Council; and in northern metropolitan and outer metropolitan areas, the Gawler Council, the Light Regional

Council, the Mallala District Council, and the City of Salisbury.

Planning SA will assist councils and the public in implementing the new policies through the provision of internet based tools. The first of these—which will help determine whether any specific development proposal is within a bushfire risk area, the category of risk that applies and what will be required—should be available online before Christmas. Training for council, industry and interested members of the public will be offered in regional centres in the new year. This will be further developed as an assessment tool for use by councils during the course of next year. The work on the Bushfire Plan Amendment Report (PAR) which led to the policy changes was recognised early this month with an Award for Excellence from the Planning Institute of Australia.

OBESITY

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation, representing the Minister for Health, a question about state government funding towards the obesity crisis.

Leave granted.

The Hon. A.L. EVANS: Figures show that more than half of the South Australian population is overweight or obese, and there are a number in this place in that category, including myself.

Members interjecting:

The Hon. A.L. EVANS: I thought I would get a bite! The annual South Australian Health Omnibus Survey has found that the number of people who are grossly overweight has doubled since 1993 from 11.6 per cent to 20 per cent. Of those who are overweight, 33 per cent are at risk of type 2 diabetes, cancer, heart disease and stroke—so help me God! According to a recent report in *The Advertiser* of 2 September 2006, the current cost of Australia's weight epidemic is estimated at $8 billion per year. Costs are expected to rise in Australia as the number of people who are overweight or obese will rise.

The International Obesity Task Force predicts that, by 2025, one in every three adults will be obese if current trends continue. The costs involved are directly related to treating obesity and the overweight, not to mention the indirect costs such as lost work productivity, absenteeism and unemployment. For many people struggling with weight gain, seeking professional assistance may be a necessary step to overcoming obesity. However, private consultations with dietitians cost anywhere between $90 for an initial consultation to $25 for subsequent consultations. My questions to the minister are:

1. What measures are being taken by the state government to combat adult obesity?

2. Will the minister consider subsidising dietitians for worthy candidates, in addition to producing informative material, such as pamphlets?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I will not cast the first stone. I thank the honourable member for his important questions in relation to obesity. I will refer them to the Minister for Health in the other place and bring back a response.

The PRESIDENT: Well, I certainly do not have anything to worry about. I am the right weight for someone who is six foot six!

MINERAL EXPLORATION

The Hon. CAROLINE SCHAEFER: Enough said, I think. I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about mining exploration investment.

Leave granted.

The Hon. CAROLINE SCHAEFER: The Bank of SA's economic bulletin *Trends*, which was published recently, identified business investment, particularly in the resource sector, as falling behind Western Australia and the Northern Territory, the other two areas of most interest to mining companies. At a recent South Australian Chamber of Mines and Energy breakfast, the government was heavily criticised for the inordinate delays in granting permits caused by the bureaucratic process. Each state has its own application process. Can the minister explain why the process to obtain exploration and mining licences in South Australia is causing us to lose valuable investment dollars to other states and territories?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): The honourable member referred to a breakfast the other morning. If she had read through the comments completely, she would have reached the point where the person concerned also said how disgusted he was that, just before the last election, the former leader of the opposition (Hon. Rob Kerin) had promised to stop altogether the mine going ahead at Strathalbyn, which he was talking about: the comments were made in relation to the mine at Strathalbyn.

If anyone expects that they can mine within two kilometres of a significant town in the River Murray catchment area without going through the most stringent of assessment processes, they have another think coming. I know it has cost the company a lot of money to have to increase the double lining for the tailings dam, and all these extra measures that have been imposed as a result of the public consultation process—I know it was difficult for that company—but I would suggest that it is absolutely essential if mining is to take place in relatively sensitive areas.

I think the mining industry at large in this state well understands that, if there is to be any further mining activity in relation to sensitive areas, such as the Adelaide Hills, the last thing they would want is for the government to get it wrong in terms of assessment and have some spillage or accident or something that created damage, because they know that that would be the end of any future operations in those areas.

The government makes no apology whatsoever for imposing tough requirements on those areas. The fact is that this government and the officers concerned have put an enormous amount of time and effort into ensuring that, notwithstanding the stringent requirements, those small companies are assisted to go through the assessment process so that they can comply with those very stringent requirements. In relation to exploration and investment in this state, I can only repeat that we have now overtaken New South Wales as the third state in relation to mineral exploration.

Western Australia, as always, is at the top of the list, because it has by far the largest land mass in the country. We have increased our share of exploration. In 2003 it was less than 5 per cent (it was 4.8 per cent, 4.9 per cent), and it is now nearly 12 per cent. We have increased our share relative to all other states. We have overtaken New South Wales. Again, I do not think this government needs to apologise for

anything, not only in terms of the overall outcome in relation to mining but also for the fact that we do and we will apply very stringent tests to any mining taking place, particularly those in sensitive areas, such as the Adelaide Hills.

The Hon. CAROLINE SCHAEFER: As a supplementary question arising from the minister's answer, does the delay to the Strathalbyn mine account for the fact that the *Trends* publication (which I mentioned) indicates that business investment expresses a percentage of GDP in the Northern Territory as 26 per cent; Western Australia, 22 per cent; and in South Australia, 12 per cent?

The Hon. P. HOLLOWAY: I would scarcely think so given the size of the mine at Strathalbyn. Again, I can only remind the honourable member that if the Liberals had been elected at the last election that mine would not be taking place at all purely for political reasons—not because it failed to meet any standards but because it was in a Liberal seat or a seat that the Liberals were hoping to win from Peter Lewis, and they said that it would not go ahead. They are the last people who should be raising issues or trying to make accusations that this government is in some way blocking investment in this state.

I should further add that, as I said, there has been a huge increase in mining exploration in this state. I think that it was less than $40 million or thereabouts in 2003. In the past financial year it was $146 million. There has been a massive increase in exploration, but it will take some time before that translates into mines. This year we have been able to approve and issue mining leases to a number of mines, one of which is Prominent Hill. There is also the Honeymoon mine, the Terramin Angus mine at Strathalbyn and the Australian zircon mine, Mineral Sands.

Four mines at least have been approved this year. In the case of those mines we should be getting the jobs, the output and the benefits from royalties in the relatively near future—perhaps in the next 12 to 24 months. In relation to these other very exciting discoveries, it could take anything up to 10 years. I am very happy with the progress because it will augur well for future generations of this state. Even if I am not here for the benefits, or even if this government does not get the benefits, at least we will know that we have done the right thing in terms of providing future opportunities for future generations.

SURF LIFESAVING

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about surf lifesaving in South Australia.

Leave granted.

The Hon. R.P. WORTLEY: Taking into account the predicted warm weather on the weekend and our current unpredictable weather patterns, people are starting to talk about the summer and the beach. The minister has advised this chamber on previous occasions about surf lifesaving club developments. Are any other activities being undertaken to support the work of surf lifesaving in South Australia?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his important question. The commonwealth government has declared that 2007 will be the year of the surf lifesaver—fitting recognition of the valuable work done by lifesavers towards ensuring public safety on our beaches. Last evening a reception was held at Parliament House for officials from Surf Life Saving SA to mark 2007 as the year of the surf lifesaver. While nationally it will recognise 100 years of service, in South Australia Surf Life Saving SA will be celebrating its 55th anniversary next year. To kick off what will be a very big year, last night the government presented Surf Life Saving officials with a cheque for the purchase of an additional rescue watercraft (or jet ski) and the rescue sled. The timing of this presentation will mean that the new jet ski will be available for use in the water off our beaches in time for summer.

Surf Life Saving SA has added jet skis to its resources for the first time this year, and they are expected to be very effective as a rapid first response. This government has a close working partnership with Surf Life Saving SA, providing in excess of $7 million since 2002 to the organisation and its clubs. Not all that funding has been provided from the community emergency services fund. My colleague the Minister for Recreation, Sport and Racing also recognises that surf lifesaving clubs promote a healthy lifestyle and encourage sport and fitness amongst our young people. It has been long recognised as an association that fosters a spirit of community service and the development of leadership skills. Through the community emergency services fund, we provide funding to Surf Life Saving SA to assist with administrative, operational and capital costs. The government is also one of the sponsors of the helicopter shark patrol service, which commenced operations again on 4 November.

The government is the major provider of funding to assist Surf Life Saving SA in its program of rebuilding or redeveloping clubs. I have previously advised members of the developments taking place at North Haven and Brighton. Not only do these refurbished clubs provide an appropriate base for Surf Life Saving SA to conduct its prevention and response activities but they are also a valuable community resource. Family and friends of our surf lifesavers also involve themselves in the clubs and support lifesavers in providing a safe environment at the beach. Other community clubs and associations also utilise its clubrooms for their meetings and functions, and further strengthen Surf Life Saving's connection with the community. Events next year will highlight the services provided by surf lifesavers, including the launch of a book about the history of Surf Life Saving, the launch of official stamps and coins, and conducting educational and practical programs on surf safety.

The government looks forward to further supporting the work of Surf Life Saving SA in South Australia next year and into the future. I really do believe that the next year will be a timely reminder that, without the hard work and dedication of our surf lifesaving organisations, and in particular the many volunteers, our beaches would not be as safe as they are.

WATER SUPPLY, SALISBURY

The Hon. A.M. BRESSINGTON: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about water.

Leave granted.

The Hon. A.M. BRESSINGTON: As members in this chamber know, I come from the northern suburbs and I have taken an interest in the project of the wetlands in Salisbury and the achievements of the mayor Mr Tony Zappia.

The Hon. R.P. Wortley: He did a good job.

The Hon. A.M. BRESSINGTON: I know; and I have been told by Mr Zappia that, over a period of 25 years, he has been able to develop a system that has now allowed him to store approximately three years of water underground, which also prevents evaporation. My questions to the minister are:

1. Has the government consulted with mayor Tony Zappia about the efficiency of the wetlands project?

2. Will the government consider negotiating with local councils to adopt the technology from Salisbury?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for her question in relation to the wetlands project for Salisbury council—

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

The Hon. CARMEL ZOLLO: Yes. I am aware that that particular council really shows enormous leadership and has shown the way for many other councils in relation to water use. I have had the opportunity—I think several years ago as minister assisting or I might have been parliamentary secretary for industry and trade—to view some of those works and the works of Michell's in particular. I do agree with the honourable member that they do some tremendous work and have shown enormous leadership. I will refer the questions to my colleague the minister and ensure that she brings back a response for the honourable member.

DEPARTMENTAL BRIEFING

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about departmental briefings.

Leave granted.

The Hon. S.G. WADE: The opposition acknowledges that the minister arranged a briefing yesterday for opposition members in relation to the new correctional facilities. The briefing was initiated by the minister, presumably because she regarded it as a matter of public interest. However, a member of the opposition shadow cabinet and a member of the House of Assembly was expelled from the briefing on the basis that they were not invited. My questions are:

1. Does the minister endorse the actions of her staff in excluding an opposition member from the briefing?

2. If so, considering that the minister had decided that the development of the facilities necessitated an opposition briefing, why was the briefing organised on an 'invitation only' basis?

3. In particular, considering that the facilities will be used by South Australians from throughout the state, why should members of parliament be denied comparable access to information in relation to facilities that are likely to be used by their constituents?

The Hon. CARMEL ZOLLO (Minister for Correctional Services): I thank the honourable member for his question. I have noticed that the Hon. Michelle Lensink is sitting quietly and not looking up.

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

The Hon. CARMEL ZOLLO: I feel sorry for the member for Finniss in the other place, because, essentially, I think he suffered from some silly games being played and from the anonymity of the position I understand he holds as shadow parliamentary secretary for infrastructure, something my people were unaware of yesterday.

The Hon. J.M.A. Lensink: You have something to hide.

The Hon. CARMEL ZOLLO: Something to hide! For heaven's sake! We brought the Under Treasurer down to brief Rob Lucas. What a joke! We do have established protocols in this parliament in terms of briefing members who are shadow ministers, and I have always followed them—indeed, I initiate them, as the council has just heard. I initiated the last briefing because I was quite horrified by the standard of questioning in the estimates committees, and I thought it was important that the shadow minister I thought was responsible for those questions should be properly briefed. As I have said, I initiated that briefing but, rather than following that protocol, the shadow minister then went off and made direct contact with the department and proceeded—

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

The Hon. CARMEL ZOLLO: Well, it must have been your office. The shadow minister then proceeded to say that a briefing would be provided to the entire Liberal caucus, and I do not believe that is what I offered. We have nothing to hide. I pointed out to her the correct protocol for the shadow minister was to go through the minister's office. That was all that was said to her. She said she wanted to bring some extra people, such as the shadow treasurer and the shadow attorney-general, and we told her that was fine—and, of course, also the local member involved. That is probably the third or fourth briefing provided to the shadow minister, and I initiated the last one. I feel sorry for Mr Michael Pengilly from the other place, because he suffered from the games being played by the shadow minister and also because of his anonymity in that my office did not know he is the shadow minister for infrastructure, which is a shame. As I have said, he probably is over—

Members interjecting:

The Hon. CARMEL ZOLLO: I actually had a word to him in the chamber yesterday and explained what had happened but, clearly, I was not aware of it at the time. We are very open. Not only did the CE of corrections come down here but we also had the Under Treasurer down here as well, because the shadow treasurer was going to be briefed. However, I understand he had a diary clash and did not turn up, which was most unfortunate.

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

The Hon. CARMEL ZOLLO: He had a diary clash and he did not turn up. Is that right?

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

The Hon. CARMEL ZOLLO: That is what I was told, that is, that he had a diary clash, and he did not turn up. Anyway, he was not there.

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

The Hon. CARMEL ZOLLO: Right. The Under Treasurer came down especially to brief him, and that is unfortunate. Nonetheless, that is fine; I understand that he had a diary clash. I place on the record that, having spent four years in opposition, we were not allowed to even phone the CEs of departments; they would not take our call. Now here I am as the minister. The shadow minister for emergency services has a direct line to one of my advisers. He is briefed at any time. Anybody who wishes to be briefed, any shadow minister, is briefed at any time.

The Hon. J.M.A. LENSINK: I have a supplementary question. If other Liberal members have an interest in this topic, will the minister be prepared to provide them with a briefing?

The Hon. CARMEL ZOLLO: I advise the honourable member to follow protocol and put the request through to my office.

POLICE, FINGERPRINTING

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Police questions about fingerprinting.

Leave granted.

The Hon. B.V. FINNIGAN: In 2004, LiveScan fingerprint technology was introduced throughout South Australia Police local service areas. Can the minister inform the council whether the introduction of LiveScan has been a success?

The Hon. P. HOLLOWAY (Minister for Police): I thank the honourable member for his very important question.

Members interjecting:

The PRESIDENT: Order! The minister has the call.

The Hon. P. HOLLOWAY: I think it is important that the answer to this very important question be heard. In 2004, 15 LiveScan fingerprint devices were purchased at a cost of $1.2 million. LiveScan is a state-of-the-art digital fingerprinting system now located within each police local service area across South Australia. LiveScan has significantly improved the speed and accuracy of fingerprint collection. It is a high-tech tool for a high-tech police force. LiveScan has slashed the time taken to gather and match fingerprints and it is linked to the national fingerprint database. It has helped to solve, and it continues to solve, more crimes in South Australia and across Australia.

Following the purchase of the LiveScan devices, SAPOL commenced a review of systems and processes at Fingerprint Bureau. Numerous recommendations followed on from this review, including a re-engineering of systems and processes. In 2005, the review expanded to other areas within SAPOL which deal with the management of fingerprint information. Improved operational practices were implemented and, as a result of these improved practices in the introduction of LiveScan devices, SAPOL is now achieving the highest quality detainee fingerprints in the nation.

During 2005-06, 96.4 per cent of fingerprints provided by SAPOL were classed as high quality compared to the national average of 88 per cent. This outstanding result is attributed to the fact that nearly 95 per cent of all persons fingerprinted in South Australia are fingerprinted by the LiveScan device. Contributing to this success is LiveScan's ability to capture high quality, distortion-free images of finger and palm prints, the quality of software algorithm utilised and the extensive training undertaken by LiveScan operators. In June of this year, the Forensic Services Branch was awarded the National Association of Testing Authorities Australia accreditation. NATA accreditation provides a means of determining, recognising and promoting the competence of facilities to perform specific types of testing, measurement, inspection and calibration.

I also inform the council that SAPOL, earlier this year, conducted a review of its criminal investigation processes and management. The aim of the review was to enhance the capturing of fingerprints at volume crime scenes. As a result of this review, SAPOL has introduced a Crime Visitation Car model throughout the metropolitan local service area. The Crime Visitation Car model complements crime scene investigations by attending volume crime scenes, initially assessing scenes for suitable physical evidence and obtaining statements from victims, witnesses and neighbours, allowing crime scene investigation members to attend more serious and complex scenes. The Crime Visitation Cars are equipped with specific camera and collection equipment to perform these functions.

Earlier this year, inaugural training courses were conducted and 26 officers have been successfully trained. The courses, conducted by Forensic Services Branch, covered fundamental crime scene investigations skills, basic evidence collection techniques, photography and latent fingerprint search and collection techniques. The Crime Visitation Car course forms a portion of the crime scene investigators course, which gives officers a structured career path to become fully trained crime scene investigators. It also creates opportunities in other fields within the Forensic Services Branch, including physical evidence, fire investigation and ballistics.

The Rann government's unprecedented investment in South Australia Police is reaping significant dividends for all South Australians. We are not only delivering record police budgets, 400 additional police and new police stations but also high-tech initiatives such as LiveScan. The proof of this is in the pudding. South Australia's crime rate has fallen 18.3 per cent over the past three years.

ROYAL ADELAIDE HOSPITAL, SECURITY

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the minister representing the Minister for Health a question about the treatment of a homeless man by security guards at Royal Adelaide Hospital.

Leave granted.

The Hon. SANDRA KANCK: On 25 August not far from this place, in fact on the footpath of North Terrace outside the Strathmore Hotel, a 66-year old homeless man, known as PJ, was assaulted in the city by a gang of youths. He sustained a broken nose at least as part of his injuries but refused to have an ambulance called because he knew he would not be able to meet the cost of that ambulance. He was assisted to walk down to the Royal Adelaide Hospital by a woman named Racheal. After a number of hours waiting in the emergency department of the hospital, with his nose continuing to bleed all that time, PJ queried why he was being kept waiting. According to PJ, at this point a security guard ushered him outside, where the guard manhandled and verbally abused him. PJ was so traumatised by the bashing, compounded with this incident at the RAH, that he went into hiding for seven weeks.

When advised of the situation and the buck passing that appeared to be happening in dealing with this incident, I wrote to the health minister seeking an explanation. The minister recently emailed a response to some of the advocates for homeless people who first raised this matter, and his email has how been published on a website. In it the minister justifies whatever behaviour occurred as being 'appropriate'. But he does say that, 'Improved procedures are now in place to better identify homeless people when they present to the emergency department.' Both PJ and Racheal have independently, persistently and consistently maintained their version of events. My questions to the minister are:

1. Given that no security camera footage showing movements outside the emergency department is available, on what basis has the minister concluded that the behaviour of the security guard was appropriate?

2. In preparing a response for the minister, did RAH officials interview either Racheal or PJ? If not, will the minister meet personally with them to hear their side of the story?

3. Is it correct that the security guard in question donned rubber gloves before his altercation with PJ, and that the same

guard has threatened other homeless people in the vicinity of the emergency department of the Royal Adelaide Hospital?

4. Will the minister speak with Chubb Security about appropriate choice of staff to be working at the emergency department?

5. What are the improved procedures to identify homeless people and why are these necessary?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for her series of questions, of which I obviously have no knowledge and am unable to place anything on the record today. However, I will refer them to the Minister for Health in another place and bring back a response.

McINTYRE ROAD

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Road Safety a question about safety on McIntyre Road at Gulfview Heights.

Leave granted.

The Hon. J.S.L. DAWKINS: I am increasingly aware of the concern of residents of Gulfview Heights between McIntyre Road and Wynn Vale Drive in regard to the left lane for vehicles travelling in an easterly direction along McIntyre Road into Bayview Parade, Gulfview Heights. Residents who have to use this lane to turn into Bayview Parade have advised me that, after slowing down to provide adequate notice of their intention to turn left, vehicles are often travelling closely behind them and, consequently, the left-turning vehicles are at risk of a collision. The current design of the left-turn lane is such that it affords little opportunity for vehicles to slow down safely and move to the left prior to turning. Observations made at this junction for some time only confirm that the left-turn lane is poorly designed and far too short for the speed of vehicles travelling up the hill. It would appear that extending this lane would afford a better and safer passage for vehicles along McIntyre Road and those turning left.

Only recently I had the opportunity, while driving along McIntyre Road, to observe that situation once again for myself. I raised this issue with the Minister for Transport, the Hon. Pat Conlon, in November 2005. In January this year I received a response from Parliamentary Secretary, Mr Michael O'Brien, in which he advised that:

> The five-metre wide kerbside lane provides sufficient width for drivers to safely pass a vehicle entering the left-turn taper area, and the Department for Transport Energy and Infrastructure does not support any modifications to the junction at this time.

I can assure the council that the view expressed by Mr O'Brien is not shared by anybody who uses McIntyre Road and Bayview Parade. Given the ongoing concern about the safety of vehicles entering Bayview Drive, will the minister investigate the nature of this junction from a road safety perspective?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his question and I most certainly will have the issue investigated with a road safety perspective in mind.

REPLIES TO QUESTIONS

COUNTRY FIRE SERVICE, VOLUNTEER SUMMIT

In reply to **Hon. J.S.L. DAWKINS** (29 August).

The Hon. CARMEL ZOLLO: I advise that:

The SAFECOM Volunteer Management Branch employ a total of six Volunteer Support Officers (VSOs) to develop, implement and maintain programs and services for CFS and SES volunteers and staff in a range of areas, including volunteer management, volunteer equity and diversity, volunteer recognition and promotion, and volunteer recruitment and retention.

Four VSOs were involved in the organisation of and attended the CFS Volunteer Summit in July. The CFS Pastoral Brigade conference was also held in July at Port Augusta. Commitments in organising this volunteer conference precluded further VSO attendance at the Summit.

CHILD PROTECTION

In reply to **Hon. A.L. EVANS** (21 September).

The Hon. CARMEL ZOLLO: The Minister for Families and Communities has provided the following information:

Child protection notifications received by Families SA, Department for Families and Communities declined by 6.6 per cent in 2005-06. This is the first recorded decline in notification numbers. In previous years, notification numbers have shown a steady increase, consistent with data trends in other jurisdictions.

In line with the proclamation of the amended sections of the *Children's Protection Act 1993* relating to mandatory notification, it is likely that notification numbers will increase due to a larger number of mandatory notifiers.

Also during 2005/06, the total number of notifications "screened-in" for investigation or assessment declined by 13.8 per cent and the rate of confirmation of abuse or neglect declined by 22 per cent.

These data trend decreases have occurred because the total number of notifications per individual child has declined. Hence, the actual number of children notified has only decreased by 1 per cent. Families SA have been responding to allegations more quickly and with more effective outcomes.

The Hon. Andrew Evans has asked why the number of investigations into child abuse and neglect is diminishing. The Government has a deliberate policy of shifting our child protection system away from the investigation of families to the support of families.

The proportion of notifications where an investigation has been conducted by Families SA and finalised during 2005/06 has diminished by 0.4 per cent from the previous year, despite the 6.6 per cent reduction in the overall number of notifications received. This small change may be reflective of increased Youth Court demands and activity regarding interim orders, and increased complexities in working with families at the tertiary end of child protection. This is where serious chronic problems exist for families relating to mental health, substance abuse, disability and poverty, many of which form the antecedents for child abuse, neglect and serious risk.

In 2005/06 there was a significant increase (34 per cent) in the number of interim court orders granted by the Youth Court. During the same period, there was a 10 per cent increase in numbers of children under Guardianship to 18 orders.

Statutory child protection work involving applications and re-applications to the Youth Court is time consuming and demanding for both families and Families SA staff. It reduces the capacity to finalise court outcomes quickly, which in turn impacts upon the allocation and finalisation of new investigations.

Presently, Tier 3 notifications are raised through formal notification of the family. As such families are strongly advised, but are under no obligation to participate in any tier 3 response program.

Although the procedures for managing Tier 3 matters have not been modified, figures from the previous six years indicate a steady improvement in the provision of service responses for Tier 3 incidents. In 1999/2000, 34 per cent of Tier 3 matters received a service response. In 2005/06, 51 per cent of all Tier 3 notifications received a response, either via attendance at a family meeting with Families SA staff or via a referral to a dedicated family support program.

TAB LICENCE

In reply to **Hon. CAROLINE SCHAEFER** (22 June).

The Hon. CARMEL ZOLLO: The Minister for Gambling has advised that:

(1) The SATAB has advised that the PubTAB situation in South Australia is considered to be at its optimum level and it is unlikely that a new PubTAB will be established, unless it represents a significant new business opportunity. Consideration is given to the past history of the TAB Agency in Minlaton and the current performance of TAB Agencies in the same region.

(2) The SATAB was privatised by the previous Liberal Government. SATAB's foremost consideration can be expected to be that of commercial viability. In any event, the Authorised Licensing Agreement, prepared as part of the sale process, does not contain a provision relating to the location of TAB agencies.

RAILWAY CROSSINGS

In reply to **Hon. S.G. WADE** (20 June).

The Hon. CARMEL ZOLLO: I advise that:

1. In 2005/06 the Department for Transport, Energy and Infrastructure (DTEI) undertook a program, in conjunction with road and rail authorities, to upgrade the signs at 300 level crossings outside of the Adelaide metropolitan area to the Australian Standard. This program will continue in 2006/07. DTEI also undertook safety improvement works at two level crossings in the Adelaide Hills.

The State Level Crossing Strategy Advisory Committee has recently endorsed safety improvement projects at eleven crossings, which are outside of the metropolitan area, for the 2006/07 financial year.

2. There are a total of 1140 public railway level crossings throughout South Australia. Of these, 950 are beyond the metropolitan area. All crossings will have been assessed in the first round of the survey and risk assessment program, using the Australian Level Crossing Assessment Model, which was completed at the end of July 2006.

3. The Australian Railway Association (ARA) is nearing completion of a series of standards that will address train lighting and carriage visibility, including the provision of reflective material to the sides of rollingstock. While the draft standards were released in July 2005, the majority of train operators in South Australia have already fitted reflective material to their rollingstock in an effort to increase the visibility of trains at rural/level crossings.

The co-regulatory rail safety legislative regime puts primary responsibility for the development of standards with the rail industry. As such, the Government does not have control over the standards' development but will, as the opportunity arises, advise the ARA through DTEI that it views the completion of these standards as a priority action to address level crossing safety. The effective implementation of the standards, once completed, will be monitored by the South Australian Rail Safety Regulator.

STATE ECONOMY

In reply to **Hon. R.I. LUCAS** (11 May).

The Hon. P. HOLLOWAY: The Treasurer has provided the following information:

When measuring economic growth a wide range of indicators are used to form an assessment of growth performance. While Gross State Product (GSP) is a measure of economic production, it is not without its measurement problems and this is why a range of indicators are considered in forming an assessment of economic growth.

GSP estimates and growth rates are subject to significant revision over a period of years, which means that a degree of caution should be exercised in their interpretation. For example, GSP growth in 2000-01 was 0.7 per cent when the official ABS data was first released. Four years later, the latest estimate for that year is 4.7 per cent. Similarly, when GSP growth was first released for 2002-03, the reported growth was only 0.1 per cent. However, in the latest ABS release for 2004-05, growth in 2002-03 has been revised up to 1.7 per cent. It may be the case that this figure will be revised upwards in future years as may data for other recent time periods.

In addition to GSP estimates being subject to revision, they are also subject to volatility largely due to fluctuations in farm sector output. Unfortunately, a non-farm measure of GSP is not available at the State level.

However, it is noted that in the three years to 2001-02, the factor income of the agriculture sector in current prices grew at an annual average rate of 23 per cent. However, in the following three years to 2004-05, the value of agricultural production fell at an annual average rate of 7.2 per cent. A significant factor behind this decline was below average farm sector output in 2002-03 and 2004-05 associated with the drought. This, in turn, creates a drag on the volume of economic production (ie GSP) and therefore economic growth. In the latest three years the factor income of all other sectors of the South Australian economy (excluding agriculture) has grown faster (in nominal terms) than in the previous three years.

In terms of other broad measures of economic growth, State Final Demand in South Australia (which is the sum of household, business and government expenditures) has grown at a real rate of 5.1 per cent per annum during the three years to 2004-05, up from an average 4.6 per cent per annum in the previous three years.

An alternative and very important measure of economic progress is employment growth. In the past four years since March 2002 when this Government came to office, over 50,000 jobs have been created. This equates to an annual average growth rate of 1.8 per cent per annum in trend terms. More than 40,000 of these jobs have been on a full-time basis. However, between December 1993 and March 2002, a time period more than twice as long as this Government has been in office, only a similar number of jobs were created at an annual average growth rate of only 1.0 per cent per annum. During that time, only 5,700 full-time jobs were created.

Given the uncertain quality of the GSP estimates and the fact that in the past three years these estimates have been adversely affected by poor climatic conditions in the farm sector, employment trends are a robust indicator of strong economic growth in the South Australian economy over the past three years.

In particular there are two labour market indicators, which put the current strength of the South Australian economy into the appropriate historical context. Our unemployment rate last year fell below 5 per cent, a figure not reached since the early 1970's while the proportion of our adult population who are participating in the workforce is at its highest level in 15 years. Neither of these outcomes would be possible without strong economic growth.

GOODS AND SERVICES TAX

In reply to **Hon. R.I. LUCAS** (5 June).

The Hon. P. HOLLOWAY: The Treasurer has provided the following information:

1. The assertion in the Institute of Public Affairs (IPA) report that South Australia has received windfall gains from the GST, and other Commonwealth grants, of $1.6 billion between the introduction of the GST in 2000-01 and 2004-05 is inaccurate as it fails to recognise that the GST did not exceed the Financial Assistance Grants and other amounts that would have been received under the previous arrangements until 2003-04.

The majority of the increase in GST over that period did little more than narrow the gap between the guaranteed minimum amount that was actually being paid to the State reflecting previous arrangements and the lesser GST amount that was available to it.

In fact, it is estimated that the so called "gains from tax reform", the amount by which GST revenue exceeded what would have been received under the old system, was approximately $275 million between 2000-01 and 2004-05, a significantly lower amount than the $1.6 billion suggested in the IPA report.

2. South Australian workforce statistics are produced each year by the Commissioner for Public Employment and published in a report titled "South Australian Public Sector Workforce Information". The Commissioner for Public Employment reported that in June 1999 the total number of employees employed in the South Australian Public Sector was 84,199 compared to 89,979 employees in June 2005. This represents a 6.9 per cent increase over the period, not 17 per cent as reported by the IPA.

With regard to growth in employee expenses over the same period, the IPA reports average annual growth between 1999-2000 and 2004-05 of 6.8 per cent. I can confirm that figure.

LANDS TITLES OFFICE

In reply to **Hon. D.W. RIDGWAY** (9 May).

The Hon. P. HOLLOWAY: The Minister for Administrative Services and Government Enterprises has provided the following information:

The State Strategic Plan does not specifically refer to processing times for land developments.

Indicative processing times for plans and documents including division applications are lodged with the Land Services Group (LSG) on their website http://www.landservices.sa.gov.au/. The property boom and changes in the operation of the banking industry has led to the high level of activity in division applications.

It should be noted that to ensure clients are not disadvantaged by delays in processing times, the Lands Titles Office (LTO) has a formal system whereby a request can be made in writing for priority processing of plans or documents. Conveyancers and Surveyors should be aware of this process and be providing this advice to

clients in circumstances where processing delays would create financial hardship.

I note that the Hon. D.W. Ridgway MLC stated in the Legislative Council that the properties in question have already been sold and consequently I am unable to speculate how a delay in the issue of titles will force up the price for these properties.

BURNSIDE PRIMARY SCHOOL

In reply to **Hon. NICK XENOPHON** (10 May).

The Hon. P. HOLLOWAY: The Minister for Administrative Services and Government Enterprises has provided the following information:

The Department for Administrative and Information Services (DAIS), which was not directly involved in the delivery of the project, has conducted a thorough independent investigation into the matter. The investigation sought to confirm the origin and composition of the material delivered to the Burnside Primary School site.

The contractor, and its subcontractor, have provided DAIS with authenticated certification or testing documents that demonstrate that soil imported to the Burnside Primary School site did not present a risk to health.

DAIS assessment is that the contractor and its subcontractor:

- acted in good faith, believing from reports and advice that all materials imported to site were safe and suitable for the intended purpose
- imported only fill that is certified clean and/or not posing a risk to human health
- undertook the works in accordance with contract requirements in regard to bunting and managing the site

The contractor has not resigned from its obligations to leave the site in a safe condition and has cooperated fully throughout the process, arranging all required inspections, testing and remedial action. The contractor has without prejudice, funded the removal and replacement of soil and any required making good. There is no basis for the pursuit of a civil claim.

There are a number of safeguards in place to manage materials brought to sites and asbestos when discovered.

- As a condition of Government's Facilities Management contract, the contractor and its subcontractors are bound to ensure that all materials employed in works are suitable for their intended purpose.
- A further condition of Government's Facilities Management contract is that the contracts and its subcontract must comply with both State and Federal legislation that governs the management of contaminated materials, in particular asbestos.
- Both DAIS and the Department for Education and Children's Services (DECS) have very strict protocols regarding the management of asbestos materials on school sites.
- DAIS provides information to government agencies, school and contractors on the management of asbestos containing materials in such forms as the 'About Asbestos' video, released in March 2006, and published guidenotes.

The advice I have received is as follows. On 23 March 2006, when the contractor, its subcontractor and the Deputy Principal were inspecting the site, five pieces of sheet material, approximately the size of a 50-cent piece each, laying flat on the finished surface of the imported soil. The contractors representative removed the pieces, packaged them in a plastic bag, and went straight back to the contractors office at Hilton and reported to his supervisor. The supervisor rang the appropriate officer in DECS at around 12 noon and followed up with an email confirming the discussions. The contractors representative went straight from the office to the licensed MPL Group Pty Ltd (MPL) laboratory with the samples.

During the same afternoon, DECS participated in discussions regarding the identified material, which resulted in an agreed action to remove the imported topsoil material from site immediately, as a response to the material being deemed suspect.

MPL advised SafeWork SA on the matter and gained approval for the proposed remedial action.

On 25 March 2006 before topsoil removal commenced, the MPL consultant conducted an inspection and found no further suspect material. Specialist air monitoring equipment was employed during removal activities. The newly exposed surface was again inspected and no further suspect material was found. Air sampling did not identify any asbestos fibres, and the exposed clay backfill samples were clear of asbestos.

Several days later for a second time six further small pieces of material were located in a localised area on top of newly laid topsoil. No other suspicious debris was identified in the remaining site.

Approved procedures associated with the safe management, isolation and remediation of the site and the asbestos material were employed.

Representatives from the school and DECS have at all times been informed and I am advised have been party to the agreed process in the management of asbestos containing materials and the removal of topsoil from the site.

I am advised that the Burnside Primary School Governing Council issued a letter to parents regarding the matter on 8 May 2006.

KAPUNDA ROAD ROYAL COMMISSION

In reply to **Hon. NICK XENOPHON** (5 June).

In reply to **Hon. R.D. LAWSON** (5 June).

The Hon. P. HOLLOWAY: The introduction of A4 notebooks with numbered pages has already been introduced at Major Crash Investigation Unit. A direction has been given to all current personnel to use this notebook and not A4 lined paper.

The conduct of the officers involved in the investigation and prosecution of the death of Ian Humphrey was examined by the Kapunda Road Royal Commission and referred to the Police Complaints Authority. Neither the Kapunda Road Royal Commission nor the Police Complaints Authority made any specific findings or recommendations pertaining to discipline action to be taken against any officer. Notwithstanding this, a report was referred to the Crown Solicitor's Office for independent review and advice. The Crown Solicitor's report has now been provided to the Police.

The Commissioner of Police has advised that pursuant to SAPOL's disciplinary structure, two members of SAPOL's Major Crash Investigation Unit will receive managerial guidance.

SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

In reply to **Hon. A.L. EVANS** (4 May).

The Hon. CARMEL ZOLLO: The Minister for Education and Children's Services has provided the following information:

Question 1

The new SACE proposes rigour, challenge and high standards for all of our young people. It is about increasing the depth of learning, and using assessment as an integral part of this process.

The community has made it clear that while it wants a broader, more inclusive SACE, it also wants one that rewards excellence. The new SACE will continue to reward excellence.

Two members of the SACE Review Panel visited Western Australia specifically to look at the outcomes based education system they were planning to put into place. South Australia has not taken that direction.

Question 2

Analysis shows that the equivalent of one in three young South Australians who commenced Year 8 five years earlier are offered a place at a South Australian university at the end of their secondary schooling, and 1 in 4 take up a place direct from school.

The new SACE will raise standards and allow our most talented students to demonstrate their attainment of excellence.

Question 3

Most Australian education systems have moved away from multiple senior secondary certificates because this practice inevitably creates higher and lower status certificates. A single certificate has the flexibility to include all students. It ensures that all learning counting towards the SACE is equally valued and equally rigorous.

Question 4

International students are attracted to South Australia because of its excellence in education and training, and the welcoming environment of a culturally diverse society. To maintain our growth in this area, it is necessary to have rigorous and high standards whilst providing young people with the skills to navigate educational, vocational and employment options and to meet the demands of the 21st century.

The reforms, which the new SACE will bring, will be underpinned by a robust and comprehensive quality assurance system that provides the community and the overseas market with a guarantee of rigorous and comparable standards, both nationally and internationally.

Question 5

As with the current SACE, students will achieve the new SACE over a time period and in a location that suits their individual circumstances.

In reply to **Hon. A.L. EVANS** (9 May).

The Hon. CARMEL ZOLLO: The Minister for Education and Children's Services has provided the following information:

The Australian Certificate of Education report has been released for public consultation. It has not been accepted.

At the latest Ministerial Council on Education, Employment Training and Youth Affairs (MCEETYA) meeting, the State and Territory Governments supported further work on a nationwide consistency and common reporting scales but did not give support to an Australian Certificate of Education (ACE).

The ACE report itself points out that State reforms and developments to suit local needs need to continue. Agencies will continue to function as at present, developing local syllabuses or curriculum frameworks, developing and administering examinations and/or assessments, and providing students with certificates and statements of results. Our State has responsibility for planning to better meet the needs of all its young people and to ensure they are prepared for further education and employment.

HOUSING, PUBLIC

In reply to **Hon. NICK XENOPHON** (9 May).

The Hon. CARMEL ZOLLO: The Minister for Housing has provided the following information:

1. All costs associated with the restructure of housing governance are expected to be absorbed within existing budgets and will have no net impact on the budget position. No additional direct costs are anticipated to arise from the proposed changes to the management of the Governments public housing services.

This restructure is expected to reduce duplications within areas such as capital planning and procurement as well as maintenance and service delivery. Savings would result from the consolidation of three administrative structures. The savings from these areas will be applied to the delivery of additional housing outcomes rather than administration.

2. It has been increasingly difficult for low-income families to access low needs housing through the SA Housing Trust. That is why the government has introduced the SA Affordable Housing Trust (SAAHT). SAAHT's role will be to increase the number of houses available for affordable rental or ownership, through the partnerships it develops with non-government organisations (NGOs) and private developers.

At this stage, it is not possible to estimate waiting times, but the primary aim of this reform is to improve access to a range of housing options.

3. There will be no immediate changes to the existing waiting lists. In future, we want to develop better ways of connecting people and customers who are on the waiting list will not have their position affected by available housing options.

4. South Australian Housing Trust (SAHT) tenants will continue to receive the type and level of services from Housing SA as they have received from the Housing Trust in the past.

All SAHT service delivery personnel have been transferred to Housing SA for this purpose. Housing Managers will still continue to be the people that tenants contact if they experience any problems relating to their tenancy or have any questions about the services available to them. Similarly, Housing Managers will continue to conduct Home Visits and assist with other tenancy issues.

Housing Managers will also continue to be the front line in the management of disruptive tenancy complaints. The SAHT has implemented the recommendations of the Statutory Authorities Review Committee in June 2004. Those changes were reviewed in late 2005 and this evaluation confirmed that the revised policy and procedures adopted by the SAHT have provided a much-improved framework for staff to manage incidents of disruptive behaviour. This will be maintained under the auspices of Housing SA.

5. The current Commonwealth State Housing Agreement (CSHA) continues until 30 June, 2008. The reform agenda specifically supports the CSHA priorities of:

(i) Attracting outside investment:
In establishing the SAAHT, the Government has shown its clear intent to work more closely with community providers to increase the supply of affordable housing.
In addition, the SAAHT will take on a market-based approach to these partnering arrangements. It will work with developers to identify the gaps in the system that prevent good social mix and diversity of housing supply. Logically, this will also involve local governments who have an important role to play in the growth of communities.

(i) Indigenous access to mainstream housing:
Not only will Housing SA seek to enhance access for Aboriginal clients to the full range of housing options, the streamlining of skills into asset services is intended to assist in the delivery of improved Aboriginal housing, in both metropolitan and remote areas.

DISABILITY SERVICES

In reply to **Hon. S.G. WADE** (30 May).

The Hon. CARMEL ZOLLO: The Minister for Disability has provided the following information:

The reforms to disability services, including the dissolution of existing boards, took effect from 1 July 2006 with the exception of the Julia Farr Services Board which will require an additional twelve months from this date to prepare for the impending governance changes.

As with the amalgamation of metropolitan health boards, a due diligence project plan has been developed to ensure the dissolution of the government disability services boards is undertaken in an orderly manner. An outcome of the health reform process undertaken previously was the development of a set of due diligence guidelines to any potentially similar reform processes in the future. These guidelines have been used as a guide to the new governance arrangements in the Disability Sector.

In addition, a specific coordinator has been appointed by each agency to work with the Department for Families and Communities reform project team, to oversee and coordinate the due diligence process. This has been supported by the allocation of expertise from other areas of the DFC, such as contracting and procurement, assets, finance and auditing. Legal advice and support has been and will continue to be provided through the Crown Solicitor's Office.

The due diligence process was undertaken in a staged manner to ensure that all significant matters requiring attention prior to 1 July 2006 were addressed.

GAMING MACHINES

In reply to **Hon. NICK XENOPHON** (5 June).

The Hon. CARMEL ZOLLO: The Minister for Gambling has advised that:

(1) No.

(2) & (3) Under the *Gaming Machines Act 1992* the Independent Gambling Authority issues the Gaming Machine Licensing Guidelines. As indicated by its name, the Independent Gambling Authority is not subject to Ministerial control of direction in relation to issuing guidelines.

I have requested the Independent Gambling Authority to expedite its consideration of the Gaming Machine Licensing Guidelines as part of its *Review 2006* with a view to issuing new Guidelines that address the matters raised by the Liquor and Gambling Commissioner.

(4) Crown Solicitor's Office advice to the Liquor and Gambling Commissioner was dated 16 February 2006. I understand that the Independent Gambling Authority was advised on 20 February 2006.

(5) No.

KEY EARLY YEAR SERVICES

In reply to **Hon. A.L. EVANS** (7 June).

The Hon. CARMEL ZOLLO: The Minister for Disability has provided the following information:

The State Government, through the Disability Services Framework, has highlighted the importance of early intervention services for children with a disability. State Government services, through schools, early childhood services, and Disability Services SA, work in partnership with the non-government agency Autism SA to provide support to families during the early years of a child's development. Autism SA offers services over a wide geographic region and is a not-for-profit agency that receives Government funding.

Additional funding will be available for early intervention programs, to assist children with Autism, in 2006-07. Funding is generally allocated to those programs that are able to demonstrate effectiveness and efficiency in offering services. Agencies that meet the requirements and are members of the Disability Services Provider

Panel are eligible for funding. Any requests for funding from the Key Early Years Services program will be considered within this context.

NORTH HAVEN PRIMARY SCHOOL

In reply to **Hon. A.M. BRESSINGTON** (11 May).

The Hon. P. HOLLOWAY: The allegation of abusive and sometimes violent conduct of a parent of children attending the North Haven Primary School on 7 April 2006 was investigated by police. Statements provided by independent witnesses interviewed over the 7 April matter were conflicting as they supported the allegations of both parties. The incident was not witnessed by any staff member of the North Haven Primary School. The available evidence was unlikely to prove the allegation beyond reasonable doubt and consequently no criminal charges were laid.

On 16 May 2006 police met with the Hon. A.M. Bressington MLC, her Personal Assistant, Mr Stephen Bassett, and the woman who was allegedly assaulted at the Port Adelaide Police Station.

All reports were reviewed and discussed and it was agreed there was insufficient evidence. Police provided advice to the woman concerning an application for a Restraint Order and facilitated the application, which was subsequently granted in the Port Adelaide Magistrates Court on 19 May 2006.

Further advice was provided regarding the tracing of nuisance telephone calls and the gathering of evidence required for a successful prosecution.

All parties were satisfied with the outcome of this meeting.

EMERGENCY SERVICES LEVY

In reply to **Hon. D.G.E. HOOD** (21 June).

The Hon. P. HOLLOWAY: The Treasurer has provided the following information:

1. The Emergency Services Levy was established with the introduction of the *Emergency Services Funding Act 1998*. Under the *Emergency Services Funding Act 1998* payments can only be made for the provision of emergency services.

The $22.7 million includes payments made from the Community Emergency Service Fund (CESF) to the Department for Environment and Heritage, SA Police, SA Ambulance Service, State Rescue Helicopter Service and beach patrols. For example, the Department for Environment and Heritage maintains a fleet of fire fighting appliances for use in bushfire suppression.

The Emergency Services Levy raises only approximately half of the amount spent from the CESF on the provision of emergency services, with the Government funding the balance from general revenue.

2. Under the *Emergency Services Funding Act 1998*, payments from the CESF can only be made for the provision of emergency services. The Emergency Services Levy collected from the public is returned in the form of the provision of emergency services to the community. None of the Emergency Services Levy is paid into general revenue.

3. Cash balances in the CESF can arise from delays in expenditure.

There will be an uncommitted cash balance in the CESF from time to time due to higher than anticipated growth in levy collections. Conversely, should revenue collections fall short of budgeted expenditure for a particular year, expenditures can still proceed by drawing on the accumulated cash balance. The uncommitted cash balance could also be used to fund unanticipated major emergency incidents.

Levy rate settings always seek to achieve a matching of income and expenditure for the year ahead.

DEVELOPMENT (ASSESSMENT PROCEDURES) AMENDMENT BILL

The Hon. P. HOLLOWAY (Minister for Police) obtained leave and introduced a bill for an act to amend the Development Act 1993; to make related amendments to the Highways Act 1926 and the Local Government Act 1999; and to repeal the Swimming Pools (Safety) Act 1972.

Read a first time.

The Hon. P. HOLLOWAY: I move:

That this bill be now read a second time.

The Development Act 1993, together with the Environment, Resources and Development Court Act 1993 and associated regulations, came into operation on 15 January 1994. These acts and regulations set the statutory processes and procedures for the South Australian planning and development system. Substantial amendments to the Development Act were made in 1997, 2001 and 2005, as well as the progress on two amendment bills to date in 2006. This government is progressing with a wide range of initiatives to improve the state's planning and development system in order to provide greater certainty for the community and applicants in regard to policies, procedures and timelines for action. As part of this program the Development (Assessment Procedures) Amendment Bill 2006 is one of a suite of bills that the government proposes to introduce.

The introduction of this fourth bill since September 2005 highlights the breadth of the amendments proposed by the government. It also provides parliament with an opportunity to consider each bill in manageable parcels. As with the other bills already considered by the parliament, the government has taken into account the comments made on the former Sustainable Development Bill. As a consequence, some development assessment provisions have not been included in the current bill or amendments have been made to provisions as a result of the consultation process and amendments previously filed by the opposition and other parliamentary parties.

In addition to the membership of council development assessment panels addressed in an earlier bill, the Development (Assessment Procedures) Amendment Bill 2006 introduces a range of improvements to the existing development assessment procedures. While this suite of bills retains the current voluntary regional development assessment panel provisions in the Development Act, this bill provides clarification of the potential role of such a panel, including a potential concurrence role for non-complying development applications instead of the Development Assessment Commission. This provision elevates the role of RDAPs as part of the program to facilitate independent and elected members making regional assessment decisions.

The Development Act and regulations enable the development assessment requirements of other acts to be integrated into a single development assessment and decision making process. This integration is achieved through schedule 8 of the development regulations, which requires a referral of applications in specified circumstances to prescribed referral agencies. This referral is undertaken by the council or DAC after the application is lodged.

This bill enables applicants to work with such referral agencies during the preparation of applications. If in such circumstances the referral agency confirms that the proposed application satisfies the requirements of that agency, the bill exempts the need for the referral to that agency once the application is lodged. In this way, greater efficiencies will be achieved through better applications being lodged and through the removal of referrals on matters that have formally been resolved prior to lodgment of the application.

The bill also provides for notification to an adjoining owner or occupier when a building is to be constructed on the

property boundary with a residence. To be consistent with the current provisions of the act, such requirements are designated as Category 2A notification. This means that a neighbour directly affected by a development can have input into the development assessment process and be more informed about construction on the property boundary. This Category 2A notification only relates to uses expected in an area. When the use is not recognised for such zones, the Category 3 notification will remain.

The proposed amendments confirm that a variation to a consent or approval is a separate application, and that only the issues subject to the variation application are to be considered. This will ensure timely decisions without the potential for retrospective requirements. Similarly, the bill enables an appeal to be heard by the ERD Court on a particular condition without the time delays and expense of the full case being considered afresh.

The bill also enables administrative disputes on development applications to be heard by the Environment, Resources and Development Court rather than the current situation, where such matters need to be heard before the Supreme Court. This amendment will save time and money. It also adds to the benefit of the state's planning and development system, where all development related matters are considered by one specialist court.

This bill introduces provisions that will require the swimming pool safety barriers for those pools constructed prior to 1993 to conform to the same safety requirements as those constructed after 1993. It is acknowledged that many of these older pools have already been voluntarily upgraded by their owners over the years. The safety requirements also provide a range of options. It is considered for safety reasons that the upgrading of such pools should be phased in. It is envisaged that the regulations will require such pools to be of the post 1993 safety standard prior to the sale of the property.

The Mining Act enables a mining proposal to be assessed as a declared major development, and the Development Act enables development associated with mining activity to be assessed as a declared major development. This could mean that a large mining proposal could be subject to two separate major development assessments, the mine under the Mining Act and the associated off site works under the Development Act. This amendment enables a single major development assessment process for a combined mining and mine processing proposal. Thus this amendment streamlines the assessment process, enables the public to comment on a single integrated report and results in a single decision at the end of the process. This also reduces the red tape involved in two parallel processes.

The Development Act and recent amendments to that act encourages councils to prepare strategic plans and enter into agreements on the staged development of areas. The bill clarifies that the council development assessment panel or delegated officer is still responsible for the assessment of development applications if a council has undertaken such planning and entered into associated agreements on the development of that area. It is not considered that the Development Assessment Commission should be involved merely because the council has undertaken forward planning on the future for their area. This is a technical refinement to address alternate legal interpretation of existing provisions. This provision emphasises the role of council as a planning body and the council development assessment panel as a development assessment body.

The bill enables certain forms of bonds or security to be prescribed to cover the cost of damage to infrastructure during construction. These provisions will assist councils to repair footpaths, kerbing and roads as a result of construction and heavy vehicle access on a development site. This approach will enable councils to recover costs for damages but ensure that the form of security used and the nature of the cover is such that it does not result in unreasonable costs to the building industry and home purchasers.

The technical amendment to section 50 implements a recommendation from the Ombudsman that councils should be able to hold open space funds and special funds without the statutory need for higher administrative costs associated with trust funds. This provides security without the higher costs.

The amendment to the Highways Act in schedule 1 of the bill clarifies provisions in the heritage and highways acts. The bill specifies that alterations or demolition of a state heritage place as a result of roadworks is subject to assessment under the Development Act. The government believes this bill to be an important component in improving the state's planning and development system. I commend the bill to members and indicate that it is my intention this bill will lie over the recess, obviously, to be considered in the new year. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Development Act 1993*

4—Amendment of section 4—Interpretation

The use of the word "provisional" in relation to a development plan consent or building rules consent is to be discontinued as the relevant consents are indeed substantive consents (which have effect subject to the issue of development approval under the Act).

5—Amendment of section 33—Matters against which a development must be assessed

These amendments are consequential.

6—Amendment of section 34—Determination of relevant authority

This clause includes a provision that clarifies that a council is not disqualified from acting as a relevant authority even though it has been involved in preliminary or other work associated with the proposal for the particular development. An amendment to section 34(2) will allow a council that is acting as a relevant authority under that provision to act also as the relevant authority to make the final determination as to whether the relevant development should be approved. Subsection (3) of section 34 is to be recast so that a regulation constituting a regional development assessment panel can relate to an area or areas of the State comprising parts or all of the areas of two or more councils, and can incorporate a part or parts of the State that are not within the area of any council (and some or all of these parts need not be contiguous).

7—Amendment of section 35—Special provisions relating to assessment against a Development Plan

A regional development assessment panel will be able to concur in the granting of a consent in prescribed circumstance. It is also intended to make it clear that nothing in section 35 of the Act prevents a relevant authority refusing at any time to grant a development authorisation with respect to a *non-complying* development.

8—Amendment of section 36—Special provisions relating to assessment against the Building Rules

These amendments are largely consequential. It will be necessary to obtain the concurrence of the Building Rules Assessment Commission with respect to building work in prescribed cases.

9—Insertion of section 37AA

This clause sets out a scheme under which a person may seek to obtain the agreement of prescribed body in relation to a proposed development before lodging an application for development plan consent with respect to the development.

10—Amendment of section 38—Public notice and consultation

A key feature of these amendments is to introduce "Category 2A" developments under section 38 of the Act. This category will comprise development that would otherwise be Category 1 development but that involves building work along a boundary (or part of a boundary) adjoining an allotment used for residential purposes, a prescribe kind of use within a building within a prescribed distance from a boundary, or other prescribed classes of development. However, Category 2A will not include *complying* development, certain development wholly within a community scheme or a strata scheme, or any prescribed kind of development. A specific notice provision will then apply in relation to this category of development.

11—Amendment of section 39—Application and provision of information

This clause clarifies the provisions of section 39 relating to applications to vary a development authorisation in certain circumstances.

12—Amendment of section 50—Open space contribution scheme

Money received by a council under section 50 of the Act is to be paid immediately into a special fund established for the purposes of this section. (This amendment will remove the need for a "trust" fund but will preserve the need for a separate account for open space contributions.)

13—Amendment of section 50A—Carparking fund

14—Amendment of section 53—Law governing proceedings under this Act

These are consequential amendments.

15—Amendment of section 53A—Requirement to upgrade building in certain cases

16—Amendment of section 57—Land management agreements

17—Amendment of section 57A—Land management agreements—development applications

18—Amendment of section 68A—Private certifiers

These are consequential amendments.

19—Insertion of section 71AA

The requirements relating to swimming pool safety will now all operate under and pursuant to the *Development Act 1993*, and the *Swimming Pools (Safety) Act 1972* is to be repealed. The owner of a ***prescribed swimming pool*** may be required, under a scheme established by the regulations, to ensure that swimming pool safety features are installed in accordance with the new regulatory requirements before, or on the occurrence, of a prescribed event. The regulations will be able to require a council to establish a swimming pool inspection policy that complies with any requirements prescribed by the regulations.

20—Amendment of section 75—Applications for mining tenements to be referred in certain cases to the Minister

This amendment will clarify the interaction between Part 8 of the Act and Part 4 Division 2 Subdivision 1 of the Act in relation to the preparation of an environmental impact statement or public environmental report with respect to a relevant mining proposal. New subsection (7) will allow an assessment of mining operations under an EIS or a PER to include associated development (and then for that development to be assessed by the Governor as if it were within the ambit of a declaration of the Minister under section 46).

21—Insertion of section 75A

This clause is also intended to clarify to interaction between Part 8 and Part 4 Division 2.

22—Amendment of section 84—Enforcement notices

This amendment will allow a prescribed body under section 37 to act as a relevant authority for the purposes of issuing enforcement notices in prescribed cases.

23—Amendment of section 86—General right to apply to Court

A person who can demonstrate an interest will be able to apply to the Court for a review of a particular matter.

24—Amendment of section 88—Powers of Court in determining any matter

These amendments will make provision for various matters associated with the practice and procedure of the Court. New subsection (2)(a) will expressly provide that the Court should not deal with any matter that is not subject to challenge in the proceedings (unless the Court considers it to be necessary or appropriate to do so). New subsection (2)(b) will allow the Court to consider certain matters *de novo*. New Subsection (2)(c) will clarify the discretion of the Court on an application by certain persons to be joined in proceedings.

25—Amendment of section 89—Preliminary

This is a consequential amendment.

26—Amendment of Schedule 1—Regulations

A key amendment under this clause is to facilitate the ability to establish a rating system with respect to building standards associated with the sustainability of buildings. It is also to be made clear that the regulations may require that a particular step under the Act must be taken within a period prescribed by the regulations. Another amendment will enable the regulations to require that delegations under the Act be reviewed from time to time. Another amendment will make express provision with respect to the issue of who may be authorised to issue expiation notices under the Act in a case where a prescribed body seeks to issue a notice (see section 6(3)(c) of the *Expiation of Offences Act 1996*).

Schedule 1—Related amendments, repeals and transitional provisions

An amendment is included to ensure that development within the operation of the *Highways Act 1926* that may affect a State heritage place will be assessed under the *Development Act 1993*.

An amendment to the *Local Government Act 1999* will allow a council to require a person who has approval to carry out development under the *Development Act 1993* to enter into a bond if the council has reason to believe that the performance of work in connection with the development could cause damage to any local government land (including a road).

The Hon. R.I. LUCAS secured the adjournment of the debate.

DEVELOPMENT (BUILDING SAFETY) AMENDMENT BILL

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning) obtained leave and introduced a bill for an act to amend the Development Act 1993. Read a first time.

The Hon. P. HOLLOWAY: I move:

That this bill be now read a second time.

Over time, a building that was once considered safe when it was first approved for construction can become unsafe. This may be due to a number of causes, such as poor maintenance, changes in technology and changes of use. To deal with this issue, section 53A of the Development Act enables a relevant authority to require work to be done to improve the safety of such a building if it considers that the existing building is unsafe while considering a development application for alterations or additions to the building.

The provision allows a significant degree of flexibility for the relevant authority to take all the circumstances into account and decide on the extent to which such work is reasonably necessary for proper structural and health standards. When the Development Act was first introduced on 15 January 1994, these provisions were written to apply only to buildings built prior to the commencement of the Development Act. This was reasonable at the time as any new

buildings would, of course, be built to the prevailing requirements for safety.

However, it is now 12 years since that time and the government's intention to correct this situation was identified in the Sustainable Development Bill which was introduced in 2005 and which is now being dealt with in separate bills. Recently, the Ministerial Truss Task Force (established following the Coroner's findings on the collapse of a truss roof at the Riverside Golf Club) has been made aware of a potential defect issue with particular roof trusses that affect the safety of buildings constructed after 1994 and up to 1997.

The Riverside incident has focused attention on roof trusses, and research by the investigating structural engineer, Mr John Goldfinch, has recently been presented to the Ministerial Truss Task Force identifying that there are problems with a particular type of steel connector for roof trusses that are no longer made. These connectors were used between 1970 and 1997 and have a tendency to come loose over time leading to the potential for a collapse of the roof. Fortunately, only some roof trusses are affected in some buildings. It is important to note that this particular issue was not the cause of the roof failure at the Riverside Golf Club.

However, given that the issue has been identified by a highly-experienced engineer and the task force has unanimously recommended that this issue be addressed as a matter of urgency, the government is taking all possible action to ensure that this happens. The issue highlights that there is an urgent need to change the relevant date in the Development Act so that the relevant authorities are able to use their powers under the Development Act to deal with the potential safety issues arising from the use of these steel connectors on trusses in buildings after 15 January 1994.

The amendment will allow the regulations to prescribe a particular date that can be readily changed in future to ensure that there is the ability for relevant authorities to address safety issues in existing buildings that currently fall outside of the ambit of the current provisions contained in section 53A of the Development Act. This bill is an essential measure to ensure that both local and state government have the ability to ensure that buildings that fall outside the current restricted ambit of operation of the act can be required to be upgraded where there is a potential for roof failure and the catastrophic consequences that may ensue.

I commend the bill to members. I indicate that originally it was the government's intention that both the single measure in this bill and the one in the bill which I previously introduced be taken together. However, given the urgency of this matter it has been separated out so that it can be addressed more quickly. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Part 1—Preliminary

1—Short title—this clause is formal.

2—Commencement—the measure will be brought into operation by proclamation.

3—Amendment provisions—this clause is formal.

Part 2—Amendment of *Development Act 1993*

4—Amendment of section 53A—Requirement to upgrade building in certain cases

The relevant date for the operation of subsection (1) of this section will be able to be fixed by regulation.

The Hon. R.I. LUCAS secured the adjournment of the debate.

ROAD TRAFFIC (NOTICES OF LICENCE DISQUALIFICATION OR SUSPENSION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 November. Page 855.)

The Hon. D.G.E. HOOD: I rise to support the second reading of this bill. The bill seeks to amend the Road Traffic Act to resolve a somewhat embarrassing situation arising out of the Supreme Court decisions of the Police v. Conway and the Police v. Parker in June this year. Road traffic law is somewhat more complex than a lay member of the public might at first think. Amongst at least one set of legal loose-leaf services, it has its own category alongside much broader categories and it is the subject of frequent challenges in the courts. I think this happens because of the particular volume of drink-driving offences and the desire of drivers to retain their licence regardless of the cost.

Hence, we get these situations from time to time where the random breath-testing regime comes under challenge. The government needs to rectify an error identified by the Supreme Court. One cannot ridicule the government or the drafters about this issue; to some extent, these things just happen. Family First has no problem with the retrospective rectification of this law. First, the error identified by the court would have been apparent only to a very studious lawyer. All drivers who were disqualified or suspended would no doubt have assumed their notice was valid until they saw a lawyer who worked out the problem.

In our view there was nothing manifestly misleading or deceptive in the notice to drivers. We are talking about a loophole. Secondly, we think it is entirely appropriate that those who thought they were disqualified, but who on a technicality were not, can be given credit for the time served under the now mistaken apprehension that they were disqualified. There are other aspects of tidying up the law with which, again, we have no problem. We think the government has balanced well the toughening of the law whilst offering protection of citizens in this particular case. It may be that some lawyers will go ramming against this amendment to ensure the best possible result for the client and we might have to amend this again. Let us hope that is not the case. We trust that the Crown's lawyers have done their very best to defend themselves against the potential attack of which I speak.

When we saw the title of this bill, our thoughts immediately turned to a question I asked the minister on Thursday 28 September this year regarding the service of notices of disqualification, and I will take a moment to raise that point again. This was in respect of another loophole that people are using to escape disqualification charges, and ultimately disqualification, full stop, by avoiding service of their disqualification notice or pretending that they did not receive it; that is, the notice is posted to them and they claim that they did not receive the notice.

We certainly hope that lawyers are not advising their clients to say to courts that that is the case when it may not be. To our mind, this service issue can be fairly readily resolved by improving upon the provisions that relate to the service. The minister undertook to provide an answer to our questions, the second of which was: what action has the minister taken to rectify the situation? We would suggest that personal service of the notice or service by registered mail would be quite appropriate and would end this loophole, if

you like, that exists at the moment. This bill seems to us an opportune time to deal with this reform. As we saw, for instance, when the Development Panel Amendment Bill was debated in this place, the Leader of the Government moved eleventh hour amendments concerning the names of land zones on the city's northern fringes—

The Hon. D.W. Ridgway interjecting:

The Hon. D.G.E. HOOD: I thought you would like that—changes recommended by the relevant department, whilst we were in the process of amending the act. If drivers have been disqualified, there ought to be a clear way for police to prosecute and prove that they have been served or can presume to have been served. This is a simple matter that should be fixed once and for all—and in the short term not the long term. We call upon the minister to include a remedy for this longstanding situation by an amendment to the bill. In conclusion, though, we support the second reading of this bill and certainly the intention and the principle upon which it is based.

Debate adjourned.

FOREST PROPERTY (CARBON RIGHTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 November. Page 1079.)

The Hon. M. PARNELL: The Greens are pleased to support the second reading of this bill. If I might just reflect for a moment on the climate change debate, it seems that at last we have a shift, not just in the rhetoric but also in the action, and are moving beyond the situation which we were in where people would say that the science was unclear. Even our Prime Minister is now acknowledging that climate change caused by human activities is a reality, but I do not hold my breath waiting for the Prime Minister to come knocking on the Greens' door or the door of the environment movement saying, 'Thanks very much; and I'm sorry for holding out for so long, but you were right the whole time.'

The subject of this bill is the importance of forests, the growing of vegetation, in the management of carbon, which is a key part of the climate change debate. The recently released report of the Stern Review on the Economics of Climate Change highlighted the importance of forests and, in particular, the halting of deforestation as a means of meeting our climate change targets and protecting biodiversity. One thing we can say in this state is that we have effectively ended the worst of broad scale vegetation clearance, but that is certainly not the situation in other states of Australia and it is certainly not the situation in the countries that have the bulk of our rainforests, in particular, countries such as South-East Asia and South America. The greenhouse gas emissions that come from logging forests around the world are estimated to make up to 20 per cent of the total global emissions—and that is more than the entire transport sector contributes to global warming.

Calculating the amount of carbon that is prevented from being released into the atmosphere as a result of halting land clearing and deforestation is a tool that many countries, in particular Australia, have used to show that they are meeting Kyoto targets. Therefore, the sequestering of carbon in vegetation—locking up that carbon—is an important tool in the global fight to prevent further climate change. This bill is a useful and necessary clarification of the law to ensure that carbon biosequestration as a tool can be effective, but I agree with the Hon. Sandra Kanck who pointed out that, in order for carbon trading to play anything more than a very minor role, the most important thing is that we have in place a cap on carbon emissions. However, there will be another opportunity to outline the role of capping carbon emissions when we deal with the much anticipated climate change bill.

I will confine my remarks to the specific issues of biosequestration. The first thing that I say is that one of the important but under-appreciated aspects of carbon sequestration is the role that soil plays in the carbon cycle. I acknowledge the work of Adelaide's own organic gardening guru, Tim Marshall, for pointing out this fact to me. When most people think of carbon sequestration, they are actually thinking of trees; they are not thinking of soil. There is also organic matter, which is made up from the remains of once living things in and on the soil and which exists in various states of decay. We call this humus, which is also a lovely Middle Eastern dip, but that is not the one I am talking about. I am talking about rotting organic matter, which actually contains a larger store of carbon than living plants. In fact, according to Tim Marshall, at least twice the amount of carbon is stored in soil humus as in vegetation.

The preservation of this organic material in soil is therefore critical to preventing more carbon from being released into the atmosphere, and that leads me to the inevitable conclusion that our farmers have a vital role to play in maintaining this store of carbon. The decimation of soil organisms through aggressive tilling and the excessive use of pesticides, herbicides and other chemicals is a much greater contributor to carbon release than, for example, the use of fossil fuels in tractors and farm machinery, as is often pointed out. Being aware of this, many farmers are now actively moving towards no tilling or low impact tilling methods, and I commend farmers for these practices.

Even better than low or minimal impact tilling is the use of organic and biodynamic gardening methods, which deliberately and actively use humus for soil health. Not only is this important because of the greater volume of carbon in the soil but it is also important when we are looking at the lifespan of trees (which are the subject of this bill) compared to the lifespan of the carbon locked up in soil. A rough average lifespan for a tree is about 100 years—clearly, some are older and some are younger—but, even if a tree lives longer than 100 years, most of the carbon stored will be accumulated within a century. After that time, in the glorious cycle of life, most of the carbon is recycled to the atmosphere when the tree dies and decomposes. In contrast, the average age of the humus in Australian soil can be well over 1 000 years.

I think that it is important to keep in perspective the role of soil compared to the role of trees in storing and locking away carbon. The promotion of organic farming is therefore an extremely important and necessary climate change prevention tool—and that is beyond the other biodiversity, economic and health benefits that organic farming delivers. I would strongly urge relevant parts of government to provide greater support to this important part of our farming sector.

The next thing I want to move on to is a little more confronting and, in some ways, I am reluctant to delve into it without Pastor Evans being present; I know he is keen to be in the chamber when people cite scripture or when they refer to religious matters. However, I refer to the views of the United Kingdom philosopher, environmentalist and political commentator, George Monbiot. In a recent article in *The*

Guardian newspaper, George Monbiot equated carbon offsets through mechanisms such as sequestering carbon through tree planting (which is the subject of this bill) with selling indulgences by priests in the 15th and 16th centuries in order to redeem sins.

The Hon. S.G. Wade: Scripture isn't it?

The Hon. M. PARNELL: No; it is not scripture.

The Hon. S.G. Wade: Church tradition.

The Hon. M. PARNELL: Okay; church tradition. Basically, George Monbiot believes that the trade in carbon offsets is an excuse for business as usual. In this article, Monbiot details how corrupt priests in the Netherlands would charge for the sale of absolution, even for 'mortal' offences such as incest and murder. Monbiot writes:

> Just as in the 15th and 16th centuries you could sleep with your sister and kill and lie without fear of eternal damnation, today you can live exactly as you please as long as you give your ducats to one of the companies selling indulgences. It is pernicious and destructive nonsense.

Dangerous climate change requires urgent action now. Stern, like many others, suggests that we have about 10 years to make a seachange in the way we live, before, literally, the sea changes. What Monbiot is saying is that we have to radically reduce the amount of carbon going into the atmosphere now, not continue spewing it out and then pay for someone to plant trees on our behalf to pull the carbon back out of the atmosphere again. We simply do not have time to behave in that way. Very descriptively, Monbiot suggests:

> . . . buying and selling carbon offsets is like pushing the food around on your plate to create the impression that you have eaten it.

I do not subscribe to all of Monbiot's hypothesis, because I do think that carbon bio-sequestration does have an important role to play. We cannot stop all carbon being released into the atmosphere, no matter how we try. However, I do believe that Monbiot makes a very important point that is relevant to this debate. In fact, I think there was an advertising campaign TransAdelaide conducted some time ago, when it had signs on the side of its buses saying, 'We have planted this number of trees, which has neutralised all of our emissions.' Taking that same logic, an individual could say, 'Sure, I drive a V8 everywhere, but I have planted enough trees, therefore I've purchased my indulgences.' So, we have to be cautious about how we use bio-sequestration and not just use it as an excuse for business as usual.

The economic and legal strategies this bill is designed to facilitate will be effective in the fight against dangerous climate change only if we do not fall into the trap of seeing sequestration as a way to avoid the fundamental changes that are required in the way we live, move around, what we wear, and what we eat, but I will speak more on that theme when the climate change bill comes into this place. In the meantime, I am happy to support the second reading of this bill.

The Hon. NICK XENOPHON: I indicate my support for the second reading of the bill. I see the bill as a further acknowledgment of the urgent need to deal with the issue of climate change, and I share many of the sentiments and concerns of the Hon. Mark Parnell in relation to this. Essentially, the bill identifies that the Carbon Rights and the Forest Property Act 2000 was the first step along this path of providing a legal framework encouraged by sequestration. These amendments essentially represent the second step by providing that legal framework for bilateral trading in carbon rights. That, to me, is the essence of this bill. The situation is that we need to do all we can.

I think it is disappointing that the federal government has had its head in the sand for a while, but that seems to have changed recently. On the issue of climate change, I believe we need to do more than just what is required by the Kyoto Protocol to deal with these challenges posed by greenhouse gases and their potential impact on climate change. One of the best comments I heard recently on this was made by Rupert Murdoch, who I do not think anyone would accuse of being a greenie or a Lefty.

The Hon. M. Parnell: He's not one of us.

The Hon. NICK XENOPHON: No, but the fact is that Rupert Murdoch recently made a comment to the effect that, if there is only a 30 per cent chance that climate change is real, we have to do everything we can to avoid that occurring because it is a question of good risk management. It was a pretty hard-nosed analysis. Even if there is only a 30 per cent chance that the predictions in respect of climate change will come true, we need to do everything possible to avoid that occurring. The Stern report points the way forward; and this legislation is part of the framework of what we need to do, because we need to do more to avoid the risk that change will occur, and that is why I am supporting this bill.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank all honourable members for their comments and considered contributions in what is essentially a very important piece of legislation dealing ultimately with climate change. I have not heard all the contributions, but in committee I will respond to any issues that have been raised. Again, I thank all members for their contributions.

Bill read a second time.

CRIMINAL LAW CONSOLIDATION (DRINK SPIKING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 November. Page 1138.)

The Hon. M. PARNELL: I support the second reading of this bill. As I understand it, I think there is some national consensus around the view that there is a gap in our legislation in the mid-range of penalties when it comes to offences such as drink spiking. The proposed offence created by this bill will sit below the offence of reckless endangerment in the Criminal Law Consolidation Act which attracts a maximum five-year prison penalty, but it would be above those relating to the administration in the Controlled Substances Act with a two-year penalty.

There can be no doubt that drink spiking is a deplorable and potentially life-threatening act. Experts in the field strongly believe that many cases go under reported, and that point has been made by other members in this place. Certainly, the suggestion that was made in the Australian Institute of Criminology drink spiking project report was that about one-third of all drink spiking incidents are associated with sexual assault. That is particularly alarming. However, to a certain extent I share the concerns of the Hon. Sandra Kanck, who referred to this as a fairly populist piece of legislation. I do not know whether I would go so far as to say it was useless, but it is part of a pattern of legislation where we take something that is already illegal and we seek to make it more illegal through special legislation. The bill that we passed earlier this year about rock throwing probably falls into the same category.

Having said that, I think that there is a gap that possibly needs filling in that mid-range of penalties. The Hon. Robert Lawson also outlined his concern at having 20 or so different niche offences on the statute book when probably two offences would have done. The common perception of a typical drink spiking perpetrator is of a stranger in a dark, smoky nightclub. Yet, many incidences of violence, particularly against women, suggest that drink spiking is equally likely to be at the victim's or the offender's home or some other location rather than just in a smoky nightclub.

The Australian Institute of Criminology report goes on to say that, despite considerable media and public perceptions concerning the prevalence of drugs such as flunitrazepam, GHB and ketamine being used in drink spiking, the forensic evidence to date does not support those claims. As other members have said, alcohol itself dominates the results of tests into substances used in drink spiking. This point was made by others here, but also the member for Heysen in another place suggested that alcohol was the primary agent in 85 per cent of drink spiking cases.

Whether or not this bill will be more effective in preventing drink spiking beyond the offences that are already in place will be interesting to see, and I hope that it is more effective. The Greens hope that more effective harm reduction, health promotion and other prevention strategies will also be the primary tools against the commission of these types of offences. I refer briefly to the amendments that the Liberal Party has put forward. I was quite intrigued that Liberal members spent a fair bit of their contribution outlining some of their concerns over the breadth of this bill and some of the potential unintended consequences. Yet, the Liberal Party's amendment actually takes the scope of the bill much further.

Currently, if someone is caught on licensed premises with a controlled substance, they will be diverted to treatment under section 36 of the Controlled Substances Act. One concern I have is that the Liberal amendment might work against the diversion process. I am also concerned at the words in the Liberal amendment 'without lawful excuse' as it relates to the person in licensed premises in possession of these drugs. That phrase, 'without lawful excuse', places the onus of proof on the citizen. It is clear that many people could quite lawfully be carrying drugs around with them that could be used for drink spiking, but they do not as a rule carry prescriptions with them as well. An example might be a person who keeps benzodiazepines on hand in the event of a panic attack. I look forward to the debate in committee, but in the absence of more compelling evidence I am not inclined to support the Liberal amendments. I support the second reading.

The Hon. A.M. BRESSINGTON: There is currently no way to determine the exact number of drink spiking incidents that occur in the community, for a number of reasons: a high level of under reporting; fluctuations in reporting due to awareness campaigns; jurisdictional differences in data recording and extraction procedures; and difficulty in verifying whether a reported incident actually occurred. In the absence of exact numbers, rough estimates of drink spiking prevalence are calculated with a procedure that inflates the number of incidents reported to police by the level of under-reporting in self-report victim surveys, and it is important to remember that this procedure is based on certain assumptions. Roughly, in 2002-03, between 3 000 and 4 000 suspected incidents of drink spiking occurred in Australia; approximately one-third of these incidences involved sexual assault and between 60 and 70 per cent of these incidences involved no additional victimisation—whatever that means. Between 15 and 19 suspected drink spiking incidents occurred per 100 000 persons in South Australia in 2002-03.

The problem I have with this piece of legislation is how it will be enforced and how we are going to find the perpetrator—the drink spiker—and prosecute them as we should. People spike drinks because it is easy to do—walk past and drop a pill or phial of liquid in someone's drink—and it is undetectable. The chances of their being caught are very slim. I agree that legislation needs to deal with this issue, but a constable who has been involved with legislative reform for drink spiking stated that there is currently no simple drink spiking offence in South Australia, rendering victims helpless to prosecute those who offend against them. She said that drink spiking is a growing social trend and it is not going to go away. She also said that drink spiking tends to concentrate more on the victim than on the perpetrator. We need to look at ways of putting a detecting mechanism in place for those who spike drinks, and I do not know how that would be done. I support the bill and look forward to the committee debate and hope that it will become clearer as the debate moves forward.

The Hon. P. HOLLOWAY (Minister for Police): I thank honourable members for their expressions of support for the second reading of the bill. The Hon. Stephen Wade expressed concern that the bill may be drawn too broadly and could inadvertently capture innocent acts. However, he then continues to move and support an amendment which will widen it immeasurably. He has asked some questions and I will try to answer them. The honourable member is concerned about a lack of detail on the issue of the level of impairment. It is true that the plain English word is not defined. To define it would be to unnecessarily circumscribe its natural meaning. I draw the honourable member's attention to the analogous use of the word in the definition of 'serious harm', which is the plain English variation of what used to be 'grievous bodily harm' in sections 14 and 21 of the Criminal Law Consolidation Act.

Read in context, it is plain that 'impairment' refers to physical or mental harm that does not necessarily amount to serious harm, and that is an equally plain reading of what is said here also. It is also true that there is no statutory attempt to define what is meant by 'reckless indifference'. The term has a common law meaning and was first discussed in the context of rape by the Court of Criminal Appeal in R v Wozniak and Pendry (1977) 16 SASR 67, and has been treated consistently ever since, up to and including the decision in R v Baltensperger (2004) SASC 392. In relation to consent in rape, being recklessly indifferent as to whether another person is consenting to sexual intercourse means that a person, having no belief that another is consenting to sexual intercourse or realising that the person might not be consenting, proceeds anyway to have sexual intercourse not caring about the other person's non-consent. That phrase should have an exactly analogous meaning in this context.

To look at the honourable member's example, we are all aware that substances such as caffeine and sugar can have a negative effect on some people. If I add caffeine or sugar to a food or beverage, which is then consumed by a person particularly susceptible to these substances, would I be guilty of an offence? The answer is: quite possibly. You have added a substance to food or beverage and you would be guilty if,

and only if, both you realise that there might be impairment of consciousness or bodily function as a result and you proceed anyway, not caring about whether or not that happens. It is the government's position that you should be guilty of this mid-range offence, if you do that.

In answer to the honourable member's next question, it matters not whether it is red cordial or anything else; the mere act of putting in red cordial is not, of course, reckless by itself, otherwise there would be no point to the fault requirement. The fault with which the relevant act is done is the key.

The Hon. Mr Lawson spoke at length about the two national papers that have been compiled recently on the problem, and I thank him for the comprehensive survey. I comment merely that the government agrees with his conclusion that, in this instance, a mid-range niche offence specific to drink spiking is required to cover a small gap in the coverage of the general offences which exist in accordance with the legislative policy outlined in detail by the Model Criminal Code Officers Committee. The honourable member concludes that this is a provision to which, in principle, reasonable exception cannot be taken, and the government agrees.

The honourable member referred in some detail to the Queensland provision. The position is that South Australia was the first jurisdiction to introduce a bill. The government had to think through the problem of drafting the specific niche offence from scratch, assisted only by the general principles outlined in the Model Criminal Code Officers Committee discussion paper, to which the honourable member referred.

The government came up with what it thought was its best solution, and that is what is before the chamber today. That solution was sent to Queensland as a courtesy. Queensland, obviously, came up with its own offence. We do not know why Queensland decided not to use our excellent example. True it is, as the honourable member says, that the Queensland offence passed before South Australia's, but then Queensland does not have a Legislative Council.

An honourable member: Hear, hear!

The Hon. P. HOLLOWAY: Yes; hear, hear—that is right. I believe that the Queensland act passed the same day it was introduced. It was, the honourable member might note, an erratic passage. An in-house amendment replaced the initial proposed offence entirely with a new version. In those circumstances, the government did not do a thorough review of the new Queensland provision. It smacked of ad hoc-ery and last-minute reconsideration.

However, it should not be thought that the government's offence did not include a consideration of the issues that the Queensland provision deals with. The honourable member points to the question of whether the lack of knowledge of the substance is a lack of knowledge of the presence at all of the substance, or of the particular quantity of the substance. It is plain that the government's offence does address that issue. It is done, in our view, appropriately in the bracketed words at the end of proposed section 32C(1).

The honourable member points to the question as to whether a particular person is intended to be the person to whom the substance is administered or attempted to be administered. That issue was considered. The phrase in section 32C(1) that captures this is 'another who will or might consume'. If that is not enough, the general principle of the criminal law commonly referred to as 'transferred intent' would suffice.

A relatively recent example of this principle at work can be found in *Standish* (1991) 60 Australian Criminal Reports 364. This answer also suffices to deal with Family First's Russian pies problem. We cannot find anything in the Queensland draft that will improve our proposal. I am proposing that we adjourn the committee stages to the next sitting week so, if there is anything that I have not addressed, I will deal with it in the committee stage when next we sit. Again, I commend the bill to the council.

Bill read a second time.

PUBLIC FINANCE AND AUDIT (AUDITOR-GENERAL RETIREMENT AGE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 November. Page 1140.)

The Hon. NICK XENOPHON: I rise to support the second reading of this bill. I note that it is the government's intent to give the current Auditor-General an additional five-year term to the age of 70 and that the current Auditor-General will be reaching the current retirement age of 65 some time in February. I think at the outset it is worth noting the media release of the Premier, the Hon. Mike Rann, of 18 October 2006 which made reference in these terms to the extension that was being proposed. That media release was headed, as I understand it, 'Auditor-General's term to be Extended', with the first paragraph stating:

> The Auditor-General, Ken McPherson, will not be forced to retire when he turns 65 early next year, and will be able to work on for another five years.

It then goes on to state:

> Premier Mike Rann says the legislation governing the Auditor-General contains an anomaly in that it has a retirement age of 65 which means it was never amended to recognise changes made to age discrimination laws in the early 1990s.

I think it would be fair to say that the media release heading of 'Auditor-General's term to be extended' is somewhat presumptuous on the part of the government and takes for granted—some would say arrogant—

The Hon. S.G. Wade: Very arrogant.

The Hon. NICK XENOPHON: The Hon. Mr Wade says very arrogant. I am being kind and gentle as always, and I see it as presumptuous that the government seems to be regarding the upper house as a bit of a rubber stamp. I think the government needs to understand that some 17 per cent of the voters of this state had the good sense to vote differently in the upper house than in the lower house for the major parties. I think that indicates that South Australians want checks and balances, and particularly so since the federal Liberal government has gained a majority in both houses: I think that has focused the public's attention on the dangers of one party having control of both houses.

A number of pertinent points have been put by both sides in relation to this matter, and I note the contributions of the Hons Mr Lucas and Mr Lawson as well as the Hons Sandra Kanck and Mark Parnell in relation to this. There are concerns that it is not good public policy to have legislation that is aimed simply at one person—that is the claim that has been advanced—the current Auditor-General has known for 16 years that his term would end when he turned 65. Therefore, it is not appropriate, as a matter of principle, to have legislation that is so specific for one individual in such a way.

I endorse the comments made by the Hons Sandra Kanck and Robert Lawson (as well as many others). I agree that Mr MacPherson, who holds the position of Auditor-General, is a man of high principles. I share the view of the Hon. Sandra Kanck that we are lucky to have him as Auditor-General. The Hon. Julian Stefani, a former member of this place, and a good friend of mine, had similar views about the Auditor-General. The Hon. Robert Lawson indicated that he has high regard for Mr MacPherson, and I share that view.

I see this legislation as an opportunity to look at the whole issue of the terms of auditors-general. I note that the Hon. Mr Lucas has flagged that he will be moving amendments for a seven-year fixed term with respect to the office of the Auditor-General, without any right of renewal. I think that is certainly a step in the right direction. My preferred option is a 10-year term, similar to the commonwealth's Auditor-General, without any right of renewal.

My preferred position (and I expect that there will be many permutations with respect to this legislation, and it will be interesting to see how it evolves in the committee stage) is as follows: that there be a transitional arrangement for an extension of the current Auditor-General's term for a period of two years to 31 December 2008 and, thereafter, a fixed term. My preference is 10 years. I know the opposition's view is seven years. I am not particularly fussed with respect to either.

The Hon. R.P. Wortley interjecting:

The Hon. NICK XENOPHON: The Hon. Mr Wortley, being very helpful as always, suggests 8½ years, but I think it should be either seven or 10 years. It needs to be acknowledged in the context of the importance of the Auditor-General's role as the chief financial watchdog of the state. I believe that the comments made by the Hon. Mr Lucas in his contribution are very pertinent. I think it would be fair to summarise the Hon. Mr Lucas's view as being that auditors-general, wherever they may be, are not infallible. There may well be robust disagreements with the conclusions of an auditor-general from time to time, and I have no problem with that.

The Hon. Mr Lucas also made the comment that the Auditor-General, hopefully, is in a position to provide some independent oversight of whatever the financial issue might be. I note that under section 37, for instance, of the Public Finance and Audit Act, the Auditor-General can look at issues of economy and efficiency with respect to the use of public funds.

I see this legislation as an opportunity to reform the terms of office of future auditors-general, to have a fixed term, and also to look at increasing the powers of the Auditor-General in this state to keep the executive arm of government more accountable. I think it is fair to say that there has been a trend over a number of years, by both Liberal and Labor governments throughout the nation, for the executive arm of government to become more powerful and less accountable. I must say that, despite the promises of this government when in opposition about issues of FOI and accountability and spending taxpayers' funds on advertising, which can be seen in the broader community as being party political, I have been disappointed about a number of the results. That is not unusual, in terms of national trends with respect to government.

I think it is important that we give the Auditor-General further powers to keep the government of the day on its toes with respect to the expenditure of public moneys. That is why I moved my contingent notice of motion. My current understanding of standing orders, from my brief discussion with the clerk, is that the amendments that I move will need to attach themselves to this bill. So, it will have to apply to the current Auditor-General's term, or extended term, if that is what the parliament is minded to do. However, obviously, the intent is that any additional powers would extend to future auditors-general of this state.

In an article written in 2001 entitled 'Auditors-General—Cuckoos in the Managerial Nest?', Richard Mulgan from the Australian National University gives an overview of the powers of auditors-general around the country, and he makes a number of very valid points. In his commentary, Mr Mulgan states:

> Tasmania allows the Auditor-General when conducting a financial audit to take into account any matter that affects the economy, efficiency or effectiveness of any government department or public body.

That is a reference to section 43C of Tasmania's Financial Management and Audit Act 1990. Mr Mulgan further states:

> South Australia, on the other hand, is more cautious, providing only for an examination of efficiency and economy in its Public Finance and Audit Act in section 31, thus avoiding considerations of effectiveness.

If we are to be looking at the issue of the Auditor-General's term, I believe it is important that we use this opportunity to look at the powers of the Auditor-General to give not only this Auditor-General but any future auditors-general of this state the power to do their job not only on behalf of the parliament but also on behalf of taxpayers to ensure that moneys are spent effectively. Including the word 'effectiveness' in the current act would, I believe, be a very useful tool for the Auditor-General to ensure that public funds are being used effectively with respect to government programs.

Mulgan's analysis, I believe, is spot on. Section 52D of the New South Wales Public Finance and Audit Act refers to complaints about waste of public money where a public official may complain to the Auditor-General that there has been a serious and substantial waste of public money by an authority or an officer of an authority. I believe that would be a useful power for the Auditor-General in the sense that it would give further protection to any public official who wishes to make a complaint about the waste of public money. It would strengthen any whistleblower protection that would apply to that person by virtue of having that amendment.

There is also the issue of the Auditor-General's having specific powers to obtain records and information from banks or any other financial institution where public funds are involved. That is something that exists in Western Australia, Tasmania and, New South Wales. I believe it would be useful to have an amendment along those lines. It appears in section 37 of the New South Wales Public Finance and Audit Act under the heading, 'Access to records of a bank, building society or credit union.' That would make the Auditor-General's powers cleaner.

There is one other important aspect. Earlier this afternoon we had a debate about carbon trading. I acknowledge my discussions with the Hon. Mark Parnell and his outstanding commitment on this issue. The ACT's Auditor-General Act 1996 provides:

> In the conduct of a performance audit, the Auditor-General shall, where appropriate, take into account environmental issues relative to the operations being reviewed or examined having regard to the principles of ecologically sustainable development.

That section goes on to set out specifically what ecologically sustainable development is. I believe that would be a very useful power for an auditor-general to have. It considers the bigger picture. I defer to my colleague the Hon. Mr Parnell and his work on ecologically sustainable development, but it would make good economic sense. We need to consider the long-term implications of public moneys being spent on, say, environmental projects in terms of their effect down the track.

I think we know now that, as a result of the crisis with the River Murray, public moneys spent on environmental projects need to have that additional level of scrutiny in terms of looking at the big picture and the long term. I indicate to my colleagues on both sides of the chamber that, earlier today, I spoke to parliamentary counsel; and I hope that amendments with respect to those matters will be drafted some time tomorrow. I will forward those draft amendments to my colleagues as soon as I can. I believe it is appropriate also to forward any amendments to the Auditor-General's office in case technical matters need to be commented on with respect to the drafting. That is my position. I am not sure which way this bill will go.

The Hon. R.I. Lucas: He does not respond to individual members of parliament.

The Hon. NICK XENOPHON: I do not think it improper for advice of a technical nature to be sought if there is an amendment within the purview of the current legislative framework of the Public Finance and Audit Act.

The Hon. R.I. Lucas interjecting:

The Hon. NICK XENOPHON: From time to time—although, not often—I have had my correspondence acknowledged by the Auditor-General. It is also fair to say that the only time you know whether an issue of concern has been dealt with is when it appears in one of his reports, and I can understand that practice. I look forward to the committee stage of this bill. I have flagged that I will forward members on both sides of the chamber—the Leader of the Opposition, the Leader of the Government, the Treasurer's office and my cross-bench colleagues—details of my amendments. I will also forward them a copy of Richard Mulgan's article, which I found very useful in considering the framework of how auditors-general operate in this country.

I believe that this bill is an opportunity to improve levels of accountability of taxpayers' funds. It is an opportunity to reform issues of tenure for the Auditor-General, and I see a two-year extension as being not unreasonable in the context of allowing the current Auditor-General to complete what work he may have in the pipeline. However, I also think that it is important, along with the opposition, that we have a fixed term for the Auditor-General in the future. However, let us not lose this opportunity to give the Auditor-General some meaningful powers that, in a sense, are not novel as these powers that exist in other states. Let us not hamstring this Auditor-General, or future auditors-general, in the way that he or she could conduct their work as the chief financial watchdog of this state.

The Hon. S.G. WADE: I would like to contribute to this debate to express my concern about the bill from the perspective of the parliament. First, I would like to address the way this bill reflects on the relationship between the parliament, the Auditor-General and the executive. A range of key officers are answerable to the parliament, rather than the government. The Auditor-General is one such officer. I refer to two excerpts from the website of the Auditor-General's Department, which state:

> The act provides a vital link in the chain of accountability of the Executive Government to the Parliament and to the taxpayers of this State who are the ultimate providers of those funds.
>
> The Public Finance and Audit Act 1987 (the Act) establishes the independence of the Auditor-General from the Executive Government and provides that the primary relationship of the Auditor-General is to the Parliament.

These excerpts highlight the fact that the Auditor-General exists for the parliament in oversight of the executive. The role does not exist for the pleasure of the executive.

The Australasian Council of Auditors-General is the body bringing together auditors-general of Australian jurisdictions and neighbouring countries. ACAG has produced a statement outlining the constitutional basis for the role of an auditor-general, which states:

> Principle: The role of the Auditor-General is derived from the functions of Parliament. The role exists to provide Parliament with independently derived audit information about the executive arm of government.
>
> 1.1 Parliament is supreme in our systems of government. The executive arm of government relies on Parliament's authority for most of its powers and resources. The Executive Government is responsible to, and subject to scrutiny by, Parliament for its performance. The role of the Auditor-General is derived from these constitutional arrangements. . .
>
> 1.3 Parliament may also rely on an independent statutory officer, the Auditor-General, to provide it with information about whether governmental activities are being carried out and accounted for consistent with the Parliament's intentions.
>
> 1.4 The role of the Auditor-General is therefore an important element of helping to maintain the integrity of any systems of government. The Auditor-General ensures that Parliament has access to independent audit information as part of the framework of accountability and scrutiny of the Executive Government.

In the context of these relationships, I am extremely concerned in the way that this bill was developed.

On 18 October, Premier Rann issued a press release talking of the extension of the current Auditor-General's term as a fait accompli, rather than as something which needed to be considered by the parliament. I refer to that press release, which states:

> Auditor-General's term to be extended.
>
> The Auditor-General Ken MacPherson will not be forced to retire when he turns 65 early next year—and will be able to work on for another five years.
>
> Premier Mike Rann says the legislation governing the Auditor-General contains an anomaly in that it has a retirement age of 65, which means it was never amended to recognise changes made to age discrimination laws in the early 1990s.
>
> 'Cabinet has decided the Auditor-General's Act should be amended to provide a retirement age of 70—in line with the retirement age of Supreme Court judges,' Mr Rann said.

As the Hon. Mark Parnell noted in his contribution, the Premier's statement is arrogant. The Auditor-General is not an appointee of the executive. At the very least, the press release should have said that the government will propose to parliament that the term of the Auditor-General be extended.

As the Hon. Mr Parnell said, the Premier is trying to legislate by press release. Further, the Leader of the Opposition has advised the council of an incident which indicates that the government has had a long-term determination to extend the term of the Auditor-General. The Attorney-General was at a function with an opposition member some months ago and, when the colleague indicated that the current Auditor-General would soon be retiring, the Attorney-General's response was, 'Over my dead body'. The government is riding roughshod over the appropriate relationship between the parliament, the Auditor-General and the executive.

I join the Leader of the Opposition in requesting that the minister in reply confirm that there was no discussion between the Premier and any minister of the government, any officer of the government or any of the Auditor-General's staff, with the Auditor-General prior to the announcement of 18 October that the government was intending to take the decision that the Auditor-General's term was to be extended. Like the leader, I trust that there were no such discussions, but confirmation would be appreciated.

Secondly, I move to the issue of the independence of the post of the Auditor-General. The Australasian Council of Auditors-General statement of key principles also includes a section on independence and competence, which states:

> Principle: To be effective the Auditor-General must be seen to be independent and competent. The Auditor-General must:
> · be free from direction by the Executive Government, and free from political bias; and
> · have the means to acquire the resources necessary to do the job properly.
> 2.1 The role of the Auditor-General can only be effective if the office is viewed as being independent and competent. Without these characteristics, the assurances of the Auditor-General may lack credibility.
> 2.2 To be seen to be independent the Auditor-General must be both free from control or direction by the Executive Government and free from political bias. . .
> 2.4 Factors that may significantly affect both the perception and the fact of the Auditor-General's independence and competence are:
> · the process for appointment, suspension or removal from office;
> · the term of office;
> · the determination of the Auditor-General's salary and conditions of employment;
> · the ability to employ staff or other suppliers or services; and
> · the process for determining the budget and work plans of the office.

In the mid-1990s the Australasian Council of Auditors-General and the Australasian Council of Public Accounts Committees had a dialogue on the issue of the independence of auditors-general. In that context, Mr A.C. Harris, the New South Wales Auditor-General, gave an address in which he commented on the draft principles prepared by ACPAC. In his speech he said:

> Auditors-General do not discuss independence as a criterion justified in its own right, but as a quality that is necessary if Parliament's needs are to be met effectively.
>
> It is entirely understandable that individuals, in looking at the principles advanced in the ACPAC paper, might wish to judge them in the light of individuals' current circumstances in Parliament. If this were so, ACPAC participants on the Treasury benches might be more sceptical and circumspect than their Opposition colleagues about moves to strengthen accountability. Over time, this stance will surely so weaken parliament that it will become increasingly ineffective. . . If the parliament is weakened, it will not be able to identify and resolve government corruption.

I believe that this bill offends the principles outlined by ACAG and the issues raised by Mr Harris. The opposition is concerned that, if the term of a current auditor-general can be extended, it could put pressure on an incumbent to seek the approval of the government, or even the parliament. Even if the incumbent feels no such pressure, at the very least the approach can create a public perception that this is the case. I refer, in this context, to a press statement of 25 October, entitled 'Legislation compromises Auditor-General', released by Mr Hanna, the member for Mitchell in another place. The press statement reads:

> Mitchell MP Kris Hanna today condemned the state government's decision to introduce special legislation to allow the Auditor-General, Ken MacPherson, to go five years beyond the retirement age laid down by law, 65 years in this case. The reason these statutory officers have fixed terms is to ensure they carry out their role without fear or favour. If Mr MacPherson asked for an extension of his term beyond what is currently allowed by law, the danger is a perception that he will 'owe' the Rann government if the extension is granted. If the Rann government is instigating an extension of Mr MacPherson's appointment beyond what the law currently allows, it looks like they are doing so to suit themselves. . . If the state government is genuine about correcting an anomaly—and align the Auditor-General's retirement age with that of Supreme Court judges—they should wait until Mr MacPherson retires next year and then introduce this legislation.

In the speech I mentioned earlier, Mr Harris, the former auditor-general of New South Wales, commented that non-renewable fixed terms are consistent with modern practice.

The Australasian Council of Auditors-General sees merit in the 10-year figure, which at that stage was being proposed by the commonwealth. ACAG commented that it might be necessary to consider a minimum term of, say, five or seven years if the government could otherwise choose a lesser term. As an aside, principle 4.1 of the ACPAC principles related to transitional arrangements. It reads:

> Consistent with precedent when amending core accountability provisions, transitional arrangements between old and new legislation should ensure that the independence of incumbent Auditors-General is not compromised.

I understand that the commonwealth and all other states have accepted that the role of Auditor-General is so important that it ought to be for a fixed term and that in all, perhaps bar one, the person should not be eligible for reappointment. This approach is an important protection to ensure that there is no perception that an Auditor-General is acting so as to be looked upon favourably either by a government or an alternative government with a view to getting another term.

When amendments to the Public Finance and Audit Act were flagged by the government some two or three years ago, the Liberal Party tabled a package of amendments. One of those amendments was for a fixed seven-year term and a provision that the Auditor-General not be eligible for re-appointment. The Leader of the Opposition has foreshadowed that he will move amendments to that effect in the committee stage.

In conclusion, I indicate that my comments are of a general nature. I do not know the current Auditor-General and have had limited exposure to his work. My concerns relate to the good governance of the state of South Australia. I urge members of the council to favourably consider the amendments to be put by the Leader of the Opposition.

The Hon. P. HOLLOWAY (Minister for Police): This bill puts a simple proposition forward to increase the retirement age of the Auditor-General from 65 to 70 years of age. With regard to some of the remarks made by the opposition in relation to this bill, I have the following comments. On the question concerning the role of the Auditor-General and the 'policy decisions' of the government of the day, the current Auditor-General has not at any time been involved in second guessing policy decisions of government, and the Hon. Rob Lucas has not been able to give any example. The Hon. Rob Lucas fails to understand that the Auditor-General does have a legislative role to report on compliance by public authorities with executive government policy determinations and with the financial consequences of the implementation of policy decisions. These are legitimate maters for audit comment.

The fees that are charged by the Auditor-General are less than those charged by the four big audit firms in South Australia. The opposition failed to identify the fact that the

audit 'scope' of the Auditor-General under the Public Finance and Audit Act 1987 is far broader than the 'financial statement audit' that is undertaken in the private sector. The Auditor-General is required by law to give an opinion on the adequacy of controls and the propriety and the lawfulness of government financial transactions. Private sector auditors are not required to give an opinion on these matters as part of the financial statement audit.

The average hourly fee charged by the Auditor-General is approximately $100; the hourly audit fee charged by private sector audit firms is understood to be much higher. It is inappropriate for Mr Lucas to suggest that the fees payable by public authorities to the Auditor-General are other than appropriate, if not considerably less than would be payable by the private sector to auditors undertaking the same scope of audit activity.

The opposition raises an issue in the fact that the Auditor-General did not 'discover' the issues associated with the 'stashed cash' matter. Mr Lucas is in no position to conclude any position on this matter as the matter is still the subject of inquiry by a committee of the Legislative Council, and the evidence of the Auditor-General in this matter has not been concluded. The evidence to date has clearly established that the 'stashed cash' affair involved collusive conduct by a certain person then employed in the Attorney-General's Department. Furthermore, it should be noted that the execution of the audit associated with this matter has not to date been shown to be defective in the evidence that has been presented to the Economic and Finance Committee that has already reported to this parliament and the evidence presently before the Legislative Council committee. It is premature for Mr Lucas to have made the comments regarding this particular matter when the Legislative Council committee has not concluded its inquiries.

Reference has been made to the former Auditor-General, Tom Sheridan. Mr Sheridan was an auditor-general in a very different era from that of the present incumbent. In fact, this was an era when government accounting was principally cash based as distinct from an accrual base. It is also to be noted that Mr Sheridan was not required during his tenure as auditor-general to undertake any of the major inquiries of the type that have been undertaken by the current Auditor-General. Also, he was not required to attend to give evidence at committees of this parliament with the frequency and the detail that have been the case with the current Auditor-General.

The opposition has made a point of emphasising what it perceives to be the 'bottom line' benefit to the current Auditor-General should his period in office be extended until age 70. The Hon. Rob Lucas refers to a figure of $1.2 million. Mr Lucas fails to appreciate that, should the Auditor-General continue in office until age 70, the state would not have to pay his pension entitlements until such time as he did retire and that this would constitute a significant net benefit to the taxpayers. Regardless, the state would need to meet the costs of an incumbent auditor-general. It is misleading for Mr Lucas to present the suggested benefits for the current Auditor-General in the terms that he has. The opposition refers to the fact that there are significant issues within administration in South Australia that should have been, and still need to be, exposed by audit staff with reference made to the 'stashed cash' matter. It is interesting to note that the opposition does not identify any of the so-called significant issues. While members in this chamber have indicated a desire to alter the currently proposed bill for a variety of reasons, the government believes the bill in its present form is sound.

I now state a personal view. At this time within Australia we are looking at ways of retaining people's experience in the workforce. The federal government has changed superannuation extensively—

The Hon. B.V. Finnigan: Just ask the Prime Minister.

The Hon. P. HOLLOWAY: That is right. His term of tenure has been extended from age 65 to 70. As to whether it goes up to 70, the electorate will determine that next year. The commonwealth government, through its changes to superannuation, is trying to encourage people to stay in the workforce longer, and rightfully so. One of the big challenges that our society is going to face in years to come is the shortage of skills and the loss of experience.

I found it extraordinary that in her speech the Hon. Sandra Kanck said that we should drop the retirement age for judges down from 70 to 65. I would have thought the last thing we would need is to lose the experience and talent we have available, particularly when commonwealth policy is in my view quite rightly moving in the other direction, and I think that policy in this area should be moving in line with the direction of the commonwealth. As I said, they are some views of my own that I add to this bill. Again, I thank members for their contributions towards this bill.

Bill read a second time.

DIRECTOR OF PUBLIC PROSECUTIONS

The PRESIDENT: I lay on the table a report by the Director of Public Prosecutions pursuant to section 12 of the Director of Public Prosecutions Act 1991.

ROAD TRAFFIC (NOTICES OF LICENCE DISQUALIFICATION OR SUSPENSION) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1171.)

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to make my contribution to this legislation, and I will seek leave to conclude my remarks. At this stage I want to outline the Liberal Party's general position in relation to this bill. In the first instance, I thank the government and its advisers for information that has been provided to me this afternoon and to other opposition members on an earlier occasion. I am still looking at some of the detail in relation to some of the questions I asked in the briefing that I had and, if I have any further comment on those issues, I will conclude my remarks when we sit next.

In general terms, the opposition supports the legislation. We will certainly do so within the construct ensuring that the bill is passed the parliament by the end of the next sitting week, assuming the government does not take up the option of the additional sitting week which is available to it. I flag, and I will outline this in a little while, that there is one provision that the opposition will oppose. I flag for other non-government members in the Legislative Council that, whilst we will not be moving amendments, we will be moving to oppose a specific provision and that those members will need to be aware of that in order to consider their position as to whether they support the government's position or that of the opposition on that specific issue.

In speaking generally about the legislation, as it has been highlighted, sadly, from the viewpoint of South Australians it is another example of the blundering of the Rann government in relation to road safety laws and road safety administration in South Australia. I notice there have been some generous descriptions that the government could not have foreseen that the particular problem in relation to the reasons why the Supreme Court invalidated the number of the disqualifications. I remind the government that, when in opposition, it adopted the general principle that the minister is responsible for everything that occurs within his/her portfolio. If there were errors in obscure mathematical formulas, it was the minister's—

The Hon. Carmel Zollo interjecting:

The Hon. R.I. LUCAS: I beg your pardon.

The Hon. Carmel Zollo: It is not a typo.

The Hon. R.I. LUCAS: I am saying that the Labor Party, when in opposition, adopted a position that if in a contract or legislation there were an error or typo in a complex mathematical formula that was the responsibility of the minister. Using the same principle, if there is a flaw in a regulation it is indeed the responsibility of the particular minister and his or her department. As I understand it, the minister responsible at the time of the regulations going through late in 2005 was minister Patrick Conlon.

I guess from the opposition's viewpoint that does not surprise us because those of us in opposition have not seen too many more lazy or incompetent ministers in this government than the Minister for Transport. The messes we have seen right across the transport portfolio over a period of time are too numerous to mention, and I will not waste the time of the council by going through all of them. Sadly, this is just another example of problems in relation to inattention to detail by a minister and his or her department. Minister Conlon on this occasion has to accept responsibility.

I understand that minister Zollo did not have responsibility for this area until some time after the March election, and I understand that there was a gazettal in recent days highlighting the specific areas of the legislation for which minister Zollo has responsibility and the specific areas for which minister Conlon retains responsibility, and that issue can be further explored in committee.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: It does in terms of accountability. Ultimately, somebody has to accept responsibility for the errors of this government, and that depends on which pieces of legislation are the responsibility of which minister. I am advised that in this case the act is in some way a shared responsibility between the Minister for Transport and the Minister for Road Safety. From an accountability viewpoint the parliament is entitled to know which aspects of the legislation and policy responsibilities are the responsibility of minister Zollo and which are the responsibility of minister Conlon. It would be unfair to criticise minister Conlon if it was the responsibility of minister Zollo in relation to a particular issue post-March 2006.

That is the background to it. There was a court decision in late June 2006 and the advice provided by the government is that the immediate disqualification affected 2 360 people and, of those, 1 100 outstanding cases are still to be resolved. By inference, some 1 260 people have had their case dealt with in one way or another. This legislation now seeks to tidy up the issue in relation to those 1 100. One of the issues, which evidently we cannot establish—the advice is that SAPOL does not have the information available—is that, potentially in the 1 260 cases that have been resolved, some people may have been disadvantaged by this error. Some may have committed an offence in December 2005, served three months of their automatic six-month licence disqualification and then gone to court.

If the magistrate said that the law requires a minimum six-month disqualification, in those circumstances some of those people may well have been caught up with a nine-month licence disqualification, even though they might have been guilty of a less severe offence. For example, they might have been just over the .08 limit (maybe .09) or it might have been a first offence, with no other factors that might have served to give reason to the magistrate to significantly increase the mandatory minimum penalty. In most cases they might have expected to have been penalised for a period of six months, but in some circumstances some of these people might serve a nine month disqualification, and they are among the 1 260 whose cases have been dealt with one way or another.

The advice provided to me is that we are not able to know how many of those types of cases there might be in the 1 260 that have already been dealt with. We are looking at the 1 100 outstanding cases, and the government's advice is that if we do not pass the legislation a number of these 1 100 remaining people may end up with what I outlined earlier, namely, an extended period of disqualification. They may have already served a period under the automatic disqualification process and then get a minimum six-month period over and above what they have already served. In the example I have given they will end up serving nine months, when perhaps in normal circumstance they would have only expected to get six months because of the nature and type of the offence they had committed.

I understand some magistrates have been creative with their sentencing to try to avoid unfairly disadvantaging defendants who had already served some period of disqualification. I can only interpret 'creative' as meaning that the magistrates have not followed the strict legal requirements of the law as it stood. I guess the issue is: who is likely to challenge such a decision? There does not appear to be any logical party that might challenge that decision, but I can only interpret creativity in relation to the way the magistrates have been dealing with this problem thus far as meaning that that has been the approach that they have adopted. Without this legislation, the magistrates will have to continue being creative or a number of people will end up losing their licence for a longer period than might generally have been expected to be the case for the type of offence that they have committed.

One of the issues that attracted significant public controversy was the time it took after the court decision to issue new notices. The advice I have been given only this afternoon is that it was a period of only two weeks. SAPOL has confirmed that it began issuing the amended notices from the beginning of 15 July 2006, which is perhaps 2½ to three weeks after 26 June. As I said, I think there was, at the time, some criticism in terms of turnaround time for the printing of new notices. It seemed to be, at least from the outside, a relatively modest change that needed to occur but, in the end, it was some 2½ to three weeks, during which no notices were being issued and then, after that particular date of 15 July, the new amendment notices were used by SAPOL.

Perhaps the only other issue I will canvass this afternoon, before seeking leave to conclude, is to highlight the provisions that the Liberal Party room has indicated its opposition to, and they are the amendments the bill seeks to make to

sections 45B(8) and 45B(9). There are, in essence, consequential amendments or similar amendments to section 47(1)(aa)(10) and section 47(1)(aa)(11). All of these relate to one particular argument or proposition about which the Liberal Party has a view. If, as a result of the mistake or error that has occurred someone wanted to take action against the government in a court in relation to compensation (for example, as a result of losing their licence they perhaps suffered some other detriment, such as losing their job because they were a salesperson or something of that nature as a result of invalidly having the notice served upon them), the Liberal Party has taken the view that the change which seeks to further restrict the capacity for someone to take action for compensation in a court should not be so restricted.

The lawyers within the Liberal Party tell me that, even if the Liberal Party's position was to be accepted, it would still be a difficult task for anyone to successfully argue and ultimately win a case for compensation. I am advised that the hurdles are onerous and reasonably high in terms of being able to convince a court of law in relation to this issue. Nevertheless, the Liberal Party has taken the view that the opportunity should not be closed off to someone who feels offended by their being disadvantaged by a mistake that this government has made in relation to their licence.

We will obviously be able to explore that in greater detail in the committee stage but, as I said, it is not our current intention to move any amendments to the bill. The Liberal Party's position in relation to those provisions will be simply to oppose them. I thought it would be worthwhile at least advising non-government members of that proposition so that they can consider their position over the next week. We can obviously vote on it when we return on Tuesday week. With that, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

At 6.10 p.m. the council adjourned until Tuesday 5 December at 2.15 p.m.