LEGISLATIVE COUNCIL

Tuesday 6 February 2007

The PRESIDENT (Hon. R.K. Sneath) took the chair at 2.20 p.m. and read prayers.

Members interjecting:

The PRESIDENT: Order! We are already five minutes late starting because of the slowness of some members getting into the chamber.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos 11, 184, 214, 336, 494, 509 and 511.

LAND TAX

11. **The Hon. J.M.A. LENSINK:** Can the Treasurer advise in relation to the advertising of the land tax rebate as first announced on 7 February 2005:

1. (a) In which newspapers was an advertisement placed; and
   (b) On what dates?
2. What was the cost of placing each advertisement?
3. On which radio stations were advertisements placed?
4. What were the details of each booking contract?
5. What were all the costs to create:
(a) the print advertisements; and
(b) the electronic advertisements?
6. Which agency(s) created the advertisements?

The Hon. P. HOLLOWAY: The Premier has been advised of the following:

1. The advertisements appeared once each in The Advertiser on 12 February 2005, in the *Sunday Mail* on 27 February 2005 and in the *Adelaide Review* on 4 March 2005.
2. The total cost of all three appearances was $14,598. The individual rates are commercial in confidence.
3. The radio advertisements were played on 5AA, MIX 102.3, Radio Doriforos, 5EBI, Radio ENA and Radio Italiana.
4. A total of 324 X 30 second spots were put to air for a total cost of $10,800. The individual station package details are commercial in confidence.
5. (a) The print advertisements cost $1,729 to create.
   (b) The radio ads cost $1,581 to produce.
6. The advertisements were created by JAM Shop and Richard Astbury Creative.

NB: All costs are quoted exclusive of GST.

The Treasurer has provided the following information:

As per Appendix E (page E.8) of the 2006-07 Budget Paper 3, the following rebates were paid in respect of 2004-05 land tax assessments as part of the land tax relief package announce in February 2005;

	2004-05	2005-06*
Land Tax Rebates	$18.9 million	$0.8 million

*Some rebate payments carried over to 2005-06.

MINISTERIAL TRAVEL

184. **The Hon. R.I. LUCAS:** Can the Minister for Agriculture, Food and Fisheries 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 Agriculture, Food and Fisheries has provided the following information:

1. The Minister undertook one overseas trip between 1 December 2004 and 1 December 2005, which was to Japan in August 2005. The Minister was accompanied by one member of his staff and by one member of departmental staff. The total cost for this trip was $56,148.
2. The two officers who accompanied the Minister on this trip were Mr H. Bowers (Chief of Staff) and Mr R. Hartley (Executive Director, Industry Development and Ministerial Liaison in PIRSA).
3. No officer was given permission to take private leave as part of the overseas trip.
4. $49,993 of the cost of the trip was met by the Minister's budget, while the remaining $6,155 was met by the departmental budget.
5. (a) The following cities and locations were visited on the trip:
   · Tokyo
   · Osaka
   · Nagoya
   (b) The purpose of the visit was to promote the export of South Australian food, seafood and wine products; to explore the opportunities for citrus, genetically modified organism free food and functional food; and to promote South Australia as a destination for investment in aquaculture, forestry and other areas.

MINISTERIAL STAFF

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

1. Can the Minister for Agriculture, Food and Fisheries advise the names of all officers working in the minister'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 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. CARMEL ZOLLO: The Minister for Agriculture, Food and Fisheries has advised:

Part 1, 3 and 4

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

Details of Public Sector Management Act positions within the Minister's Office as at 1 December 2005 are as follows:

1. Position Title	3. PSM Act	4. Salary & Other Benefits
Office Manager	PSM Act	$67,989 (no benefits)
Senior Admin Officer	PSM Act	$49,584 (no benefits)
PA to Minister	PSM Act	$50,729 (no benefits)
Administrative Officer	PSM Act	$38,787(no benefits)
Admin Asst	PSM Act	$38,787 (no benefits)
Admin Asst	PSM Act	$38,787 (no benefits)
Parliamentary & Cabinet Officer	PSM Act	$55,296(no benefits)
Ministerial Liaison Officer (Agriculture & Wine)	PSM Act	$67,989 (no benefits)

Ministerial Liaison Officer (Fisheries)	PSM Act	$67,989 (no benefits)
Ministerial Liaison Officer (Local Government)	PSM Act	$67,989 (no benefits)
Receptionist	PSM Act	$25,386 (no benefits)

The names of the officers working in the Minister for Agriculture, Food and Fisheries Office as at 1 December 2005 are as follows:

Hugh Bowers	Grant Hickman
Stephen Campbell	Samone Goulder
Paul Ryan	Matthew Schutz
Carly Drew	Dale Foody
Lauren Dohnt	Hayley Buttery
Danae Roa	Deane Crabb
Di Michalk	Merilyn Nobes

Part 2.

The following position was vacant as at 1 December 2005:

Administrative Officer (ASO2)

Part 5.

(a) The total approved 2005-06 budget for the Minister's Office as per the 2005-06 Budget Papers was:

$1,183,000

(b) The salaries paid by the Department rather than from the Minister's Office budget were:

Position Title	Department/Agency	Salary
Ministerial Liaison Officer (Ag & Wine)	PIRSA	$67,989
Ministerial Liaison Officer (Fisheries)	PIRSA	$67,989
Ministerial Liaison Officer (Local Government)	PIRSA	$67,989
Parliamentary & Cabinet Officer	PIRSA	$55,296
Receptionist (50%)	PIRSA	$12,693

In the period 1 December 2004 to 1 December 2005, no expenditure was incurred on the purchase of new items of furniture with a value greater than $500.

There was no expenditure incurred during the period 1 December 2004 to 1 December 2005 on renovations specifically for the Minister's Office. Alterations were however undertaken on level 17 at 25 Grenfell Street during this period by PIRSA, from its minor capital budget, to reconfigure part of the floor space and accommodate staff changes in PIRSA. As part of this work there were minor alterations required to the Minister's Office on this floor to meet PIRSA requirements and improve accessibility between staff.

OLYMPIC DAM

336. **The Hon. SANDRA KANCK:**

1. Can the Minister for Energy advise how much electricity is currently used by Olympic Dam and Roxby Downs on an annual, average and peak basis?
2. What will be the estimated electricity demand of Olympic Dam and Roxby Downs, on an annual, average and peak basis, after the proposed expansion of Olympic Dam?
3. How many years is the Olympic Dam mine expected to operate?

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

BHP Billiton, the proponent of the proposed Olympic Dam mine expansion, is currently preparing an Environmental Impact Statement (EIS) in relation to the proposed expansion. Information in relation to the EIS is publicly available on the Planning SA website.

In November 2005, Planning SA released the "Draft Guidelines/Issues Paper for an Environmental Impact Statement on the Proposed Expansion of the Olympic Dam Operations at Roxby Downs", which indicates that the average demand for the current operation is 105MW to 115MW and the peak demand is approximately 125MW. This level of average demand implies an annual usage of 920GWh to 1007GWh.

The same Paper indicates that, for the proposed mine expansion, the average demand is expected to increase to 400MW with a peak demand of 420MW. This level of average demand implies an annual usage of 3500GWh.

In addition, I can advise that the remaining life of the mine will depend in part on the size of the resource, the viability of methods to mine it and the rates of mining ultimately adopted. These are currently the subject of BHP Billiton's Olympic Dam Development Study and a more reliable indication of the life of the mine will be known when that Study is completed. Based on currently available information, it is clear that the remaining life of the mine can be measured in decades rather than years.

CARE IMPROVEMENT FACILITATORS

494. **The Hon. J.M.A. LENSINK:** In which locations are the 80 Care Improvement Facilitators employed?

The Hon. G.E. GAGO: I am advised:

Care Improvement Facilitators are employed in the following organisations:

- Children, Youth and Women's Health Service:
  - Women's and Children's Hospital.
  - Eastern Child and Adolescent Mental Health Service.
  - Adolescent Assertive Mobile Outreach Service.
  - Emergency Mental Health Service.
- Southern Adelaide Health Service:
  - Southern Assessment and Crisis Intervention Service.
  - Noarlunga Health Service.
  - Southern Child and Adolescent Mental Health Service.
  - Repatriation General Hospital.
  - Southern Community Mental Health Team.
  - Flinders Medical Centre.
  - Noarlunga Emergency Mental Health Service.
- Central Northern Adelaide Health Service:
  - Western Community Mental Health Team.
  - Eastern Community Mental Health Team.
  - Northern Community Mental Health Team.
  - Royal Adelaide Hospital.
  - Health Promotion and Education, Felixstow.
  - Eastern Assessment and Crisis Intervention Service.
  - Northern Assessment and Crisis Intervention Service.
  - Central Northern Adelaide Health Service.
  - Glenside Hospital.
  - Northern Mobile Assertive Care.
  - Drug and Alcohol Services SA:
  - Drug and Alcohol Services SA.
  - Waranilla.
- Country Health Services:
  - Hills Mallee Health Service (head office in Murray Bridge).
  - Riverland Health Authority (head office in Barmera).
  - Riverland Health Authority (head office in Berri).
  - Northern and Far Western Regional Health Service (head office in Port Augusta).
  - Murray Mallee (head office in Murray Bridge).
  - Barossa/Gawler Community Mental Health Team (head office in Gawler).
  - Wakefield Health (head office in the Barossa Valley).
  - Eyre Regional Health Service (head office in Port Lincoln).
- Non-Government Organisations:
  - Richmond Fellowship (services provided to southern metropolitan Adelaide for Returning Home Packages).
  - Life Without Barriers (services provided to southern metropolitan Adelaide for Returning Home Packages).
  - SA Divisions of General Practice Inc (statewide).
  - Southern Division General Practice (southern region).
  - Uniting Care Wesley (Adelaide and Port Adelaide).
  - Royal District Nursing Service (statewide).
  - Nunkuwarrin Yunti (statewide).
  - NEAMI (Murray Bridge and northern and north-eastern metropolitan Adelaide for Returning Home Packages).
  - Mental Illness Fellowship SA (statewide).
  - Anglicare SA (statewide).

AMBULANCE SERVICE

509. **The Hon. SANDRA KANCK:**
1. How many South Australian residents have used the SA Ambulance emergency service during:
(a) 2002-03;
(b) 2003-04;
(c) 2004-05; and
(d) 2005-06?
2. Of those, how many were, at the time of using the service, members of the SA Ambulance Cover Scheme?
3. How many services were claimed through a private health fund?
4. Of the remainder, how many were invoiced for:
(a) the full amount; and
(b) the concession amount?
5. Of those, how many were unable to pay the account in full?
6. How many cases were processed as hardship cases?
7. How many were processed by SA Ambulance and paid at a reduced level?
8. How many were processed by SA Ambulance as instalment payments?
9. How many cases were forwarded to a debt recovery agency?
10. Of those, how many accounts have been paid in full?
11. How many are currently being paid?
12. What is the minimum payment per month for non concession card holders to pay through a debt collection agency to SA Ambulance?
13. What is the cost to SA Ambulance of debt recovery services per annum?
14. Is there a whole of government contract for debt recovery services?
15. (a) Is this the debt collection agency sued by SA Ambulance; and
(b) If not, why not?

The Hon. G.E. GAGO: The Minister for Health has advised:
1. As the SA Ambulance Service (SAAS) has no unique patient identifier code, it is not possible to calculate the total number of individuals receiving services. Statistical data is only kept on occasions of attendance and conveyances. Consequently, this information represents the number of attendances and conveyances processed in each financial year and would include multiple uses of SAAS services by an individual patient.
The level of services provided in each year is as follows:

	2005-06	2004-05	2003-04	2002-03
Total Attendances	213,844	200,597	188,320	179,803
Total Patients Carried	160,663	160,195	142,374	145,330
Emergency Carries SA Residents[(1)]	123,835	118,474	114,509	93,385[(2)]

[(1)]Total figures have been filtered by two factors. Firstly, to determine SA Residents a billing address in South Australia has been used. Secondly, to identify patients billed at emergency rates the category of service has been used. Categories 1-5 are billed at emergency rates (Category 6, which are patient transport services, are not) and consequently only these figures are included.
[(2)]In 2002-03, SAAS changed its classification of transport categories. Therefore the data is not directly comparable from 2002-03 to subsequent years.

2. There are a number of occasions where third parties are responsible for Ambulance fees. These include motor vehicle accidents, work related injuries, and transfers between hospitals. In all of these cases the accounts are raised against institutions rather than individuals even if the individual is a member of Ambulance Cover. The number of carries charged to institutions and individuals in each of the years was as follows:

	2005-06	2004-05	2003-04	2002-03
Fees Raised - Individuals	95,036	90,486	85,643	71,740
Fees Raised - Institutions	28,799	27,988	28,866	21,645
	123,855	118,474	114,509	93,385

Of the fees raised against an individual South Australian resident who has used the SA Ambulance emergency service, the following information shows the number that was covered by the SA Ambulance Cover Scheme:

	2005-06	2004-05	2003-04	2002-03
Ambulance Cover	59,643	57,198	55,097	46,443
Non-Ambulance Cover	35,393	33,288	30,546	25,297
	95,036	90,486	85,643	71,740

3. SAAS is not able to provide information relating to how many services were claimed through a private health fund because accounts are normally raised against individuals who in turn may claim against their Health Fund.

4. Of the remaining accounts for individual South Australian residents who used the SA Ambulance emergency service and were not covered by Ambulance Cover, the following numbers were invoiced for (a) the full amount; and (b) the concession amount:

	2005-06	2004-05	2003-04	2002-03
Full Fee Raised	31,932	29,850	27,165	22,453
Concessional Fee Raised	3,461	3,438	3,381	2,844
	35,393	33,288	30,546	25,297

5. Of the accounts detailed above, the following were unable to pay the account in full:

	2005-06	2004-05	2003-04	2002-03
Bad Debt Number	8,336	7,829	6,915	5,613[(1)]

(1) Due to data recovery issues this figure was not available and consequently an estimate based on levels in other years has been provided for 2002-03

6. The SAAS processing system is unable to identify the number of cases processed as hardship cases as they are not separately identified from other bad debts.

7. SAAS only processes fees at a reduced level for relevant concession card holders. Other than Ambulance Cover subscribers (who pay no fee) the number of concessional fees raised was provided in answer to question 4. Any other reductions are treated as bad debts.
8. The number of cases that were processed by SAAS as instalment payments were:

	2005-06	2004-05	2003-04	2002-03
Payments by Instalment	1,398	1,373	1,497	1,040

9. The number of cases forwarded to a debt recovery agency were:

	2005-06	2004-05	2003-04	2002-03
Referrals to Debt Recovery	5,520	5,108	4,753	3,121

10. Of the cases forwarded to a debt recovery agency, the following were paid in full:

	2005-06	2004-05	2003-04	2002-03
Referrals paid in full	1,399	1,779	1,502	654

11. There are currently 952 debts being paid by instalment through the debt recovery agency. A further 751 debtors have arranged instalment payments to be made direct to SAAS through Centrelink.

12. The minimum payment per month for non concession card holders to pay through a debt collection agency to SAAS is $60.13. Excluding internal costs associated with the SAAS Revenue Department (eg. wages, administration etc), the cost associated with the external recovery service was:

	2005-06	2004-05	2003-04	2002-03
Cost of Debt Recovery	$136,863	$132,743	$102,905	$17,015

N.B In 2002-03 SAAS was in dispute with it previous debt recovery service provider and the figure represents only part year costs associated with the current contract.

14. There is currently no whole of government contract for debt recovery services. SAAS' current provider was selected on the basis of a public tender.

15.(a) As there is no whole of government contract for debt recovery services, SAAS' current provider was selected on the basis of a public tender.

(b) Not applicable.

BAROOTA RODEO

511. **The Hon. SANDRA KANCK:** Has any money from the Tourism SA budget been spent on the upcoming Baroota Rodeo?

The Hon. CARMEL ZOLLO: The Minister for Tourism has advised:

No money from the South Australian Tourism Commission's budget has been spent on the upcoming Baroota Rodeo.

PAPERS TABLED

The following papers were laid on the table:

By the President—
- Reports, 2004-05—
  - Corporations—
    - Adelaide
    - Burnside
    - Campbelltown
    - Charles Sturt
    - Gawler
    - Holdfast Bay
    - Norwood, Payneham and St. Peters
    - Onkaparinga
    - Port Adelaide Enfield
    - Salisbury
    - Tea Tree Gully
    - Walkerville
  - District Councils—
    - Barossa
    - Copper Coast
    - Goyder
    - Kangaroo Island
    - Kingston
    - Light
    - Lower Eyre Peninsula
    - Loxton Waikerie
    - Mallala
    - Mid Murray
    - Naracoorte Lucindale
    - Northern Areas
    - Playford
    - Port Augusta
    - Roxby Downs
    - Tatiara
    - Wakefield
    - Wattle Range
    - Whyalla
    - Yankalilla

By the Minister for Police (Hon. P. Holloway)—
- Australian Crime Commission—Report, 2005-06
- Final Budget Outcome—Report, 2005-06
- Regulations under the following Acts—
  - Dust Diseases Act 2005—Prescribed Industrial and Commercial Processes
  - Harbors and Navigation Act 1993—Compulsory Pilotage
  - Road Traffic Act 1961—Photographic Detection Devices
  - Southern State Superannuation Act 1994—Salary Sacrifice
- Rules of Court—
  - District Court—District Court Act 1991—Criminal Court Subpoenas

By the Minister for Urban Development and Planning (Hon. P. Holloway)—
- Proposal to Locate a new Dual Transportable Classroom at Burnside Primary School—Report pursuant to Section 49(15) of the Development Act 1993
- Regulations under the following Act—
  - Development Act 1993—
    - Major Developments Panel
    - Building Safety

By the Minister for Emergency Services (Hon. C. Zollo)—
- Reports, 2005-06—
  - Advisory Board of Agriculture
  - Independent Living Centre
  - Teachers Registration Board of South Australia—Report, 2004-05.
- Regulations under the following Acts—
  - Children's Protection Act 1993—Aboriginal Child Placement Principle
  - Fire and Emergency Services Act 2005—Spark Arrester
  - Senior Secondary Assessment Board of South Australia Act 1983—Subjects and Fees

By the Minister for Environment and Conservation (Hon. G.E. Gago)—
- Reports, 2005-06—
  - Board of the Botanic Gardens and State Herbarium
  - Ceduna Koonibba Aboriginal Health Service
  - Central Northern Adelaide Health Service
  - Children, Youth and Women's Health Service
  - Commissioners of Charitable Funds

Optometrists Board of South Australia
Public and Environmental Health Council
South Australian-Victorian Border Groundwaters Agreement Review Committee
South Eastern Water Conservation and Drainage Board
Upper South East Dryland Salinity and Flood Management Act 2002—Report, 1 October 2006—31 December 2006
Regulations under the following Acts—
Environment Protection Act 1993—Fees and Levy
Liquor Licensing Act 1997—
Dry Zones—
Beachport
Bonython Park
Glenelg
Goolwa
Holdfast Bay
Port Adelaide
Port Vincent
Renmark
Robe
Waikerie
Minors
Local Government Act 1999—
Financial Management
Postponement of Rates
Natural Resources Management Act 2004—Tagged Interstate Water Trades
By-laws—
District Council of Ceduna—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Dogs and Cats
Corporation of Murray Bridge—
No. 7—Taxis

By the Minister for Mental Health and Substance Abuse (Hon. G.E. Gago)—

Regulations under the following Acts—
Controlled Substances Act 1984—Uniform Poisons Standard
Tobacco Products Regulation Act 1997—Prohibited Advertising.

CROWN SOLICITOR'S TRUST ACCOUNT

The Hon. P. HOLLOWAY (Minister for Police): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. HOLLOWAY: As honourable members would be aware the conduct of Ms Kate Lennon, the former chief executive of the Attorney-General's Department, and others relating to the use of the Crown Solicitor's Trust Account was referred to the South Australia Police anti-corruption branch for investigation. I have recently been advised, in a minute from the Police Commissioner, that the investigation has been completed and that no charges will be laid against the people concerned.

The result of the investigation has sparked a great deal of comment and speculation in the media, much of which has been made without the full knowledge of the advice provided to police by the ACT Director of Public Prosecutions, Mr Richard Refshauge. Consequently, and in the interests of fairness and balance, I believe it is appropriate and necessary that the relevant sections of the Commissioner's minute be entered into the public record.

An honourable member interjecting:

The Hon. P. HOLLOWAY: I will table it in a moment. The Commissioner's minute states:

> The investigation file was sent to the Director of Public Prosecutions (ACT), Mr Richard Refshauge, for an independent assessment of the investigation. This office was selected to avoid any potential criticism of any review in this state, due to the positions held by the alleged 'offenders'.
>
> Mr Refshauge concluded and advised:
>
> 'Although the use of the CSTA in the manner described above was not in accordance with the policy and requirements of the Treasury Department and may have been unlawful and improper, I do not consider that Ms Lennon, Mr Pennifold, Mr Noon or Mr Walter QC could be proved beyond reasonable doubt to have committed any offence with which they could now be charged so far as my researches into possible charges is concerned. Accordingly, I advise that, in my opinion, no criminal charges should be laid in relation to the matters referred to in my letter of instructions.'

Having regard to this advice, the Commissioner of Police has advised that no criminal charges will be laid against any of these persons. I table a copy of the minute provided by the Commissioner of Police on the subject of the Crown Solicitor's Trust Account.

Members interjecting:

The PRESIDENT: Order!

VON EINEM, Mr B.S.

The Hon. CARMEL ZOLLO (Minister for Correctional Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. CARMEL ZOLLO: Honourable members will recall that on the final day of sitting last year I informed the council of the status of an investigation into allegations about the interaction of some staff with prisoner Bevan Spencer von Einem at the Yatala Labour Prison some years ago. I can now report that the Investigations Branch of the Department for Correctional Services has concluded its investigation, and I have received and considered a detailed report.

Before I deal with specifics, there are two general points. First, my advice is that there is a continuing police investigation into some of the matters that were the subject of the departmental investigation, so I do not intend to canvass specific incidents in this statement. Secondly, I advise honourable members that Mr Peter Severin, Chief Executive of the Department for Correctional Services, has sought and received advice from the Crown Solicitor about potential disciplinary action against some departmental employees. He is considering that advice. Again, it would not be appropriate to prejudice any action by dealing with the specific incidents or allegations.

Early in the process I asked Mr Severin to advise me of any systemic changes that should be made to ensure that improper transactions or relationships within our prisons are stamped out. The department has formally advised the Public Service Association that it intends to introduce a system of staff rotation within prisons that will prevent over-familiarity between staff and prisoners. Formal consultation is expected to begin by the end of this month. The department's code of conduct has been amended and reissued to staff to further limit the ability of staff to enter into unauthorised transactions with prisoners. The new code demands that all transactions between staff and prisoners outside the normal work context must be authorised by the chief executive in writing.

All departmental staff received a letter with their payslip on 21 December 2006, advising them of the changes to the code of conduct and reminding them of their obligations under the code. The department's intranet site has also been amended to reflect the change. The department is also obtaining advice on legislative amendments that will make it an offence under the Correctional Services Act 1982 for unauthorised transactions to take place.

On the matter of prisoner trust accounts, the department is in the process of establishing a policy that, in cases where prisoners receive anonymous contributions to their trust account, that money be will withheld unless the identity of the depositor can be established. This is a matter of general application and concern, not just in the case of prisoner von Einem. If necessary the act will be amended to ensure this new procedure is unable to be challenged in the courts. As well as banning anonymous deposits into prisoner trust accounts, the department is developing a policy for receiving moneys in person at prison administration that requires depositors to provide their details and proof of identity.

Members will recall that the health minister addressed the issue of prescribing Viagra style drugs within the prison system late last year, so drugs such as Cialis will never be prescribed in our prisons again. Advice has already been received from the Crown Solicitor's Office identifying possible changes to regulations to prevent prisoner access to certain medications. The review of the joint system protocols between the Department for Correctional Services and the Department of Health is continuing. The focus of the review is, as I told the chamber last year, on the disclosure of information rather than the withholding of information on the basis of doctor-patient confidentiality. Placing the prisoner health service under statutory framework has also been canvassed as part of this review.

I am also seeking advice on the arrangements for the ownership and sale of prisoner produced art and other goods. Like many correctional institutions, we encourage painting as a means of prisoners developing skills that they can use upon release and to reduce the risks associated with imprisonment. However, I do not want to see any prisoner using their notoriety to benefit from what is essentially a rehabilitation tool, especially when it can add to the distress of victims and their families.

This episode has revealed some foolish and reprehensible behaviour on the part of a very small number of correctional officers, whose actions have dragged down the reputation of a fine department. As the responsible minister I am proud of the dedication and professionalism of the vast majority of my staff, and I am saddened by the stain on their reputation caused by a minority. Finally, a most unfortunate aspect of this entire issue was best summed up by Nigel Hunt of the *Sunday Mail*, when he wrote:

> It's a pity that in the process of crashing von Einem's gravy train the families of his many victims have suffered yet again.

I deeply regret that suffering and assure those victims that I will be doing my utmost to ensure it never happens again.

WATER RESOURCES

The Hon. P. HOLLOWAY (Minister for Police): I lay on the table a copy of a ministerial statement made today by the Premier on the subject of water security.

QUESTION TIME

POLICE, OPERATION MANDRAKE

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 gangs.

Leave granted.

The Hon. R.I. LUCAS: Members would be aware of today's front-page story in *The Advertiser* under the heading 'Voters reject Rann's crime boast' and a reference to a survey on law and justice issues in South Australia. I refer to the recent publicity of the past four weeks, or so, in relation to the so-called 'gang of 49' and, in particular, to the frustrations being expressed by all levels of police (but publicly expressed by senior levels of police) about the current system. In particular, I refer to various statements made by the Assistant Commissioner of Police, Gary Burns. I will refer to a number of quotes but, on 10 January in an article appearing in *The Advertiser*, Assistant Commissioner Burns said:

> My preference would be heavier sentences in terms of prison and detention should apply.

In an interview with Leon Byner on 17 January, Mr Burns said:

> . . . every time we catch them at some stage they either go into detention or they don't go into detention, and that's determined by the courts. What we do find is that once they're out of detention—particularly the primary targets—they tend to meet with their friends again and once again become involved in this type of crime.

Mr Byner asked:

> . . . why then are these people let out to only do the same old stuff again?

Assistant Commissioner Burns said:

> I'm not in the minds of the magistrates or whoever else is involved in it.

Then again on 9 January on 5AA, Assistant Commissioner Burns said:

> Yeah, I think that some of these offenders. . . the longer they're in custody the safer the public are.

Then further on:

> Yes. . . I remember doing a similar press conference around about November and we were talking about similar issues. . . it's the same people. . . for instance one of the people arrested from yesterday's crash had only been released from juvenile detention five days previously.

Does the minister support the frustration expressed by all levels of police officers, but publicly expressed by senior police such as Assistant Commissioner Burns, about the current operations of the judicial and detention system in South Australia under the Rann government; and what action is the Minister for Police taking to change the current policy of the Rann government in response to these frustrations from police?

The Hon. P. HOLLOWAY (Minister for Police): What policies or what sentences the courts hand out have nothing to do with the Rann government. If the Leader of the Opposition does not understand that much after being here for 21 years, or whatever—perhaps more than that—there is no hope for him whatsoever. I would have thought that everyone would understand that. First, let me respond to the preamble in the question asked by the Leader of the Opposition when he referred to the article in this morning's *Advertiser*. Perhaps he should have quoted it in full. He should have quoted the response to the question: 'Do you think an Evans Liberal government would be tougher on law and order than the Rann government?' The answer was: yes, 11.2 per cent; no, 42.3 per cent; and the don't know response. If the Leader of the Opposition wants to gain some comfort from some write-in poll from *The Advertiser*, let him do so.

The Hon. R.I. Lucas: All I did was read the headline.

The Hon. P. HOLLOWAY: Well, Mr President, he probably wrote it. It certainly does not adequately reflect

what the genuine surveys are showing. In relation to Operation Mandrake (which is what we are talking about), early in the period of this government we set up Operation Mandrake specifically to deal with the problems with certain gangs. In 2005, a group of approximately 82 people were of interest to Operation Mandrake and, as a result of the success of that operation, that number has been reduced to about 49. This government established Operation Mandrake to deal with this problem. Does anyone seriously pretend that the issue of juvenile crime suddenly developed in the past five years? Of course it has not: it has been around since the year dot.

The Hon. R.I. Lucas: It has become worse under you.

The Hon. P. HOLLOWAY: It has not become worse: it has become a lot better under this government, and the statistics clearly show that. Do I share the frustration of some police officers in relation to the fact that people seem to be released through our judicial system too quickly? The answer is: yes, I do share it. This government has already announced a number of ways in which it will be further addressing this problem on top of all the other measures that we have taken. One of those—

The Hon. R.I. Lucas: Like what?

The Hon. P. HOLLOWAY: If the Leader of the Opposition wants to refer to the front page of *The Advertiser*, perhaps he should have read the initiative earlier this week when, through the auspices of Monsignor Cappo, Aboriginal families will be involved and we will be addressing this problem at the source. What Assistant Commissioner Burns wants is a resolution of this problem. If the Leader of the Opposition had listened to what Assistant Commissioner Burns said, he would have heard Assistant Commissioner Burns acknowledge the work done by a whole lot of agencies to try to deal with this problem. Ultimately, if people are released by the courts, under the Westminster system that is the separation of powers, and of course it is an issue for the courts. The Premier has announced that this government will be looking at ways in which some of these people, these repeat recidivists will be dealt with—

The Hon. R.I. Lucas: Repeat recidivists?

The Hon. P. HOLLOWAY: Ultra-repeat recidivists is probably the best way to describe them.

The Hon. R.I. Lucas: That sounds like a tautology to me.

The Hon. P. HOLLOWAY: Yes, it is a tautology, but unfortunately perhaps it is necessary to have some of these descriptions. This government has made it clear that it will be treating some of those recidivists as adults within an adult court. The sentence handed to people is of course a matter for the court. What I can do is address some of the nonsense that has been repeated in the media in relation to Operation Mandrake, in particular some of the misinformation that has come from people, such as the Leader of the Opposition, who have alleged that there were insufficient resources for that operation.

Operation Mandrake is a highly efficient and well-resourced operation which has had significant success in reducing the number of offences and the number of persons of interest. The operation is a 10-officer, tactical team drawn from various operational areas across the South Australian police force, and at times, depending on intelligence, SAPOL numbers have been boosted to support targeted operations. Operation Mandrake does not work in isolation. It works closely with local service areas, which share the responsibility for investigating and arresting the operation's targets.

Like any SAPOL operation, Operation Mandrake members work a variety of shifts as required and are rostered on call 24 hours, seven days a week. The mischievous allegation that has been floating around the media—that Operation Mandrake officers were given 10 days off over Christmas and were not available—is completely untrue. While some officers did have days off over the Christmas period (which is not surprising), there were always officers on duty and on call during the Christmas period, with any time off properly managed to ensure adequate police coverage.

The Hon. R.I. Lucas: You can't expect them to work around the clock all the time. They need extra cover.

The Hon. P. HOLLOWAY: Well, that appears to be what the Leader of the Opposition is actually saying. He has been propping up these false allegations that nobody was available over Christmas, and he is repeating them now. Claims that the Adelaide Bank rescue helicopters were not available for pursuits are also completely false. The helicopter service is available for use 24 hours a day, seven days a week. In fact, after a recent visit to Australian Helicopters, I was advised that two pilots and two rescue personnel are based at Adelaide Airport 24 hours a day, seven days a week, with other pilots on call if required, and any of the three Adelaide Bank rescue helicopters are able to be in the air within 10 minutes. That extra air coverage has happened under the Rann government.

Operation Mandrake was established in May 2003, when intelligence identified that core groups of suspects were responsible for vehicle-assisted serious criminal trespass, illegal use and high risk driving offences. Since being established, the operation has been successful in reducing the incidences of vehicle-assisted serious criminal trespass. In 2004-05, there were a total of 110 vehicle-assisted serious criminal trespass offences; and, in 2005-06, there were only 48, which is a decrease of 56 per cent—still 48 more than we would like. This was a significant decrease and can be directly attributed to Operation Mandrake. In 2005, approximately 82 persons of interest were on the Operation Mandrake list, and this has been reduced to approximately 49. The operation has also been successful in reducing the number of urgent duty driving incidents.

Unfortunately, it has not been just anonymous sources in the media spreading these malicious rumours; it has also been coming from the opposition. A media release issued by the opposition leader—and this is the sort of deceit that this person is peddling—stated:

> . . . the community now deserves some assurance from Police Minister Paul Holloway that police have sufficient resources to deal as quickly as possible with this issue.

In a further release on 18 January, he stated:

> . . . media reports claim that police sources have raised genuine questions about the level of resourcing for Operation Mandrake and will have undoubtedly fuelled community concerns further.

Of course, the Leader of the Opposition has no vested interest in that. Is he really trying to suggest that, through his comments, he is not trying to fuel concern, when he knows that it is not true and that there is no basis for it? This is his comment:

> The Opposition believes that more resources need to be put into Operation Mandrake, and with more recruits coming on stream, there is no reason they can't.

It was under his government that police numbers dropped to 3 400. There are now about 4 047 full-time police officers in this state. We now have the capacity to devote resources to operations like this. It could not have been done when the

Leader of the Opposition was in government. It could not have been done then because members opposite did not provide the resources. So, how dare members opposite criticise this government by referring to a lack of resources!

First, the comments that they and their fellow travellers have been peddling in the media are completely untrue and, secondly, they show their total hypocrisy because, when they were in government, they failed the test abysmally. This government has given the police the resources they need and, what is more, it has set up the operations and it has been successful. What we have here is the Leader of the Opposition spending the hours of his week going around the talk-back radio stations, along with his fellow travellers, peddling misinformation. Even when it is denied, he refuses to accept that. The results show that.

Members interjecting:

The PRESIDENT: Order! The members on my right will come to order.

JUVENILES, CURFEW

The Hon. CAROLINE SCHAEFER: Will the government introduce a curfew for minors, such as that pleaded for by Mayor Baluch of Port Augusta, for so many years?

The Hon. P. HOLLOWAY (Minister for Police): There was some discussion on this matter a while back, and I think the Attorney-General gave a response regarding that matter. I will refer that to the Attorney and bring back a reply. Quite clearly, this government is not going to support across-the-board curfews for young people. There has been some discussion in relation to dealing with specific problems, and we will look at that, but if the opposition wants to suggest that is the way to go, then let it put up, because it has not put much else up in terms of ideas. It is great for going out to the media.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes; that is right. It is not bad, is it? There was a write-in survey, and it was interesting that the survey this morning did not ask people whether they thought the sentences being handed out by the courts were adequate. That was the original question asked of me by the Leader of the Opposition. It would have been interesting to know the response of those 3 600 letter writers to *The Advertiser* as to what they would have thought about that.

The Hon. A.M. BRESSINGTON: Will the police minister advise what steps are taken, if any, to make the link between gang-related crime and drug-related crime?

The Hon. P. HOLLOWAY: Our laws really set out what is an aggravated crime, and that is really what has been set out through this parliament, through the laws that we have passed. They state what is aggravated and what is not.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: It is not that at all. The fact is that we know that drugs are responsible for many of the crime problems we have in our community, particularly with drugs such as methamphetamines and the more pure form of that, ice, which is more addictive than heroin (so we are advised by the experts) and which also leads to particularly aggressive behaviour. The question is, of course, that proving the connections is a lot more difficult than it is in relation to alcohol, if one has a person who is intoxicated.

The Hon. A.M. BRESSINGTON: Will the police minister advise whether young offenders are actually drug tested at the time of the crime?

The PRESIDENT: We are getting off the track. The original question by the Hon. Mr Lucas was—

The Hon. P. HOLLOWAY: The answer to that is that the police have the capacity to test any intoxicated person for any intoxicant, if they believe that is relevant to the crime. But, of course, it is their judgment as to whether or not they believe those tests are necessary.

CORRECTIONAL SERVICES, RECIDIVISM RATES

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question on the subject of recidivism rates.

Leave granted.

The Hon. J.M.A. LENSINK: The Government Services Report, published on 31 January, reports on a range of justice and other measures on a state-by-state basis. One of those measures is the rate of return reported by the criminal justice system and specifically for prisoners released who return to prison under sentence within two years. It is expressed as a percentage. The national rate within the table from 2001-02 was 40.1 per cent and has demonstrated a steady decline to 2005-06 of 38.3 per cent.

In comparison, South Australia in 2001-02 was less than the national average, on 36.4 per cent, and it has since risen under this government to 41.1 per cent and is now greater than the national average. I note that, in all other states over this five-year period, the rate has decreased or fluctuated within a percentage point of some 2 per cent. How can the minister reconcile the government's rhetoric that South Australia is a safer place, when the evidence that South Australia's revolving door of offenders through our prison system is in fact revolving faster?

The Hon. CARMEL ZOLLO (Minister for Correctional Services): I thank the honourable member for her question. We are a safer community because we have stricter parole in this state and a different bail program that has a home detention component.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: Interpretations and comparisons within the Government Services Report that the honourable member is referring to always need to be analysed carefully because, although standard counting rules have been developed that compare data between jurisdictions, minimal changes in offender numbers in smaller states and territories, such as a state like South Australia, can cause variances in data that do not accurately represent real trends or represent consistent differences when compared with the larger jurisdictions that we have.

With respect to the return to prison rate, in past years South Australian corrections has consistently had the lowest, or one of the lowest, return to corrections rates in Australia, and this is based on annual statistics that compare the number of prisoners who are released from, and who return to, a corrections sanction within two years, as has already been mentioned. This year's statistics show that South Australia, at 52.7 per cent, does have one of the highest return to corrections rates of any correctional jurisdiction in Australia. The higher than normal national average is as a result of Australia-wide changes made to counting rules that now include parolees in the statistics. Previously, parolees were

considered to still be serving a sentence, albeit in the community, and were excluded from these data sets. The inclusion of parolees this year has inflated all jurisdictional returns to corrections statistics by about 10 per cent and has further increased South Australia's statistics because the parole conditions in South Australia, as I have mentioned, are generally more strict than other states, which inevitably results in higher returns to corrections rates.

Under the new counting rules, every breach, no matter how small, is regarded as a return to corrections. On top of all this, as I have already mentioned, South Australia is the only jurisdiction in Australia to have a bail program that has a home detention component. The inclusion of these offenders in the return to corrections statistics for the first time this year has further inflated South Australia's return to prison rate. So, although only 40 per cent of home detainees failed to complete their order, probably about 60 to 70 per cent have minor breaches against their names, and under the present counting rules each breach is counted as a return to corrections. So, South Australia's higher than normal return to corrections statistics do not indicate a failing—

The Hon. J.M.A. LENSINK: On a point of order, Mr President: I referred only to prisons, not to the entire corrections, including community corrections.

The PRESIDENT: Order! There is no point of order there. The minister will answer the question in the best way she possibly can.

The Hon. CARMEL ZOLLO: Yes. Mr President—

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

The PRESIDENT: The Hon. Ms Lensink will sit there and suffer in silence.

The Hon. CARMEL ZOLLO: The honourable member is, unfortunately, not interested. It is unfortunate. As I said before, they reflect a change to the counting rules, the effects of which have skewed the statistics in favour of other jurisdictions, because they do not have the same programs or the strict parole conditions of South Australia. So, the government makes no apologies—no apologies whatsoever—for the tough policies that influence the conditions of parole and home detection bail and which have resulted in a larger than normal rate of return to corrections. They are an integral part of a 'tough on crime strategy' that focuses police attention on prisoners leaving prisons, in a bid to make the community safer by targeting repeat offenders.

The Hon. J.M.A. LENSINK: I have a supplementary question. With reference to the justice preface and table C4 on page C11, does the minister acknowledge that the numbers are going in the wrong direction, and is she concerned about that?

The Hon. CARMEL ZOLLO: I have already responded to that question. As I said, we make no apologies for being tough on crime.

POLICE, OPERATION MANDRAKE

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about the Gang of 49.

Leave granted.

The Hon. R.D. LAWSON: On 5 February *The Advertiser* carried a front page exclusive story under the banner headline, 'Cappo Joins Crime Fight.' The article read:

> Monsignor Cappo has been asked by the state government to develop a plan to address the issue surrounding Aboriginal youth crime. . .

The article neglected to mention that similar announcements have been made in the past. In 2003 the Premier sought advice from the Social Inclusion Board 'regarding new and effective ways to prevent and reduce criminal activities by young people'. In August 2004 the Social Inclusion Unit released a discussion paper identifying a number of issues relating to repeat offending amongst young people, and in the following months it conducted focus group sessions. It then anticipated that in early 2005 (two years ago) the board would provide advice to the Premier on an action plan to prevent and reduce criminal activities by young people.

In May last year the Premier said, in a ministerial statement, that the government had committed $3.5 million to the Breaking the Cycle program, which was then devised by the Social Inclusion Unit and involved a partnership between that unit, the Department for Families and Communities and the minister's own Department for Correctional Services. He acknowledged that the program was designed to prevent serious repeat offenders from re-offending, and he mentioned that two-fifths of persons in the program would be young Aboriginal offenders.

In estimates last year the minister herself identified that the Breaking the Cycle program was specifically for 'young offenders who reside in or have significant connections with the north-western metropolitan area'—that is the area of activities of the so-called Gang of 49, which is the subject of police Operation Mandrake. My questions are:

1. Given that the minister's department is heavily involved in this program, what specific tasks is Monsignor Cappo now undertaking that he was not required to do with the Social Inclusion Board in 2003?
2. What role is the minister's Department for Correctional Services playing in relation to the Breaking the Cycle program?
3. Did the program commence in August 2006 as promised by the Premier?
4. Why is that program inadequate to deal with the activities of the Gang of 49?

The Hon. P. Holloway: There are some adults in that gang.

The Hon. CARMEL ZOLLO (Minister for Correctional Services): There are some adults in there as well. I thank the honourable member for his question. He has already placed on record what a tremendous initiative the Breaking the Cycle program is, and it is an initiative that is already in place to assist in breaking the cycle of recidivist young offenders.

Again the honourable member has recognised that it is targeted to a specific group. The Breaking the Cycle program is an innovative joint initiative between Families SA, the Department for Correctional Services (which is my department), the Department of Justice and the Social Inclusion Board. It is the first program of its kind to focus on the transition between the juvenile and adult justice systems, with a program of intensive case management. My advice is that it commenced in August. It is anticipated that eventually about 30 adult and juvenile offenders will participate in the program each year. As has also been mentioned, we committed $3.4 million in funding over four years to develop and run this three year pilot program. As has already been mentioned, funding is provided through the Social Inclusion Board to target young repeat offenders aged between 16 and 20 years.

In the first instance, the program will focus on young people who have offended repeatedly and for whom the risk of further recidivist behaviour is high. The program aims to improve life outcomes for these young offenders by linking them to an intensive program of interventions that are designed to identify those factors leading to the offending; in other words, they are case managed. The initial program will target offenders who reside or, as has already been mentioned, who have a significant connection with the north-western metropolitan area. They are referred through the Port Adelaide Magistrates Court and the Adelaide Youth Court after sentencing and their participation in the program is incorporated into a court behaviour report. We have referrals from the courts as well. As mentioned, it has commenced. Families SA, as the lead agency, administers the program and employs staff.

In relation to Operation Mandrake, as my colleague the Hon. Paul Holloway has mentioned, legislation is being prepared by the Attorney-General (Hon. Michael Atkinson) in another place, as well as the Minister for Families and Communities (Hon. J. Weatherill), which in the future will see some young offenders tried as adults. The criteria have been worked out. As well, we will have other initiatives in place in the community that will assist programs like Breaking the Cycle, where we will have other community leaders involved in assisting recidivist young offenders and even before they get to that stage in order to learn life skills and be assisted in employment. I can easily suggest that the honourable member read the press release put out by the Premier at the time. To say that we are not doing anything is an absolute furphy. Breaking the Cycle is an important initiative to assist in this area. It commenced in the latter half of last year and we have a way to go, but at least we have put something in place.

The Hon. R.D. LAWSON: Given the minister's explanation of the extensive Breaking the Cycle program, why was it necessary for Monsignor Cappo this week to be 'asked by the state government to develop a plan to address issues surrounding Aboriginal youth crime'?

The Hon. CARMEL ZOLLO: As I have said, we are already doing something. We have an initiative in place—unlike that lot opposite. We have an initiative in place and—

The Hon. P. Holloway: We are getting results.

The Hon. CARMEL ZOLLO: —we are getting results. If Monsignor Cappo can further assist with those families and units the Premier talked about, why not? Why does the honourable member opposite have any problems with that? We have good initiatives in place. You would rather sit there and do nothing. What is the problem with you?

An honourable member interjecting:

The Hon. CARMEL ZOLLO: And you did nothing—precisely!

POLICE, PRODUCTIVITY COMMISSION REPORT

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Police a question about the 2007 Productivity Commission report.

Leave granted.

The Hon. B.V. FINNIGAN: The 2007 Productivity Commission report on government services was released last week, and I understand that it includes some very positive statistics about the level of satisfaction expressed by South Australians with our police. Will the minister provide details about this level of satisfaction and other positive information in the Productivity Commission report about SAPOL?

The Hon. P. HOLLOWAY (Minister for Police): I am delighted to inform all members that an increasing majority of South Australians say that they are satisfied with the services provided by SAPOL. The report which was released last Wednesday shows that 74.7 per cent of South Australians are satisfied or very satisfied with the services provided by our police. I should say that this survey was conducted through the Productivity Commission based on national guidelines and through legitimate questionnaires, not a write-in service that asks the sorts of loaded questions that we had this morning. It is worth pointing out that that is a 6.3 per cent increase from the 68.4 per cent recorded in the commission's previous report, and it ranks South Australia third amongst all Australian jurisdictions in terms of satisfaction with police services. The Productivity Commission also shows that 81.8 per cent of South Australians are satisfied with the police service in their most recent contact; 81.1 per cent believe that police perform their job professionally; and 78 per cent of South Australians believe police are honest.

The Productivity Commission report shows that 90.6 per cent of SAPOL staff carry out operational duties compared with the national average of 82.6 per cent; in other words, our police are more effectively deployed at the coalface than is the average for the rest of the nation. This specifically refers to police officers exercising police powers, including the power to arrest, summons, caution, detain, fingerprint and search and, as I said, it is the highest percentage in Australia. In further positive results from the Productivity Commission report, the state government is spending more on police services per head of population. The commission report puts the 2005-06 spend at $281 per person compared with $271 per person in 2004-05.

There can be no doubt that the funding of our police has never been higher. The government knows that a properly resourced police force is essential in the fight against crime. I remind members that the 2006-07 budget for SAPOL is $545 million—which is $42 million (or 8.4 per cent) more than the previous year. Along with this increased funding, police resources are also at record levels with more than 4 040 police on the beat in this state—which is South Australia's biggest ever police force. The increase in the police budget is enabling police to develop new strategies and initiatives to tackle crime and build safer communities. Other highlights of the report include:

- 75 per cent of murder investigations are finalised within 30 days compared with the national average of 63.7 per cent.
- The number of victims of motor vehicle theft fell from 685.1 per 100 000 in 2004 to 585.7 per 100 000 in 2005.
- The number of victims of unlawful entry with intent per 100 000 fell from 1 742.1 in 2004 to 1 575.5 in 2005.

SAPOL continues to be well respected by South Australians—a fact that should be welcomed by all members. I am confident that, with the record levels of resources that have been provided to our police and effective policing strategies, police will continue to deliver good results in their campaign to reduce crime and build safer communities.

MURRAY COD

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Emergency

Services, representing the Minister for Agriculture, Food and Fisheries, a question about Murray cod stock levels.

Leave granted.

The Hon. SANDRA KANCK: I have been informed by a Riverland fisher that Murray cod stock levels are low, with concerned residents believing that the minister should have imposed a moratorium on their fishing at least a month ago. I understand that the minister is waiting on a report from SARDI on larval stocks, but locals believe that great damage will be done to breeding stock if action is not taken now. There are reports that large cod are being caught because water visibility in the Murray is making it easier for fishers to find them; and this can create an impression of abundance that is not real. Legally, fishers are supposed to return any cod that measures more than a metre in length. Instead, what is happening is that the fishers cannot resist the temptation to string them up in trees and take a photo of themselves beside their catch—only then are they throwing them back into the river.

The distress this causes the fish is likely to see them die, meaning that breeding stocks further decrease. I have been informed that changes to rainfall patterns—including reduced winter flows—is also impacting on the breeding cycle of the Murray cod, thus further reducing their numbers. My questions are:

1. When will the SARDI report on Murray cod larval stocks be completed?

2. What impact does river flow have on the breeding cycle of the Murray cod?

3. Will the minister consider a moratorium on the fishing of Murray cod in South Australian waters until the scientific research about their current breeding state has been completed?

4. Is the minister aware that Lake Bonney holds up to 20 tonnes of Murray cod and that these, too, are threatened by government proposals to dam that lake?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for her questions in relation to Murray cod stock levels. I will refer her questions to the Minister for Agriculture, Food and Fisheries in the other place and bring back a response.

WELLINGTON WEIR

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about the proposed temporary weir at Wellington.

Leave granted.

The Hon. D.W. RIDGWAY: I have been advised that recently the Meningie Sailing Club sought approval from the EPA to put a couple of truck loads of sand on the foreshore for children to play on while its sailing regattas were taking place. Has the EPA advised the minister of the environmental impact of dumping some 800 000 tonnes of rock permanently into the river to build a temporary weir at Pomanda Island?

The Hon. G.E. GAGO (Minister for Environment and Conservation): At this point, I need to stress that in fact no decision has been made about proceeding with the weir at Wellington. Also, I remind members that no government would wish to make this decision. If a weir were to go ahead (and I say 'if'), a decision would be made under drought duress. Only as a result of a severe need for water would such a decision be made, and it would be a very difficult decision to make. As members know, a great deal of consideration and scientific investigation is going into available options to protect our waters and to ensure that South Australia has adequate water throughout the next year or two.

This is a very serious situation. Human need and safety come first, and it is most important that we are able to meet the water needs of South Australians. We know that the current inflows to the water storages of the southern Murray-Darling Basin are the lowest on record. Inflows to the River Murray in 2006 were 60 per cent of the previous minimum.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Gazzola will stop exciting the opposition.

The Hon. G.E. GAGO: This information is relevant to the need—or not—for a weir at Wellington. If the drought continues this year, obviously, the situation will be very serious. At a summit on the Murray-Darling Basin on 7 November 2006, the Premier committed to undertake a contingency planning partnership with the commonwealth and the premiers of New South Wales and Victoria to secure urban water supplies during 2007-08. Additional measures, including the possible construction of a temporary weir across the River Murray near Wellington, are also being considered as part of that contingency plan. Preliminary investigations about the feasibility of the weir are underway; and a temporary weir is only one of the options currently under consideration by the government as part of that contingency plan to secure water for urban centres across South Australia should the current drought continue into the second half of this year.

An intergovernmental committee, the Water Security Task Force, has asked DEH to provide advice on the environmental impact assessment process that may be required should the government decide that it is necessary to further progress the proposed weir. Actions that may have an impact on matters of national environmental significance must be referred to the commonwealth Minister for Environment and Water Resources for determination of whether an environmental impact assessment and approval is required under the commonwealth EPBC Act. As part of the planning for the assessment of any environmental impacts, DEH is working closely with the Australian government and its department of environment and water resources to ensure that the South Australian government is pro-actively identifying and examining any environmental issues that may be associated with the operation of the weir across the River Murray should the government decide that a temporary weir is necessary to help secure the water supply.

This work has already commenced and, should the development of the temporary weir be deemed necessary, DEH will endeavour to complete the assessment prior to construction beginning. It is important to distinguish between the impact of the drought and the specific impact of the construction of the weir—or the potential weir. Because of drought conditions, water levels will drop substantially, regardless of the weir being constructed. We know that, if the drought continues, those water levels will drop anyway, and we know that they will drop severely, and we also know that evaporation is a significant part of the removal, if you like, of water from that particular basin. Although it is a natural process for wetlands to dry on occasion, it is anticipated that many of the environmental impacts will be the result of the lack of water due to the drought and the associated diversions, not the weir itself.

By the time a weir is built, clearly we anticipate that the water levels will be considerably low in that particular basin,

anyway. In the meantime, DEH is monitoring the situation and is putting in place programs to mitigate impacts on significant wetland communities and species, including the effects of this drought on freshwater fish communities of lakes Alexandrina and Albert. The environmental impact assessment will address the major issues relating to biodiversity and conservation that might arise from reducing flows to the lower lakes and the Coorong. It will help the government to manage the operations of the weir in a way that minimises any impact on the environment and gets the best possible environmental outcomes. This will include identifying strategies to support the recovery of the environment when the drought is actually broken.

It is one thing to go through the drought; it is another to be able to recover quickly when waters begin to flow again. We are certainly concentrating on that area as well. The recovery phase, as I said, is important. Lakes Alexandrina and Albert and the Coorong are recognised areas of international importance. They are Ramsar wetland sites. DEH will continue its work in planning for the actions required for the recovery of species and habitats in the Coorong and lower lakes once the drought has broken and water levels are returned to higher levels.

The Hon. SANDRA KANCK: I have a supplementary question. Has the Minister for Environment and Conservation advised her colleagues, the Minister for the River Murray and the Premier, that species likely to be adversely affected by the weir are the Yarra pygmy perch, the Murray hardyhead and the Australian broad-shell tortoise?

The Hon. G.E. GAGO: We are aware of all the species which are involved and which could be affected by the drought. We are well aware of all our endangered species list. As I said, we are doing a comprehensive plan on how we can mitigate the impact of the drought on those species. We are also concentrating on a recovery plan that will assist those populations hopefully to restore their numbers once the drought has broken.

The Hon. D.W. RIDGWAY: I have a supplementary question. Will the minister confirm that one of the options will include putting 800 000 tonnes of rock in the river for a temporary weir?

The Hon. G.E. GAGO: I have answered that question.

The Hon. D.W. Ridgway: She doesn't know.

The PRESIDENT: Order!

CORRECTIONAL SERVICES DEPARTMENT, AWARD CEREMONY

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about the recent award ceremony held by the Department for Correctional Services.

Leave granted.

The Hon. R.P. WORTLEY: I understand that the Minister for Correctional Services attended the Department for Correctional Services award ceremony on 29 January 2007 held at the Adelaide Town Hall to present awards in recognition of the outstanding professionalism and conduct of the staff of the department. Will the minister provide some examples of the work done by the award recipients?

The Hon. CARMEL ZOLLO (Minister for Correctional Services): I congratulate all the award recipients and thank them not only on behalf of the government but also personally for their hard work and tremendous achievements. I would like to recognise all the individual award recipients in this place. Individual commendation awards were given to Mr Sam Alternetti, Mr Robert Bolton, Mr Grant Cameron, Ms Jan Quintrell, Mr Ian Ward, Mr Darren Stock, and Mr Peter Jenkins. The Meritorious Service award was given to Mr John McAllister. Australia Day achievement awards were presented to Mr Bruce Farquhar, Mr Robert Lai, and Ms Rose Ransom.

I also acknowledge the outstanding work recognised by the team excellence awards, and I begin with the Cadell Brigade of the South Australian Country Fire Service. It gives me great pleasure to recognise the selfless commitment and dedication of members assisting the community in times of trauma and desperate need. The brigade currently consists of nine staff members (seven prisoners and two local volunteers), and it has been greatly appreciated by the local community for over 40 years. The brigade provides exceptional support and encouragement to prisoners in their efforts to repay the community through their community service.

I also mention the Children of Prisoners Project—Adelaide Women's Prison Upgrade, which made dramatic improvements to visiting areas in the prison. The work involved the coordination of 40 volunteers from the EDGE International Church at two locations in the prison over two days. Both EDGE volunteers and correctional services staff were exceptional in their support and commitment to the project.

It would be remiss of me not to mention the other three award recipients on the day: the Adelaide Women's Prison Injury Prevention and Management team, the Adelaide Remand Centre Staff Risk Management Team, and the Courts Staff Unit. The achievements of these units, although not as instantly recognisable, play an important role in creating a safer work environment and a safer community which we all enjoy.

The Hon. J.M.A. LENSINK: I have a supplementary question. Will the minister advise whether this was an inaugural awards ceremony; if not, for how many years has it been operating?

The Hon. CARMEL ZOLLO: The awards ceremony has been operating for two years.

PHARMACY ROBBERIES

The Hon. D.G.E. HOOD: I seek leave to make a brief explanation before asking the Minister for Police a question about the recent spate of pharmacy robberies.

Leave granted.

The Hon. D.G.E. HOOD: Since last December, there have been some 26 reported pharmacy robberies, with thieves targeting methamphetamine, the precursor drug to pseudoephedrine found in many cold and flu tablets. I am aware that this upsurge in pharmacy robberies has been attributed to the scarcity of pseudoephedrine that arose after some excellent work by police, who intercepted a major shipment of the substance coming in from Malaysia last year. My questions are:

1. Will the minister confirm that the recent increase in pharmacy robberies is a direct result of the high demand for pseudoephedrine in South Australia, in particular?

2. How many arrests have been made in relation to the pharmacy robberies thus far?

3. What proportion of the stolen pseudoephedrine was used directly in methamphetamine production?

4. What strategies has the state government put in place to reduce the number of pharmacy break-ins and illegal access to pseudoephedrine used in the manufacture of methamphetamines?

The Hon. P. HOLLOWAY (Minister for Police): The answer to the first question is 'probably'. Of course, what has happened in relation to methamphetamines and illegal drug laboratories around the place is that, as a result of an increased policing effort in that regard, it almost certainly has led to people (or cooks as they are called) who seek to produce this drug looking for other resources.

Of course, there has been a significant change in the practices of pharmacies. Instead of using pseudoephedrine to make cold tablets—particularly tablets such as Sudafed, which are being sought by these drug cooks—as I understand it, the formula has been changed. Instead of using pseudoephedrine, there is some other product which has been used which has similar benefits for people who need those sort of tablets but which does not provide a precursor chemical for the production of methamphetamines.

It is my understanding that, even with some of the pharmacy break-ins that have occurred recently, in fact, their haul in relation to obtaining precursor chemicals to make methamphetamines has, in many cases, failed because the holding of those tablets that contain the required precursor product has been significantly reduced. A number of initiatives have been adopted on a national basis to try to curb access to these products and in relation to the drug companies that make these tablets. They have been approached to change the formula of those tablets so they cannot be used to provide the precursor chemicals.

Also, a scheme was developed in Queensland involving the Pharmacy Guild in that state. I think it was called Project Stop, if my memory serves me correctly. It is a scheme whereby records are taken of anybody who seeks to purchase these tablets and they are required to provide identification. That information is put into an online computer so that, if they seek to go to other shops to accumulate these sorts of tablets, that information is coded. Of course, the pharmacists concerned can take action to either refuse the sale or report the matter to police.

As I said, because of these sorts of activities, it has resulted in some desperation in relation to raids on pharmacies. In relation to the number of arrests, I will have to take that question on notice but, clearly, there has been some success in relation to this matter. It is important that the police work with the pharmacy associations in terms of dealing with this problem. The message needs to get out that the people who steal these tablets are not necessarily getting what they want, and the drugs they might be producing are not likely to be methamphetamine if they are using the wrong sort of ingredients.

I think we need to adopt a number of approaches in relation to dealing with this problem. I note the honourable member himself has suggested (at least in the press) some legislative response to that. The government would be happy to look at that or any other initiatives in relation to curbing this epidemic which appears to be growing at the moment. But, as I say, it is my understanding that most pharmacies in this state and throughout the country are taking action to ensure that the thefts do not produce the result that methamphetamine cooks want—that is, gaining a source of precursor chemicals.

I should also add that, of the many initiatives that have been looked at in relation to curbing this issue, we have set up, following the police ministers' conference last year, a national database in relation to information on the so-called drug cooks—the people who commit these sorts of crimes—and also information in relation to intelligence about trends and so on with respect to the illicit production of methamphetamines.

I am sure, as a result of that national database and exchange of information, police will be more effective in dealing with this issue. So, it goes beyond the pharmacy area, but undoubtedly at the present time I think there is little doubt that the attacks on pharmacies are based on the assumption that these people who want to produce illegal drugs, namely methamphetamine, have access to the chemicals.

CRIME STATISTICS

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Police questions about crime rates in country centres.

Leave granted.

The Hon. T.J. STEPHENS: I have received much correspondence from concerned residents of country areas, such as Ceduna, Port Augusta and Coober Pedy, regarding the level of crime in their local communities. Recent figures released by the Office of Crime Statistics and Research show that, out of the top 10 crime hot spots in South Australia, six are in country South Australia. From the information I have received, residents of these towns are still dealing with vandalism, drunk and disorderly behaviour, house and car break-ins and violence on a daily basis, and they are concerned about what is actually being done to address the problem. It appears that many locals in these towns feel that not enough is being done to protect them from crime and they question the level of police resources in their areas—otherwise I am sure I would not have received the amount of correspondence that I have had. My questions are:

1. Is the minister aware of these concerns and has he received some of the letters I have received recently concerning the incidence of crime in Ceduna (in particular)?

2. What procedures does the government have in place to communicate to rural communities that something is being done to address the high level of crime they are dealing with?

3. Can the minister advise the council of what extra police resources are being directed to these particular trouble spots, given that the level of crime in some parts of regional South Australia is so much higher than it should be?

The Hon. P. HOLLOWAY (Minister for Police): I can only repeat the figures: back in the mid-nineties we had just over 3 400 police, and now we have more than 4 000. That is a significant increase that has occurred, both at the end of the previous government and during the term of this government, and we are committed to increasing police numbers. As I indicated, we have just increased the police budget by 8.7 per cent. If we want to go further than that—what is the honourable member suggesting? How much does he believe is enough and how do we raise that sort of income? Which taxes do we increase to provide even more resources?

If one looks at the statistics, what we have in relation to crime management in this state is that police have a number of local service areas, and they have a system that is based on the Compustat system that was first developed in New York and other parts of the United States. The local service areas meet regularly and look at the crime targets within their area,

and they assess all the information. Their performance is assessed by their peers regularly and action is taken at the local service area level to address particular issues as they arise.

The honourable member asked about statistics in particular areas. I will get that information for him. Obviously I do not have that level of detailed information with me, but I will seek to provide it. In relation to the extra police, we are increasing the numbers by a net 100 every year. Last year the increase was something like 150 extra police. Those police are directed to local service areas throughout the state, including regional areas. There will be significant growth in the future in places such as Roxby Downs, with the expansion of Olympic Dam. We will have to devote significant resources to those areas.

Significant additional resources have been provided to address the crime rate but, ultimately, it needs to be understood that, if we are to effectively tackle crime within our community, we need the assistance of the people. The police cannot, will not and never have solved crime in communities by themselves; they need the cooperation of the public to do that. We need local people to take responsibility for their community, such as ensuring that their cars and houses are locked and reporting and assisting police when they see a crime being committed.

All the statistics show that crime rates are falling within this state with some very significant falls in the property crimes area, in particular, about which the honourable member was speaking. The statistics show that there have been significant cuts over the last two years and those are reflected right across the state. There will always be hot spots in some areas but, with the computer system I was talking about earlier, police will be able to devote additional resources and attention to those local hot spots. In relation to the specifics of the question, I will take that on notice and obtain the information for the honourable member.

REPLIES TO QUESTIONS

SEX OFFENDER TREATMENT PROGRAM

In reply to **Hon. J.M.A. LENSINK** (21 June 2006).

The Hon. CARMEL ZOLLO: I advise that:

1. Six group-based programs have or are being conducted. As at 5 December 2006, 65 people have participated or are participating in the program.

2. The following multiple factors are considered for entry into the program:

(i) Results of actuarial and dynamic risk assessments conducted by departmental professional staff where the participant's risk level is matched to the intensity level of the program being delivered; and

(ii) Other issues considered as part of the selection process including:

- date of release (from prison or parole expiration). Priority is given to those offenders who are nearest their released date, which is consistent with practices in other jurisdictions and ensures that all sex offenders assessed as suitable for sex offender treatment will receive the necessary intervention at the most effective time;
- management of mental health or other health issues;
- alcohol and drug use;
- cultural issues and available support. For example, location of family and RCIADIC recommendations relating to housing of Aboriginal offenders;
- 'enemy' issues that may effect prisoner movement;
- prison security rating;
- protectee status;
- ability of an offender to engage in a group process, for example, literacy levels;
- for community programs, the ability to attend programs in the metropolitan region; and
- consent to participate and attend the program.

3. The length of the program varies depending upon the intensity level of the program and offender needs. It can range from 3 to 9 months in duration, depending on the assessment of risk and treatment need for each offender, but typically takes at least 6 months. During these periods of participation, offenders are required to attend for 2 to 3 hour group-based treatment four times per week. Considerable 'homework' is also required during participation.

4. The sex offender treatment program, provided by the Department for Correctional Services, is provided under the umbrella of the Rehabilitation Programs Branch. Staff of this Branch are responsible for the delivery of treatment programs for sex offenders, violent offenders, and culturally appropriate interventions for Aboriginal offenders.

As at 5 December 2006, the Branch had a staff compliment of 19, 15 of whom are highly skilled clinicians who are directly involved in program delivery, including sex offender treatment. Twenty five percent of staff in the branch are of Aboriginal background, which is possibly the highest such staff ratio in the SA public sector. The remaining staff have professional backgrounds in psychology, social work, and criminology research.

CORRECTIONAL SERVICES, REMAND RATES

In reply to **Hon. J.M.A. LENSINK** (8 June 2006).

The Hon. CARMEL ZOLLO: I advise that:

The Adelaide Remand Centre and Yatala Labour Prison accommodate the majority of South Australia's male remand offender population.

The Adelaide Women's Prison accommodates the majority of the female remand offender population.

Mobilong has always accommodated some dual status prisoners. Dual status prisoners are those who are sentenced and also remanded for other matters.

Mobilong on occasion accommodates a small number of remand prisoners.

Port Augusta Prison accommodates both male and female remand prisoners from the surrounding region and the APY lands. It is a multi-purpose facility for both sentenced and remand prisoners.

HEASLIP ROAD

In reply to **Hon. J.S.L. DAWKINS** (27 September 2006).

The Hon. CARMEL ZOLLO: I am advised that:

The Department for Transport, Energy and Infrastructure will contact Trinity School and Angle Vale Primary School in the Angle Vale area during the first school term in 2007 to discuss the possibility of joining the Safe Routes to School Program. The Safe Routes to School program will assist with the analysis of pedestrian safety at the intersection of Heaslip Road and Angle Vale Road. However, if it is not possible to introduce the program in 2007 and the schools feel that road safety skills need to be reinforced to the children, DTEI would be pleased to assist the schools in advising what could be taught in the classroom.

Investigations to date have shown that the site does not currently meet the warrant for traffic signals. The cost to install signals at this site is a very expensive option, in the order of $1 million plus. The high cost is due to the need to widen the intersection to improve the traffic flow under traffic signal control. Installing traffic signals without improving the capacity of the intersection will result in longer delays for all road users.

Notwithstanding this, DTEI is working with Council to develop modifications to the intersection which will assist in traffic management.

BUSHFIRES

In reply to **Hon. J.S.L. DAWKINS** (15 November 2006).

The Hon. CARMEL ZOLLO: I am advised that:

Adelaide Hills Council has five trained Fire Prevention Officers and Mount Barker Council has three trained Fire Prevention Officers.

Bushfire prevention, planning and enforcement of private landholder hazard reduction is the responsibility of local Councils. Both the Adelaide Hills Council and the Mount Barker Council reported to the Country Fire Service (CFS) Region 1 Bushfire Prevention Committee on 15 November 2006 a noticeable increase in compliance from landholders this season due to the increased CFS

and media discussion regarding the expected fire season conditions and the bringing forward of the fire season.

The CFS has completed an audit of Councils in the Mount Lofty Ranges. No issues were identified for either the Adelaide Hills Council or Mount Barker District Council.

Both Councils recently engaged the former CFS Chief Officer, Stuart Ellis, to audit their bushfire prevention processes. No major issues have been reported to CFS as a result of these audits.

Increased funding provided to the CFS for community education this fire season will mean approximately 50 community meetings will be specifically aimed at the Mount Lofty Ranges.

CORRECTIONAL SERVICES, HEALTH PROBLEMS

In reply to **Hon. J.M.A. LENSINK** (7 December 2006).

The Hon. CARMEL ZOLLO: I am advised that:

1. Rates of infection within the prison system of Hepatitis B and C are collated by the Communicable Disease Control Branch, Department of Health and the Sexually Transmitted Disease Clinic, Royal Adelaide Hospital.

Of the 31 cases of Hepatitis C reported in South Australia in 2006, 11 were prisoners. However, there is no evidence to indicate whether or not these prisoners contracted Hepatitis C whilst in custody.

No cases of Hepatitis B were reported in 2006.

2. Prisoner serological screening for Hepatitis B and C viruses and other blood borne viruses, such as HIV, is conducted on a voluntary basis.

3. All prisoners in South Australia are offered voluntary immunisation against the Hepatitis B infection.

4. The cost of treatment of health problems secondary to infection within prisons is not collated by the Prison Health Service.

SHINE SA

In reply to **Hon. D.G.E. HOOD** (20 September 2006).

The Hon. P. HOLLOWAY: The Minister for Health has advised that:

Sexual Health Information Networking and Education SA Inc (SHine SA) is a non-government agency that receives Commonwealth and State funding for family planning and sexual health services which includes clinical and counselling services.

The Department of Health will ensure that the services provided by SHine SA are conducted in accordance with the State Government's objectives.

LAND TAX

In reply to **Hon. R.I. LUCAS** (7 December 2006).

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

1. Land tax reporting differentiates taxable from non-taxable land ownerships for any given year but does not track changes in the land tax status of individual taxpayers from one year to the next.

I can advise that:

- At the end of 2004-05, on RevenueSA's database, there were slightly over 43,500 land ownerships valued between the then threshold of $50,000 and the new threshold of $110,000 that applied from the 2005-06 assessment year. All of these ownerships were taxable in 2004-05.
- At the end of 2005-06, there were almost 47,000 land ownerships valued between $50,000 and $110,000, on RevenueSA's database. All of these were exempt from land tax in 2005-06.
- In 2006-07, there are currently just over 49,000 land ownerships on RevenueSA's database valued between $50,000 and $110,000 and so will pay no land tax.

2. The Budget 2005-06 media release on land tax stated that:

'The tax-free threshold for land taxpayers will be raised from $50,000 to $110,000 as part of the 2005-06 Budget, meaning 45,000 land tax payers will pay no land tax next financial year and the remaining 74,000 will receive substantial tax cuts as part of the Government's $264 million reform package.'

I can advise that there were 76,500 taxable land ownerships on RevenueSA's land tax database at the end of the 2005-06 land tax year. All of these ownerships benefited from the Government's land tax relief package.

3. It is not true to say that, for any given land value, South Australia imposes the highest level of land tax.

For specific land values, lower levels of land tax apply in South Australia relative to Tasmania, the Australian Capital Territory, Queensland (for commercial land valued up to $1 million) and New South Wales (for land values between $450,000 and $950,000).

Land values for comparable properties in terms of location, size and general amenity are also higher in the eastern States relative to South Australia and actual land tax liabilities in the eastern States reflect those higher relative values.

Vacancy rates for rental housing have been low for some time and reflect an imbalance between demand and supply. There is no evidence that land tax is the cause of this imbalance.

MASLIN BEACH

In reply to **Hon. CAROLINE SCHAEFER:** (31 October 2006).

The Hon. P. HOLLOWAY: I can advise that the consulting engineers for the Maslin Beach rehabilitation project were Wallbridge and Gilbert Consulting Engineers. Wallbridge and Gilbert and in particular their Senior Engineer have a long history with the site and project dating back to 2000 when the original Maslin Quarry conceptual rehabilitation plans were being developed.

With respect to the Maslin Beach rehabilitation project, the services of the consulting engineers were engaged to provide engineering design, documentation, monitoring and confirmation of earthworks.

As with many projects of this size a number of other contractors were involved with the planning and implementation of the bulk earthworks and subsequent rectification works including:

- Coffey Geosciences
- EM Earthmovers
- Green Environmental Consultants
- Lucas Earthmovers Pty Ltd
- Landscape Construction Services
- Hassell Pty Ltd
- Tonkin Consulting

I would also like to add that the landform that you see today is the result of a collaborative decision-making process including key stakeholder representation from local government, state government and the community. The key objective of the project has been achieved, 'to improve the overall safety of the site.

BAKEWELL BRIDGE

In reply to **Hon. M. PARNELL** (31 August 2006).

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

The Bakewell Underpass project is part of the State Government's ambitious transport program and was identified in the Strategic Infrastructure Plan for South Australia as a priority project for the metropolitan road network.

The existing Bakewell Bridge, now 80 years old, is reaching the end of its economic life. The existing bridge provides poor access for pedestrians, people with a disability and cyclists. The new underpass structure will provide:

- Wide (1.8 metre) on-road cycle lanes through the underpass.
- On-road cycle lanes to cater for north-south movements along James Congdon Drive/East Terrace.
- A wide, off-road pedestrian and recreational cyclist shared access path through the underpass (along the southern side, catering for two way use), with safe access for all users, including those with a disability, from all areas around the underpass. This path will have gentle grades, will be well lit and will be separated from general traffic by a 2.5 metre high wall.
- Substantially improved connectivity for on-road and off-road cyclists and pedestrians to various existing and future paths, around the area, including through the Park Lands.

The option of adding a northern access path through the underpass was considered early in the planning process for the project and has been reviewed.

The benefits of adding a northern access path equate to a minor improved level of direct access for those pedestrians and recreational cyclists who wish to travel from the north-western quadrant of the underpass area to the north-eastern quadrant.

With this benefit in mind, the ways in which a northern access path could be included in the project scope were considered:

1. The first option is by widening the underpass to include the additional path.

The widening of the structure could not be accommodated without the removal of the bus and drop-off lane adjacent to Temple Christian College.

It has been suggested this facility could be relocated to East Terrace, however, this approach would take school students from an environment with approximately 1,000 vehicles per day at low speeds, to a main arterial road carrying 25,000 vehicles per day and accordingly could not be supported for safety reasons.

It has also been suggested that the above safety concern could be addressed by reconstructing East Terrace further to the east. This could be done at a substantial cost and still may not address all safety issues. This approach would also require the removal of a large car parking area that currently exists east of East Terrace, which would add further impacts to the proposal.

It is not considered that the benefits resulting from a northern access path justify any potential loss in safety for students of Temple Christian College.

2. The second option is to leave the underpass width as currently proposed and re-allocate the use of the space within.

This would require narrowing on-road bike lanes, traffic lanes and/or the southern access path. A number of different ways of doing this have been considered and in each case safety trade-offs are associated as well as increased project costs. In each case the safety trade-offs and additional costs are not considered to justify the inclusion of a northern access path.

For the reasons outlined above I am unable to support either of the options that would enable the inclusion of a northern access path within the underpass.

The Bakewell Underpass has been designed to improve safety and access for all users, including cyclists, pedestrians and people with a disability, while improving road and rail network efficiency and meeting traffic needs well into the future.

AUDITOR-GENERAL'S REPORT

In reply to **Hon R.I. LUCAS** (15 November 2006).

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

In 2005 the South Australian Government entered into its first Public Private Partnership (PPP) with Plenary Justice to deliver police stations and court facilities across regional South Australia. This $40 million project has been delivered on time and within budget.

Plenary Justice designed and constructed all of the facilities, which the Government is leasing from Plenary for a period of 25 years for Police and Court operations. During this period Plenary Justice will undertake all maintenance activities for the facilities.

Payments made by the South Australian Police Department to Plenary Justice in 2005-06 amounted to $542,486 for the regional police stations and $211,510 for the regional court facilities.

Payments by Plenary Justice to the State Government for land associated with the regional police stations and courts PPP amounted to $4.780 million, excluding rates and taxes.

PUBLIC PRIVATE PARTNERSHIPS

In reply to **Hon. R.I. LUCAS** (14 November 2006).

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

1. The contract between the Minister for Infrastructure and Plenary Justice has been published on the SA Contracts and Tenders website under the Department of Treasury of Finance since mid December 2005. Some schedules that form attachments to the main body of the contract and contain commercially sensitive information, and that are approved by the relevant delegates for exclusion, have not been disclosed publicly.

2. There has been no breach of Treasurer's Instruction 27. While the contract was not published within 60 days of contractual close for the project, the delay was necessary in order to receive Crown Law advice on which elements of the contract should be publicly disclosed.

3. There has been no breach of Treasurer's Instruction 27.

4. In addition to the design and construction of the police station and court accommodation, Plenary Justice has been contracted to provide building and grounds maintenance, temporary accommodation in relation to some facilities, and other services including waste disposal, cleaning, management of utilities and rates and the provision and maintenance of furniture and equipment.

Estimated payments by the South Australian Police Department (SAPOL) to Plenary Justice are as follows:

	2006-07	2007-08	2008-09	2009-10
SAPOL	$2.718m	$2.950m	$3.028m	$3.104m
CAA	$1.608m	$1.745m	$1.791m	$1.836m

5. As previously mentioned the contract is already publicly available on the Tenders SA website under the Department of Treasury and Finance and has been since mid December 2005. Certain aspects of the contract that Plenary Justice has stated are commercially sensitive are not published on the website. The Government has agreed to keep this information confidential and will therefore not be releasing these aspects of the contract.

AUDITOR-GENERAL'S REPORT

In reply to **Hon. R.I. LUCAS** (2 November 2006).

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

In November 2004 the Department of Treasury and Finance commenced a project to review Treasurer's Instructions (TIs). This followed advice received from the Solicitor-General indicating that he considered many of the TIs attempted to direct Ministers and Departments in relation to management issues generally and were therefore beyond the scope of Section 41 of the *Public Finance and Audit Act* 1987, which provides the authority for the Treasurer to issue Instructions.

Over the following 18 months nearly all of the TIs were reviewed. As of November 2006, of the 27 TIs that were on issue at the commencement of the review, 13 have been amended, 5 remain unchanged, and 6 have been withdrawn. There are 3 TIs that are still under review (TI 10 *Engagement of Legal Practitioners*, TI 17 *Guidelines for the Evaluation of Public Sector Initiatives* and T 20 *Guarantees and Indemnities*).

Following extensive consideration by a TI review agency reference group, TI 8 *Expenditure for Supply Operations and Other Goods and Services* was reviewed and was initially released as pending TI 8 *Financial Delegations* (to be effective from 1 July 2006) in December 2005. The purpose of releasing this TI as pending was to enable agencies to have sufficient time to implement the changes, and also to enable refinements to be made to the TI once agencies were able to consider all of the implications. As a result of feedback, the TI was re-released in April 2006, again as pending to be effective 1 July 2006. It was released as a final TI, effective 1 July 2006, in June 2006.

The ability for a Minister to "grant annually a standing authority to incur expenditure for the financial year" (clause 8.21 of the original TI) was removed and replaced with a requirement for the Chief Executive to "at least annually review all delegations granted" (clause 8.8) in the December 2005 pending version of the TI.

Contrary to the honourable member's assertion, no changes to TI 8 were "rushed through" in June 2006. Rather, the new TI requirements, which are effective from 1 July 2006, were introduced after a lengthy review process, which included exposure of the proposed changes for a 6 month period.

The TI contains specific requirements for delegations, which are much tighter and better described than in the previous TI. However, unlike the previous TI, in the new TI delegations do not automatically lapse at the end of each financial year.

Rather, the TI places the responsibility on the Chief Executive to at least annually review all delegations, and ensure delegations are amended where appropriate.

PRIVACY COMMITTEE

In reply to **Hon. R.D. LAWSON** (21 September 2006).

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

I can advise that the Privacy Committee Annual Report 2003-04 was tabled in Parliament on 11 November 2004 and the 2004-05 Annual Report was tabled on 8 November 2005.

PACIFIC GULL

In reply to **Hon. SANDRA KANCK** (2 November 2006).

The Hon. G.E. GAGO: I have been advised that:

1. The currently recognised Pacific Gull sub-species in South Australia, along with all other native bird species, has recently been assessed against international risk assessment criteria to determine whether listing is warranted as either "endangered", "vulnerable" or "rare" under the threatened species schedules of the *South Australian*

National Parks and Wildlife Act 1972. That assessment determined that the Pacific Gull did not meet any such criteria. In fact, the assessment showed that the Pacific Gull met international criteria for "least concern" within South Australia.

2. The Nature Foundation of South Australia Incorporated is currently undertaking population genetics research on the Pacific Gull. Once this research is finalised, the status of the South Australian populations will be re-assessed as part of the ongoing review of the status of our significant biodiversity assets.

MARINE PARKS

In reply to **Hon. D.W. RIDGWAY** (19 September 2006).

The Hon. G.E. GAGO: I have been advised that:

1. The 19 marine protected areas, or marine parks, proposed for South Australia's waters by 2010 would be in addition to the various aquatic reserves established under the *Fisheries Act 1982*, such as Aldinga Aquatic Reserve. However, existing aquatic reserves may be incorporated into marine parks if appropriate.

MENTAL HEALTH

In reply to **Hon. J.M.A. LENSINK** (28 September 2006).

The Hon. G.E. GAGO: I have been advised that:

There is no policy or procedure in place that obliges the South Australian Ambulance Service to advise that patients will be charged for the service.

However, where a patient is not a voluntary user of the service, he or she may be eligible to recover charges from the relevant health service. To determine if they are eligible to claim a refund on fees paid, they should contact the Division of Mental Health or the hospital to which they were taken.

WASTE TRANSPORT CERTIFICATES

In reply to **Hon. D.W. RIDGWAY**.

The Hon. G.E. GAGO: I have been advised that:

The EPA has never required the tracking of empty containers (whether containing residues or not) via Waste Transport Certificates. To license every industry that generates empty containers would be an unnecessary regulatory burden on South Australian industry.

Transporters that transport waste not requiring to be tracked are still bound by the requirements of the *Environment Protection Act 1993* and the conditions of their licence. In particular the General Environmental Duty:

A person must not undertake an activity that pollutes, or might pollute, the environment unless the person takes all reasonable and practicable measures to prevent or minimise any resulting environmental harm.

FIRE MANAGEMENT

In reply to **Hon. SANDRA KANCK** (21 September 2006).

The Hon. G.E. GAGO: I have been advised that:

There are no immediate plans to undertake prescribed burning within the Ravine des Casours Wilderness Protection Area. Annual reviews of the prescribed burning program are conducted as per the Flinders Chase Fire Management Plan.

COMMUNITY WATER MANAGEMENT SCHEME

In reply to **Hon. J.S.L. DAWKINS** (9 May 2006).

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

1. On 29 May, Cabinet agreed to an extension of the current funding agreement between State and Local Government for STEDS for twelve months, with a distribution of $3.206 million to the Local Government sector over this period. At the outset of this funding agreement in 2004, it was envisaged that a long term STEDS funding agreement would be arranged between the State Government and the Local Government Association (LGA) by the time that the interim funding agreement had expired. However, due to the current submission to the National Water Commission (NWC) to potentially gain funding for STEDS from the Commonwealth Government, it is considered to be premature to enter into such an agreement at this point in time.

The decision by Cabinet ensures that the current construction program of wastewater management schemes in areas of the State not serviced by SA Water can continue while the submission to the NWC is considered.

2. In March 2006, a joint decision between State and Local Government was reached to rename STEDS to Community Wastewater Management Systems (CWMS) to better reflect the role of the provision of wastewater management systems, and to incorporate all forms of technology that can be utilised to provide adequate wastewater management. Although wastewater management schemes often take the form of septic tank effluent disposal schemes, wastewater management need not necessarily require the use of a septic tank.

It was recognised that funding support for communal wastewater management systems in areas of South Australia not serviced by SA Water sewerage schemes should not be restricted to a particular form of technology, as implied by use of the term 'STEDS' but rather that the most appropriate and cost effective form of wastewater management would be employed in each area, according to local circumstances.

3. The name 'Septic Tank Effluent Disposal Scheme' (STEDS) is used in the *Environment Protection Act 1993* to describe the conduct of works that involve the discharge of treated or untreated sewage or septic tank effluent to marine waters, inland waters or on to land.

The decision to use the term 'Community Wastewater Management Schemes' will not affect the way the Environment Protection Authority (EPA) describes these works in its licences, as the term 'Septic Tank Effluent Disposal Scheme' constitutes a legal definition of the works in question.

PLANT SPECIATION

In reply to **Hon. SANDRA KANCK** (4 May 2006).

The Hon. G.E. GAGO: I have been advised that:

The expansion of the Roxby Downs mine is subject to the requirements of the *Native Vegetation Act 1991*. The expansion is considered to be a major project and as such an Environmental Impact Statement (EIS) is required pursuant to Section 48 of the *Development Act 1993*. The *Native Vegetation Regulations 2003* provides for clearance in accordance with an approved EIS.

The Native Vegetation Council is provided with the opportunity to make comment on the EIS and those comments must be incorporated into the final EIS document.

This will ensure that as much vegetation as practically possible is protected.

In addition, any clearance associated with the expansion of the Roxby Downs mine will require an environmental benefit to be achieved to compensate for the loss of the vegetation. This significant environmental benefit may be achieved through the management or restoration of native vegetation, or through payment into the Native Vegetation Fund.

MURRAY RIVER

In reply to **Hon. D.W. RIDGWAY** (8 June 2006).

The Hon. G.E. GAGO: The Minister for the River Murray has provided the following information:

1. The term gigalitre is the appropriate technical reference for a billion litres of water. However in order to make this term more understandable to the general public on occasion we may refer to a gigalitre as a billion litres of water or a thousand Olympic swimming pools of water.

2. As part of its commitment to The Living Murray water recovery initiative, South Australia has agreed to contribute 35 gigalitres of water recovered within South Australia, by 2009. The referenced 13 gigalitres is our first instalment towards that 35 gigalitres.

3. The 13 gigalitres of water is made up of two components:

- 10 gigalitres is water purchased by SA Water from irrigators on the Lower Murray Swamps either selling their permanent water entitlements, or retiring their properties. Until the purchase of this water from the irrigators, which commenced late 2003, this water was used for irrigation purposes. The transfer of this water to the Minister for the River Murray's licence, and dedicated for The Living Murray purposes, will ensure this water is available for environmental use in the future.
- 3 gigalitres comes from a water allocation held by the Minister for the River Murray. This water was originally recovered from the rehabilitation of irrigation supply channels at Loxton irrigation district. Since then the water has been held by various

ministers and used for temporary transfers for consumptive purposes. Since the licence has come under the Minister for River Murray's control it has been used for environmental purposes. It is proposed that this 3 gigalitres now be committed to The Living Murray initiative for targeted environmental use at the six icon sites identified by the Murray-Darling Basin Commission.

4. Subject to the processes as agreed to by the Murray – Darling Basin Ministerial Council, the 13 gigalitres should be available to the Living Murray icon sites this spring this year (September 2006)

In reply to **Hon. J.S.L. DAWKINS** supplementary question (8 June 2006).

5. The Minister for the River Murray, as South Australia's lead minister on the Murray-Darling Basin Ministerial Council, wrote to the chair of the Ministerial Council, the Federal Minister for Agriculture, Forestry and Fisheries, the Honourable Peter McGauran, in March 2006, regarding putting the issue of the Nowingi long-term containment facility on the agenda of Murray-Darling Basin Ministerial Council Meeting Number 40.

POINT PEARCE PROSPECTIVE AQUACULTURE ZONE

In reply to **Hon. CAROLINE SCHAEFER** (2 May 2006).

The Hon. G.E. GAGO: I have been advised by the Minister for Primary Industries and Resources that:

1. The Department of Primary Industries and Resources, South Australia (PIRSA) has advised that a triple bottom line impact analysis was included in the final Policy Report on the Eastern Spencer Gulf Aquaculture Management Policy prior to gazettal of the Point Pearce Prospective Aquaculture zone.

2. PIRSA provided the Department for Environment and Heritage (DEH) with the results of technical investigations undertaken by Parson Brinkenhoff and the South Australian Research and Development Institute for the Eastern Spencer Gulf area. PIRSA also provided DEH with the Policy Report for the Eastern Spencer Gulf Aquaculture Management Policy.

3. The Environment Protection Authority has advised that it is unlikely that significant pollutant loads will be generated as a result of aquaculture activity in the Point Pearce Prospective Aquaculture zone.

4. Negotiations are progressing at this time.

MENTAL HEALTH

In reply to **Hon. J.M.A. LENSINK** (7 June 2006).

The Hon. G.E. GAGO: I have been advised that:

1. Distribution of the $25 million in one-off funding to non-government mental health services occurred at the local level during 2005-06.

The Central Northern Adelaide Health Service (CNAHS) established a regional distribution process as well as a committee to allocate individual packages, comprising experienced clinicians representing all the professional disciplines and a rotating non-government representative. The allocation committee considers adult and youth referrals from within the region.

Meetings generally occur on a fortnightly basis and began in November 2005. 15 meetings have been held to date to allocate packages.

The allocation process for referrals for psychosocial support services for older people goes through the regular review meetings held by the CNAHS Mental Health Services for Older People in each area.

The allocation committee for the Southern Adelaide Health Service (SAHS) comprises contracted non-government providers, mental health team leaders, the Director of Rehabilitation and Recovery, and the mental health project officer. There have been approximately six meetings since September 2005 to allocate packages.

In country areas, the seven previous Country Health Service regions have their own allocation processes. Most have committees comprising non-government provider organisations and specialist mental health services. Some have a local Division of General Practice representative involved or where this is not available have advised General Practitioners of the availability of the packages.

The meeting frequency varies in the country with many being held either fortnightly or monthly, and is sometimes determined by how many packages are available at the time. Most meetings commenced around October 2005.

2. All funding has been distributed to non-government organisations for use over two to three years.

Funding has been provided until June 2007, with some organisations receiving funding until June 2008. Therefore additional funding will not be sought in the current budget cycle.

3. Packages range from a minimum to a maximum package with different levels of support intensity for each. The distribution of funding for these packages has occurred between geographical areas and based on the estimated number of packages required for the various levels of intensity of support. There is some flexibility in the use of the various levels of support packages to allow for individual need.

Over the two to three year period, the following number of packages will be available to new and existing clients:

- in CNAHS, there are 250 packages for use covering the northern, western and eastern areas of Adelaide and across youth, adult and the aged.
- SAHS has 83 packages allocated for use in the southern metropolitan area and across youth, adult and the aged.
- country regions have 158 packages for use across the seven previous Country Health Service regions now under Country Health SA.

COMIC

In reply to **Hon. SANDRA KANCK** (31 October 2006).

The Hon. G.E. GAGO: I have been advised that COMIC (Children of Mentally Ill Consumers) is a small non-government organisation that advocates and provides information and support for children of people with mental illness. The organisation is held in high regard by the Department of Health, the Department of Education and Children's Services, service providers and consumers and carers, and I support their work.

I am pleased to say that the Children, Youth and Women's Heath Service and the Department of Health will provide funding to support two people from COMIC to attend the Kindling the Flame—Promoting Mental Health and Wellbeing conference in Perth in February 2007.

RESIDENTIAL PARKS BILL

In committee.

Clause 1.

The Hon. CAROLINE SCHAEFER: I had not expected to be speaking to this bill at the second reading stage, and would not be here now had I not been asked to attend a meeting of residents of Hillier Park (which is between Gawler and Munno Para) as late as last Friday. I want to put on record that I was asked out there by the member for Wakefield, Mr David Fawcett, as a result of a number of concerns which have been raised by the 400-odd residents of that park and which, in my view, have cemented the reasons we must support the amendments of the Hon. Ann Bressington.

These people have purchased their properties in good faith and have spent considerable money on their improvements. Their homes are not in any way transportable, yet they find themselves with no title to them. As I understand it, their properties are owned by an American religious group and the houses are owned by the individuals themselves. So we have a situation where these people will have to comply with the rules of the park: they must be over 50 years of age and will have the usual aged care facility rules such as no children or pets, etc. If they are at odds with the management they can be evicted, even though they own the houses in which they live.

I understand that the management committee, or the residents' representative committee, is selected by the management and not elected by the residents. I also understand that they have a community hall where they carry out activities ranging from craft to dancing, etc., yet, even though it falls within the ownership of the group represented by the management and even though the hall sits right within the boundaries of this property, they are asked to carry their own public liability for any activities that take place in the hall.

I came across some similar instances on Eyre Peninsula where people had chosen to take to caravan parks because it was a cheaper method of retirement from places like Whyalla to, in the two instances I had experience with, both Port Neill and Arno Bay. Over the years those people had become permanent residents. They had built on annexes with the full knowledge of the local councils, and their properties cannot be shifted under those circumstances. However, in those cases they knew they were going to a caravan park originally, whereas in this case these people buy and sell their property. In one case a couple have died and left their property to their daughter, who is too young to move in there herself and therefore must sell, but again she has no rights or tenure and no title to a property which her family have invested in over the years.

It is my intention—and I believe the intention of the Liberal Party—having met these people and now having a better understanding of how insecure is their tenure, to support the amendments of the Hon. Ann Bressington, which I think encompass most of their requirements. They are not asking for a great deal. They are asking for some autonomy, some democratically elected representation on their committees, and some period of tenure, so they have some security in their retirement. I do not think that in a state like South Australia that is too much to ask.

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. M. PARNELL: I move:

Page 8, after line 7—After the definition of 'dwelling' insert 'exclusion period—see section 96'.

This is one of nine amendments that I have tabled. All the amendments relate to one part of the bill, but this is first cab off the rank because it includes a new definition, that is, the definition of an exclusion period, which is then in clause 3 cross-referenced to section 96 of the act. It is not my intention to speak at great length on this amendment, and I will make a more significant contribution when we get to part 10 of the bill, where the bulk of my amendments lie. My understanding is that the government is not opposing the bulk of my amendments and is not opposing this definition, so I simply move this amendment and I will have more to say when we get to the substance of my amendments later.

The Hon. T.J. STEPHENS: I indicate opposition support for the amendment.

The Hon. G.E. GAGO: The government supports the amendment. We see that it is linked to the introduction of exclusion periods for violent residents. We see this as an improvement on the current draft of the bill in that it focuses on excluding the violent resident. The alternative of suspending the agreement can result in some uncertainty about the status of others residing in the park with the violent resident and on the terms of the agreement while they are suspended.

Amendment carried.

The Hon. A.M. BRESSINGTON: I move:

Page 8, after line 27—insert:

permanently fixed dwelling means a structure that—

(a) has the character of a dwelling; and

(b) is designed to be permanently fixed to land; and

(c) could not, under any reasonable arrangement, be removed in a state that would allow the structure to be reused as a dwelling at another place;

This amendment provides for a definition that a permanently fixed dwelling does exist in a residential park. The Residential Parks Bill relates to and describes mobile and transportable homes. By definition these homes are not transportable and it leaves tenants in quite a difficult situation. On a number of occasions, when tenants in a couple of these parks have made complaints to management about certain situations, basically they have been told, 'You know where the gate is.' These parks are not designed for these moveable homes. The road access does not allow for machinery to enter the parks in order to load the homes, even if they were transportable. These homes were built on site and they are permanently fixed. Residents from three of these villages have asked that their type of abode be defined in this bill.

The Hon. T.J. STEPHENS: Along with the Hon. Ms Bressington, we have had representations in this area. We think the amendment is sensible and we will be supporting it.

The Hon. NICK XENOPHON: I indicate my support for the amendment. Along with the Hons Ann Bressington and Terry Stephens, I have had complaints in this regard. The complaints seem to be reasonable in the sense that the current legislation does not cover what appears to be a glaring omission in terms of basic consumer protection. I commend the Hon. Ann Bressington for doing the hard yards and meeting the residents to discuss their concerns. I believe these are sensible and necessary reforms.

The Hon. G.E. GAGO: The government opposes the amendment on the grounds that it is completely unnecessary. The issues that the Hon. Ann Bressington has raised are already provided for within the legislation. Clause 3 (page 8, line 2) clearly outlines the definition of a dwelling in the Residential Parks Bill as 'a structure, whether fixed or moveable, that is designed to be used and is capable of being used for human habitation'. We see that it is already provided for and therefore unnecessary. What more can I say?

The Hon. A.M. BRESSINGTON: This bill was sold to the residents of a number of villages by the government's adviser, who said that the bill met their needs entirely. When they read it, they realised that it did not meet their needs. We have a situation at Rosetta Village where the manager is holding meetings with the residents and saying that if any of these amendments go through their rent assistance through Centrelink will be cut. It is totally false and untrue. I have documents from Centrelink to show that is not the case. For some reason we do not want to have a clear definition that there are different types of living abode. This amendment goes towards securing tenure for the clients, along with the rest of my proposed amendments to this bill. What else can I say? The government says that the amendment is not necessary, and it says that the rest of my amendments are not necessary.

The Hon. T.J. STEPHENS: Given the concern of the residents, I do not see any problem with making it absolutely clear that their needs have been met. If the government is happy with the intent, I do not see a problem with making sure that it is perfectly clear.

The Hon. M. PARNELL: I accept that the minister is saying that the existing definition of dwelling includes 'a structure, whether mixed or moveable.' It covers the situations about which the Hon. Ann Bressington is talking. It seems to me the purpose of the Hon. Ann Bressington's amendment is to make a special case for permanently fixed dwellings. If that is the case, why is it not appropriate to define those types of dwellings separately?

The Hon. G.E. GAGO: We are addressing clause 3, page 8 after line 27. I am addressing only those issues at this point. The Hon. Ann Bressington raised a range of other issues, which we can deal with as they arise clause by clause. At this point, we are dealing only with the definition of 'dwelling' and whether it includes fixed or moveable structures. The government has devised a definition that quite clearly and simply deals with the issue raised by the Hon. Ann Bressington. I do not have to be Einstein to understand the numbers but, nevertheless, the government has simply, clearly, efficiently and effectively dealt with the matter the honourable member has raised within the definition of this bill. We are satisfied that permanent structures are dealt with within that definition, and we stand by our current definition.

Amendment carried; clause as amended passed.

Clauses 4 and 5 passed.

Clause 6.

The Hon. T.J. STEPHENS: I move:

Page 12, line 22—
Delete paragraph (1) and substitute:
(1) guests or visitors of residents;
(m) other things prescribed under a regulation

As well as representation from numerous residents, we have received representations from the Caravan Park Association. At the outset, the Liberal Party has been very open about the concerns of not only the owners of these parks but also the residents. Given the support we have already indicated for the amendments moved by the Hon. Ann Bressington and the Hon. Mark Parnell, it is only fair that we point out that we are also concerned with the rights of the owners of the caravan parks. In my second reading contribution I said:

> . . . our amendment relates to part 2, clause 6, park rules and residents committees. The Caravan Park Association made a submission on this bill. It was concerned that there was no scope in the bill for rules to be created covering visitors or guests. The association put it to us park owners should be able to make rules concerning guests or visitors who come into a park and use the park's facilities, services and common areas, and we tend to agree with this line of thought. For example, we think it is reasonable that park owners should reserve the right to make rules on the behaviour of guests and the facilities available for their use, as they are not full-time residents.

We do not believe that the bill makes this intent clear enough, and we therefore hope that our amendments are supported.

The Hon. G.E. GAGO: The government opposes this amendment. The government feels very strongly about its opposition to this amendment. The government intends to deal with the issue in regulations. It is recognised that park owners may have concerns in respect of this matter. However, the government believes that a more careful definition than what is currently provided in the amendment is needed in order to avoid potentially detrimental and possibly even discriminatory consequences, for instance, the use of this rule to preclude people with large families; the use of this rule to unreasonably limit the number of guests or their length of stay; or the use of this rule as a back-door method to raise rents or recover costs excessively. As I said, dealing with this by regulation will allow for more detailed consultation on this issue.

It is also important to note that the securing of the park owner's rights and the rights of other people living in that park are protected by a wide range of other provisions that go to this question, for instance, the issue of the enjoyment provision. If there was, say, a very large group of noisy people in the park, the park owner would have the right to ask those people to leave if they were affecting or inhibiting the enjoyment of other residents. There is also the provision around privacy. The same thing applies; that is, if a large group of people were invading the privacy of fellow residents, again the park owner would have the right to ask the people who were invading the privacy of other residents to leave. There are also measures, for instance, to protect park owners' interests.

For example, there is nothing to stop a park owner from introducing fees for visitors using the amenities. If there were large groups of people and the park owner believed that they were having a detrimental effect on the condition of the amenities, he or she would be able to impose a fee for the use of those amenities. We believe that there are ample provisions to deal with any untoward impacts of large groups of people in parks, but to simply allow the park owner to make a decision about removing people from the park based on the number of people in the park is incredibly unfair and unreasonable and potentially discriminatory.

The Hon. T.J. STEPHENS: Surely the park owner, the person who has paid their own hard-earned money for a particular business, should have some rights regarding this. Invariably the park owner provides a service, and normally it is for a fee which is an all-inclusive fee. You have the provision, as the minister said, of power and water. Why would we be ambiguous regarding their rights as to what numbers they can limit? There may be a limit on the number of people for whom they can provide services. They have a responsibility not only to provide those services and good services to the visitors who may not be wanted but also to the rest of the residents. How can they do that if suddenly a family decides to extend their visitor range by a large number without any prior consent? Surely the caravan park owner has some right to some control within his caravan park, because the residents quite rightly demand a quiet and peaceful area. They also, quite rightly, demand services and they would be angry if the park owner could not provide those services.

The Hon. G.E. GAGO: Indeed, the owners do have rights, and they need to be respected. In fact, this bill is about balancing a wide range of rights—the owners', the residents' and other residents sharing the amenities. It is about getting that balance right as well. They all have rights, and we believe that the bill before us balances those rights very well, fairly and equitably. The honourable member talks about the owners' rights, but the residents who pay their hard-earned rent money have rights, too. They have ordinary civil human rights to invite friends around to visit.

Members should not be confused about who we are talking about. We are not talking about temporary residents sleeping and living in the park; we are talking about visitors—that is, inviting mum and dad over or inviting a few friends over. These are not temporary residents. They are visitors. It should not make any difference in terms of actual numbers. The issue is that people conduct themselves in an orderly way and not interfere in terms of noise with the privacy or the enjoyment of other residents. These provisions

are already incorporated into the bill. The owner and other residents are already given those rights.

You could just imagine setting a number based on a particular rationale. There is no particular number reached at which you are suddenly too noisy. I am not sure what the member is frightened of, but the issue of the impact of large numbers of visitors is already dealt with under other provisions. It is not necessary to stipulate a particular number, because we are concerned that, in doing so, discrimination and negative consequences, such as I have outlined—for example, precluding people with large families and unreasonably limiting the number of guests—are unreasonable outcomes. As I have said, as to an impost on visitors for the amenities, there are already provisions for the owner to charge visitors fees for using them. We believe that the current provisions more than adequately, fairly and justly balance that series of rights.

The Hon. NICK XENOPHON: I have a question of a technical nature in relation to the amendment of the Hon. Terry Stephens. I note the minister's concerns, but I also know what the Hon. Terry Stephens is trying to do. If the amendment is passed in the form moved by the honourable member, and if paragraph (m) is in place—that is, 'other things prescribed under a regulation'—can the minister advise whether the regulations can set some reasonable limits in terms of the number of visitors or rules in relation to guests and visitors—in other words, some parameters set in that context? Is there a provision that the regulations could override any unreasonable park rules, if that is her concern?

The Hon. G.E. GAGO: The answer is: yes, that can occur. Obviously, currently, the regulations have not been drawn up. We intend that they would go out for fairly extensive consultation.

The Hon. CAROLINE SCHAEFER: If these provisions are to be made within regulations, why are they the exception? Given that all the other issues are raised within the legislation and these matters are intended to be brought in via regulation, why can they not be included as an amendment in the legislation?

The Hon. G.E. GAGO: After receiving further advice, the answer to the question asked by the Hon. Nick Xenophon is, in fact, no, regulation cannot undo an unfair rule. That is why we oppose this amendment and want to deal with the issue of visitors under regulation. Under regulation we can set the parameters for what rules can be made about visitors and guests; whereas, under this amendment, any rule can be made about visitors and guests—it is open slather.

The Hon. M. PARNELL: This is an interesting provision and I accept what I am hearing from both sides of the chamber. I accept that there is great potential for a park owner to attach very restrictive and discriminatory rules against, for example, the types of visitors who might attend. I also accept what the minister is saying in terms of targeting behaviour—the rule-making power does cover things like noise—but there are issues that may relate to absolute numbers that might be about not just noise but other uses of the facilities.

It seems to me that the answer to this problem is for the commissioner to prepare model rules, and for those model rules to set out the types of rules that are or are not appropriate. My question for the minister is a technical one. I do not know whether it is an oversight in the bill or whether I just cannot find it, but there is reference to model rules in clause 6(3).

My question is: do model rules only apply to the terms of sub-tenancy managing agent agreements, or is it intended under this bill that there be model rules that attach to all aspects of the relationship between park residents and park owners? That is my first question: are model rules restricted to only a small type of agreement, or can model rules be prepared to cover all aspects of a residential parks agreement? If that is the case, then that is the place to put your anti-discrimination provisions, because subclause (4) provides that a park rule is void if it is inconsistent with a model rule. Rather than go through regulations, why not use the model rules?

The Hon. G.E. GAGO: I am advised that the model rules only relate to part 2, section 6(3), which provides:

> Park rules relating to the terms of sub-tenancy managing agent agreements must include any rules approved by the commissioner as model rules for the purposes of this subsection.

The Hon. M. PARNELL: So that I have it crystal clear, there is no capacity for the commissioner to write model rules to which all residential park rules must be consistent, only that very restricted range of sub-tenancy agreements. Is that correct?

The Hon. G.E. GAGO: No to the first question and yes to the second.

The Hon. T.J. STEPHENS: We can go round and round in circles here, but I just want to make the point that I have no doubt that the Caravan Park Association has actually dealt with this in good faith. To be fair, we have not had representations from it complaining about the number of its rights almost being taken away and given to tenants, which I thought was pretty much in good faith. I was at Hillier Park with the Hon. Caroline Schaefer only last week, and I was really impressed. I saw a couple of swimming pool facilities, for instance.

Can you imagine the grief that the caravan park owner would get on a day like we had yesterday if the residents—and I must say that most of them are quite senior—toddled off to their beautiful little pool and were actually cramped out because one or two residents had a massive group of people there? It would mean that they could not use the facilities that they pay for. I think that the Caravan Park Association is just looking for some reasonable controls to be able to make sure that it can provide the enjoyment for which its tenants pay rent, because, at the end of the day, it is the one who will finish up copping the grief over it.

The Hon. G.E. GAGO: There is nothing to stop provisions being made, for instance, to formulate rules around communal amenities, such as swimming pools. As I said, there are provisions that enable owners and other residents to deal with potentially crowd-related impact, such as noise and privacy, etc. I believe that dealing with these issues by regulation will allow for a far more detailed consultation involvement around these important issues.

The committee divided on the amendment:

AYES (13)

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

NOES (6)

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

PAIR

Dawkins, J. S. L.	Zollo, C.

Majority of 7 for the ayes.

Amendment thus carried; clause as amended passed.

Clause 7.

The Hon. A.M. BRESSINGTON: I move:

Page 12, line 35—after 'park' insert:

(on the basis that only a resident may be a member of the committee and that any resident who is employed or engaged by the park owner to assist in the management of the residential park may not be a member of the committee)

This amendment has been moved because the tenants of two quite large retirement, or lifestyle, villages want to form a committee to represent residents' concerns to management regarding park issues. In fact, residents in these two parks have been forbidden from forming a residents' committee that does not have a member of management on it. The committee has been more than willing to invite the manager or another staff member to the meeting after residents' business has been discussed, but that has not been good enough, and there have been times when park facilities, such as the community hall, have been made off-limits to these residents for their residents' meetings.

There is no doubt that management should have feedback from residents' committees and that residents and management should have a flow of communication. Residents should have the right to form a committee without having the manager impose herself or himself as the president of the committee. These residents are being bullied and intimidated, and when they oppose this (as I said before) they are told, 'You know where the gate is.'

This is where these elderly people have chosen to live for the rest of their life and they deserve better, so I have moved this amendment to make that very clear to management. From the Hon. Caroline Schaefer's earlier contribution I believe that she has come across yet another park where residents' rights are being trampled upon as well. Where there is smoke there is fire, and where there is one manager like this there will be more. I believe we have to make provision in this legislation to protect our elderly, some of whom are unable to stand up for themselves or for their rights.

The Hon. T.J. STEPHENS: I indicate that we are happy to support the Hon. Ann Bressington's amendment; the Liberal Party does not like bullies of any description.

The Hon. D.G.E. HOOD: I indicate Family First's support for the Hon. Ann Bressington's amendment. Family First believes that people should have the right to form committees and have freedom of association wherever they so choose, so we will support the amendment.

The Hon. NICK XENOPHON: I indicate my support for the amendment.

The Hon. CAROLINE SCHAEFER: Does this amendment give the new residents' committees any actual power or input into the formation of the rules for the residential parks?

The Hon. G.E. GAGO: I am advised that it does. The government supports this amendment; it is reasonable that only residents are allowed to become members of residents' committees.

Amendment carried.

The Hon. A.M. BRESSINGTON: I move:

Page 13, line 4—Delete 'this section' and substitute 'sections (1) and (3)'.

The Hon. G.E. GAGO: The government opposes this amendment as it is superfluous. The amendment seeks to ensure that the park owner is required to comply with subclauses (1) and (3) of clause 7 relating to the residents' committee. The amendment is considered superfluous as subclause (4) refers to the whole of clause 7 and a park owner should not interfere with the residents' rights under any of the subclauses in clause 7. It is superfluous.

The Hon. T.J. STEPHENS: The opposition supports the amendment. We are very keen to ensure that there is no confusion whatsoever about what rights they do and do not have and the clearer it is the happier we are, so we support it.

The committee divided on the amendment:

AYES (11)

Bressington, A. (teller)	Kanck, S. M.
Lawson, R. D.	Lensink, J. M. A.
Lucas, R. I.	Parnell, M.
Ridgway, D. W.	Schaefer, C. V.
Stephens, T. J.	Wade, S. G.
Xenophon, N.	

NOES (8)

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

PAIR

Dawkins, J. S. L.	Zollo, C.

Majority of 3 for the ayes.

Amendment thus carried.

The Hon. A.M. BRESSINGTON: I move:

Page 13, after line 5—Insert:

(5) A park owner must, insofar as is reasonable after taking into account the facilities located at the residential park and any other relevant factor, allow the use of a place within the residential park for the purposes of a meeting of residents called by a residents committee which must, insofar as is reasonable, be an enclosed area.

Maximum penalty: $750.

Expiation fee: $105.

Like the previous debate, this amendment relates to the right to form a committee. The park owners have no right to withhold a facility for elderly residents to hold a meeting in a park, if there is a building there and it is available. This is to ensure that both residents and management know that people do have the right to access those facilities if they are available on the parklands.

The Hon. T.J. STEPHENS: We are supporting the amendment. At one of the meetings I had with residents it was embarrassing to hear that the common facility was allowed to be used only at the discretion of the owner and that the owner could never find time for the residents to meet. I thought it was rude. If there is a common meeting facility I think they should be able to use it.

The Hon. D.G.E. HOOD: Family First will support the Hon. Ann Bressington's amendment. The government might well argue that this is already covered in the bill—and I guess to some extent it is—but we think this amendment makes it absolutely clear.

The Hon. NICK XENOPHON: I support the amendment. The amendment makes it clear that there are tests of reasonableness, taking into account relevant factors. I cannot foresee that this is an unreasonable onus for a park owner or park management. It would make a mockery of having reasonable rights of association, particularly for a park that may be relatively isolated or where community facilities may not be easily accessible. It would augment and make more effective the earlier amendment that was carried.

The Hon. M. PARNELL: I support this amendment. I think it would be churlish in the extreme for a park owner to deny an appropriate meeting space (if such space exists) for the residents to get together to discuss their common concerns. The amendment is well drafted and, as the Hon. Nick Xenophon said, it talks about 'reasonableness'. There is no requirement for the park owner to construct such a facility, but if a suitable facility exists then it should be made available for the residents to meet.

The Hon. G.E. GAGO: The government supports this amendment. It is reasonable that if facilities are available they be made available to a committee of residents. The clause does not necessitate the building of such a facility if one is not currently available. It does not require that if the facilities are being used for some other valid purpose the park owner must instead make them available for use by the residents for a meeting.

The Hon. R.D. LAWSON: Does the government consider that upon this amendment being carried a park owner with such a facility on the park could not thereafter remove the facility? If a hall is erected and the park owner wants to use it for some other purpose, on the government's advice would this clause prevent the park owner from removing the hall?

The Hon. G.E. GAGO: It relates only to those buildings that are available at the time. My advice is that it would not preclude a park owner from making a decision about a building they may want to demolish for the purpose of expansion or some other building structure.

Amendment carried; clause as amended passed.

Clauses 8 and 9 passed.

Clause 10.

The Hon. A.M. BRESSINGTON: I move:

Page 14, after line 13—insert:
and
(e) comply with any other requirements prescribed by the regulations (including as to the content or form of the agreement).

This amendment requires the government to provide a standard site agreement between the owner and the residents of a residential park. It would standardise the whole agreement process. In the parks which I mentioned earlier there are four different site agreements floating around the park at any given time. Residents are very confused as to which one is relevant at any time. If the government could provide a standard agreement, similar to a residential tenancy agreement where the rules are outlined, then everyone would be clear and there would be no risk at all of unfair or unreasonable tenancy or site agreements being drawn up by park management and basically fooling the elderly people who are signing these agreements and who are unaware of the legal ramifications. This would make the government responsible for the regulation and take away a little power from the managers but increase the level of power which the residents have currently.

The Hon. D.G.E. HOOD: I indicate Family First support for the amendment. We think this is a very good amendment. The prescription of regulation will clarify some of the uncertainty outlined by the Hon. Ms Bressington.

The Hon. T.J. STEPHENS: I indicate Liberal Party support.

The Hon. NICK XENOPHON: I indicate my support.

The Hon. G.E. GAGO: Again, I draw attention to the fact that this provision is superfluous. It is dealt with quite clearly in clause 10(2), which provides:

The agreement must include the terms prescribed by this act and any terms prescribed by regulation as standard terms for residential park agreements.

Also, all park agreements must be in writing. On those grounds, we oppose the amendment.

The Hon. A.M. BRESSINGTON: This amendment requires that a standard agreement between management and residents be prepared by the Commissioner, the same as a Residential Tenancies Agreement which is on the internet for anyone to download and sign and which is regarded to be a legal and binding document. At present, there is no regulation in terms of what can be included in these tenancy agreements. I have sighted four from one caravan park alone which were issued in one year and in which figures change for no reason—for example, whether they can use a dwelling for a residents' meeting or whether they can form a residents' committee. This should also be regulated by the Commissioner so that there is no way that these old people can be intimidated or bullied. There may be only one or two managers who would do that but, certainly, they are there. I believe that provision needs to be made for our elderly, and a standard agreement—which is a legal document—needs to be made.

The Hon. M. PARNELL: What is the relationship between the Residential Park Agreement and the Residential Park Rules? If they both cover the same territory, such as the rights of visitors, does the Residential Park Agreement prevail or do the park rules prevail?

The Hon. G.E. GAGO: The rules form part of the agreement, and neither can be outside the provisions of the act. In response to some of the issues raised by the Hon. Ann Bressington, a standard agreement will be available and people can use that if they choose to. That is exactly the same as that which currently applies under the Residential Tenancies Agreement.

The Hon. A.M. BRESSINGTON: I am not asking that managers or park owners use this agreement if they want to or if they feel like it. Obviously, right now, they do not feel like it at all. They do not feel like complying with any of the rules, and a large group of elderly people in more than two parks in this state are being bullied and intimidated simply because the manager decides that they will change the site or tenancy agreement with these residents. They have no say. No consultation process is carried out at all. If these agreements are stock standard and available, and if park owners and managers are required to comply with these agreements, this will add to the safety and security of these elderly people. I could not even imagine why we would not want to ensure they are not being intimidated and bullied—it escapes me.

The Hon. G.E. GAGO: This clause clearly provides that the agreement must include the terms prescribed in the act. Those protections are clearly upheld, if you like.

The Hon. A.M. BRESSINGTON: This is not about the rules of the park, the behaviour of other residents, keeping pets or disposing of rubbish. This is about the tenancy agreement between the park owner or manager and the residents. It is a tenancy agreement, and right now there is no stock standard tenancy agreement. How many people would lease a home to someone and not have a tenancy agreement with them? You can print it off the internet. You can log onto the OCBA web site, click on 'tenancy agreement' and print it. It is a legal document and the rules of tenancy are there. That is all I am asking for these elderly people.

The Hon. G.E. GAGO: I am advised that they cannot make a contract to avoid the act, and I refer to part 13, clause 139.

The Hon. A.M. BRESSINGTON: They are already making agreements that will be in breach of this act. Perhaps the minister has not sighted some of these agreements that have been sent to me. I am more than happy to provide them to the minister. I have sighted four of them, and they change. If this amendment is not carried and the bill passes in its present form, those site agreements will be illegal. Why do we not have a stock standard agreement so that there can be no mistakes and no misunderstanding?

The Hon. G.E. GAGO: When the act comes into place, the agreements to which the Hon. Ann Bressington is referring will not be valid if they do not comply with the provisions of the act.

The Hon. A.M. BRESSINGTON: If that is the case, why have I been lobbied by the park managers to have this paragraph deleted from the bill? This is making them feel quite uncomfortable. They are saying that it is taking away their right to determine the terms of residency in their own park. Clearly, an agenda is running here. I am not quite sure what it is. I do not see the harm in ensuring that the tenancy of these residents is secure, safe and regulated.

The Hon. G.E. GAGO: One can only wonder. Perhaps those park owners did not understand the provisions before them. All I can do is reiterate and reassure members participating in this debate that those protections are provided for within the bill. I have answered all the questions in detail and outlined where those provisions can be found so that members can be quite confident that those provisions are within the bill.

The Hon. T.J. STEPHENS: We are supporting the Hon. Ann Bressington.

Amendment carried; clause as amended passed.

Clauses 11 to 13 passed.

Clause 14.

The Hon. A.M. BRESSINGTON: I move:

Page 15, lines 1 and 2—
Delete paragraph (b) and substitute:
(b) a written notice stating—
- (i) any kind of charge payable by the resident in accordance with requirements imposed under part 4 division 10; and
- (ii) any services provided to residents by the park owner on a fee-for-service basis; and

I move this amendment because again there has been larrikin behaviour, if you like—I really do not want to call it dishonest behaviour. Tenants have moved into these residential parks as permanent residents having been given an outline of what the fees and charges would be for them to move into this particular living arrangement only to find that, after they have bought their home and paid their fees as outlined, they were then hit with a bill for three months fees in advance which they had not been warned about. This amendment provides that any information about the fees and charges must be provided to people in writing prior to their undertaking a lease or building a home on these sites. In this way, it will be very clear that this is what you have to pay and there will be no added extras once you move in.

The Hon. T.J. STEPHENS: The Liberal Party supports the Hon. Ann Bressington on this. There is nothing wrong in being up-front and open about what charges you have to pay and what is expected. It is only fair and reasonable and there should not be an argument about it.

The Hon. A.L. EVANS: Family First supports the amendment.

The Hon. G.E. GAGO: Again the government opposes this on the grounds that the amendment is considered superfluous. Clause 43(3) enables regulations to be made providing that a resident need not pay statutory and other charges unless, on request by the resident, the park owner provides specified information evidencing the details of the charges, and it is the government's intention to make such a regulation.

The Hon. NICK XENOPHON: I indicate my support for the amendment. I know what the minister has said, but my experience with governments is that simply having a mechanism for regulations does not guarantee that there will be certain minimum safeguards. This puts in the legislation unequivocally certain minimum safeguards. This improves the whole process of transparency. It is a piece of consumer protection which is sorely needed. If the government wants to improve on that with regulations, then so be it. This is an important piece of consumer protection that the residents of these parks deserve and have deserved for a long time.

Amendment carried.

The Hon. A.M. BRESSINGTON: I move:

Page 15, after line 10—
Insert:
and
(d) a written notice stating—
- (i) whether the resident is entitled to the payment of any amount (other than a bond) at the time the resident ceases to occupy the rented property and, if such an entitlement exists, the amount that will be payable or the method that will be used to determine the amount that will be payable; and
- (ii) in the case of a residential park site agreement—the resident's rights to sell or relocate a dwelling on the site and any arrangements that may apply in event that the resident, after the expiration of a period determined under the regulations, has been unable to sell the dwelling on the open market; and
- (iii) any other information required by the regulations; and

(e) a copy of an information notice in a form approved by the commissioner.

Once again I move this amendment because of the fact that some people have paid amounts three months in advance. However, on requesting that money or making inquiries as to whether that amount is actually payable should they sell their home and move, they have been told no. When they have asked where the money has gone, they have been told that it has been spent. As far as I know, if it is a bond or anything else, it should have been secured in some sort of investment or secured account. These people have handed over moneys payable three months in advance. I might add that in just one park that amounts to $250 000 which is now unaccountable. They have no idea how that money has been spent or where it has gone.

We are asking that all the payments (as in the previous amendment) are outlined. It also needs to be outlined for the tenants and the residents if any of these payments will be refundable on their ceasing to live in that particular park. Residents' rights to sell or relocate a dwelling on the site and any arrangement that may apply also has to be made very clear. I know that it seems silly, but 300 residents in one park alone did not ask enough questions. We can all say that they were silly for signing these agreements or for moving into this sort of a situation, but the fact is that literally hundreds of people are doing this. They were not sure that these homes

were not relocatable until the issue was raised. They believed that they lived in a relocatable home. If it is a fixed dwelling, as in the first amendment I moved, this has to be outlined to people, again together with any other information required by the regulations, before they decide to buy or move onto one of these parks so that they know exactly what they are getting.

As I said, it would be easy for us to stand in judgment and say that they should read the fine print, but the fact is that people are not doing so. I believe that this amendment is needed to give some level of responsibility to the park owners and managers to duly inform people who would live in their parks.

The Hon. T.J. STEPHENS: The Liberal Party always supports openness and transparency. We hope that the government would not only take notice of this on this occasion but also make it something that it aspires to in other matters it deals with in this parliament.

The Hon. G.E. GAGO: The government opposes the amendment. Again, we consider it to be superfluous. Under the terms of the draft bill, it is an offence for a park owner to ask for or receive anything other than rent or a bond from a resident in respect of a residential park agreement. The exception is that a park owner may ask for statutory or other charges relating to the rented property under division 10. For example, if, at the time of returning vacant possession of the rented property to the park owner, a resident can show that they have overpaid their rent, they would be entitled to recover the overpayment from the park owner. If the park owner refused to refund the overpayment, the resident could apply to the Office of Consumer and Business Affairs for assistance to resolve the dispute or lodge an application with the Residential Tenancies Tribunal for a determination.

Clause 50 of the bill provides that it is a term of a residential park site agreement that the resident has the right to sell the dwelling installed or located on the site to which the agreement relates while the dwelling is in place on that site. There is no requirement for a specified limit on the amount of time that a dwelling can remain on sale. If a resident has been given notice that the site agreement is being terminated, or the resident has given notice that they intend to terminate the agreement, the dwelling can remain on sale on the site until the date that vacant possession is required. If the resident does not vacate the site on the date set out in the notice, the park owner can apply to the Residential Tenancies Tribunal for vacant possession of the rented premises.

Clause 94 of the bill provides that, if an order is made by the Residential Tenancies Tribunal which grants vacant possession of the site to the park owner and the resident leaves their dwelling behind, the park owner must keep the dwelling safe for at least 60 days. Clause 92 contains extensive provisions for dealing with valuable abandoned property.

Amendment carried; clause as amended passed.

Clauses 15 to 48 passed.

Clause 49.

The Hon. A.M. BRESSINGTON: I move:

Page 31—

Line 9—Before 'specify' insert:

subject to subsection (4a),

After line 13 insert:

(4a) In the case of a residential park site agreement under which a permanently fixed dwelling is located on the site, a notice of termination under this section must not specify a day on which the agreement is terminated that is earlier than the end of the term of the agreement as fixed by the agreement.

This is a test clause. The reason for these amendments is that, in the Residential Parks Bill, a period of time is given when a notice of termination can be enforced on a tenant. That is fine and fair if a person is in a mobile home or a caravan and they can take their home with them. However, the people in these parks have signed 10-year agreements. If, for any reason specified by the manager, these tenants are not complying with the changing rules of the park, they have threatened to give a notice of termination on these elderly people. The legislation provides that they can get one or two years to move out. They have been told that they will need to make arrangements to have their house pulled up or sell their home. I have heard from not just one tenant but from a number of tenants of these parks that they feel threatened. These amendments prevent any threat of a termination of a site agreement before the 10-year agreement originally made between the resident and the manager is up.

The Hon. T.J. STEPHENS: We support the amendments.

The Hon. D.G.E. HOOD: We also indicate support.

The Hon. G.E. GAGO: The government opposes the amendments. They substantially restrict the purchaser's rights as defined under the Real Property Act 1886. The intention of the act is that contracts of lease should not tie up the use of land in the long term so as to restrict the rights of a purchaser, unless that was the intention of both parties in granting the lease and the title has been encumbered to that extent. Further, the proposed amendment will also have a significant impact on the value of the land where the residential park is located. For instance, it may be considered unreasonable that, if a residential park is considered by its current owner to be no longer financially viable, the owner is severely restricted in their ability to sell the park if there are any fixed-term leases of over 12 months' duration in place.

The government has indicated an intention to address issues in relation to long-term leases in residential parks and has flagged a range of possible solutions. They include the provision of specific and prescriptive compensation rules, together with guidelines for the resolution of any disputes that may arise over the amount of compensation. However, this may have an adverse effect on rental changes if the park owner adopts the view of a need to build up a surplus of funds to cover this contingency.

Another option is the registration of a fixed-term residential park site agreement of longer than a certain period on the certificate of title. This option may have an impact on the value of the land by potentially diminishing its value. Another option is the registration of a caveat against the title of the property. Under this option a park owner may seek removal of the caveats lodged by residents, and residents may not have the resources required for establishing their entitlements under the caveat. Another option is amending the Real Property Act 1886. Such a process, however, may be quite lengthy and require extensive research and consultation and, as such, these options need to be both fully explored and then put out for public consultation.

The current amendments have not gone out for consultation and, indeed, may not necessarily provide the most appropriate solution and, for this reason, the government is opposing them. Just picking up one of the points that the Hon. Ann Bressington made, you can terminate a fixed-term

lease only if the resident actually breaches the agreement. The resident will then be given an opportunity to remedy that breach.

The Hon. M. PARNELL: This amendment goes to the heart of much of what the Hon. Ann Bressington has been talking about and also the many conversations that I have had with residents of Rosetta Village, for example. We are really talking about consumer protection legislation in this bill. It might be easy for people to say, 'Well, some elderly residents of these establishments have got themselves into their own pickle by entering into agreements and investing large sums of money without having the necessary security of tenure, and that's their own fault', but I do not think that is good enough. I think it is appropriate for this parliament, as a consumer protection measure, to put something in place to protect these people.

I accept what the minister says in that the Hon. Ann Bressington's amendment is not necessarily the ideal way to deal with this problem. The minister has foreshadowed that the government is thinking about options. My position on this is to accept as a stopgap measure the Hon. Ann Bressington's amendments and, if injustices flow from that, then the government certainly has the ability to properly regulate what is going to be a growing form of housing tenure.

There are a lot of ways we can look at these residential villages, and one is how to get around the planning laws. The planning laws will not let you subdivide land into tiny little lots and sell it off to people for houses. You just cannot do that in development plans under the Development Act, but you can get around those minimum lot sizes by constructing a development similar to some of these residential villages we have seen. The legislation has not caught up with the property industry and its desire to maximise its returns from land. I think that the Hon. Ann Bressington's proposal is a reasonable stopgap measure, and I would urge the government to get on with legislating properly for this new and, I believe, growing form of housing accommodation, that is, long-term residential parks, particularly for elderly people.

The Hon. NICK XENOPHON: I indicate my support for this amendment. I find it extraordinary that the government will not support it. This really is about giving people who invest, in some cases, quarter of a million dollars, some security of tenure; it gives them some guarantees. If we accept the government's position it means that these people can be thrown out with just 12 months' notice, and that simply is not good enough when people have put their life savings or their superannuation into their home. It is extraordinary that this very fundamental piece of consumer protection is being opposed by the government. I strongly support this amendment.

The Hon. G.E. GAGO: I think there is only one other matter that is important to put on the record and that is under the terms of the bill, clause 118, general powers of the tribunal to resolve disputes. Residents with fixed-term leases of over 12 months' duration have the ability to apply to the Residential Tenancies Tribunal for compensation from the vendor for their losses if a rental property is sold and the purchaser requires vacant possession of the property prior to the end of the fixed term. Similar provisions apply in residential park legislation in Queensland, New South Wales and Western Australia, except that the compensation provisions in the interstate legislation are a bit more prescriptive.

The Hon. A.M. BRESSINGTON: I have no idea why the government would want to put elderly people through that process when, through a simple amendment to this bill, it is taken care of. It is ridiculous. As the Hon. Mr Parnell said, the government has not kept up with the changing face of real estate in this state and how different types of lifestyles, villages, parks and everything are developing under their nose. It needs to get with the program and keep up with the whole process. These are real problems that people are facing; it is not something that has been whipped up out of thin air. I find it just unconscionable that the government will not even acknowledge that these problems exist for our elderly. These are people over 55 years of age.

A statement made by one of these owners was that they expect that there will be a stock turnover within a 10-year period, meaning the residents. So, this is the attitude they have to our elderly: that it is a 'stock turnover'. They are basically saying, 'We're hoping that by the time the 10-year lease is up the person will actually have passed away and we won't have to worry about the whole renewal thing.' I find it disgusting. I think it is disgusting that the government would not even consider that there is that mentality out there and deal with it.

The Hon. G.E. GAGO: The government is very sensitive to the predicament of these particular residents. We are prepared and willing to deal with their predicament, but one of the consequences of this amendment getting through is that it is likely to stop park owners from entering into any future long-term leases with residents, and it is likely to stop as of this evening if this goes through. You can just see that all future leases will be short term. It does have broad consequences and it is important that we try to deal with these matters in ways that address all of the issues concerned and that we do not then disenfranchise the very people that the Hon. Ms Bressington is referring to in their future security of tenure.

The Hon. A.M. BRESSINGTON: If it is as the minister said and they are looking at options, the act will eventually be amended and blah, blah, blah, then there will be no disfranchising of anybody if the government moves forward, actually realises the options that it said it is going to look at and brings them into force. So, this is just a stopgap until the government takes responsibility for the security of tenure of elderly people in this state.

Amendments carried; clause as amended passed.

Clauses 50 to 94 passed.

Clause 95.

The Hon. M. PARNELL: After discussions with the minister's representative I have decided not to proceed with the second of my amendments on file. The government opposed it and gave me good reasons why that amendment might have some unintended consequences. It was an amendment designed to bring the police into a dispute over potential violence.

Clauses 96, 97 and 98.

The Hon. M. PARNELL: I move:

Delete clauses 96, 97 and 98 and substitute:

96—Exclusion from park for certain period

(1) A resident who is given a notice to leave under this Part must not enter or remain in the residential park for the exclusion period.

Maximum penalty: $1 250.

(2) In this section—

exclusion period means—

(a) until the end of 2 business days after the notice is given; or

(b) if an application is made under section 99—

(i) until the end of 4 business days after the notice is given; or

(ii) if within that period the Tribunal on the application of the park owner so orders, until the Tribunal has heard and determined the application.

I move this amendment as a test for the remainder of my amendments; that is, amendments 3 through to 9 inclusive. These amendments all relate to part 10 of the bill, which deals with a fairly narrow but fairly important issue, and that is the appropriate response to serious acts of violence by residents in residential parks. Part 10 of the bill, as it is presently constructed, enables a park owner to temporarily exclude violent residents, to suspend the operation of a residential park agreement and to trigger the possible termination of the agreement by the Residential Tenancies Tribunal. There are good reasons why such a provision is there, and that is to protect the security of other park residents.

The purpose of my set of amendments is really aimed at a possible unintended consequence, and that is that the innocent victims of a violent resident, such as that resident's spouse and children, should not be adversely affected by the removal of the violent party from the residential park. I spoke at some length in my second reading contribution as to why I felt these amendments were necessary. I am not going to go over all of that ground again, and I am pleased that the government has informally acknowledged that it will support my amendments.

The Hon. T.J. STEPHENS: We indicate our support.

The Hon. G.E. GAGO: The government supports the amendment in relation to proposed new clause 96. This is an improvement on the current bill in that it focuses on excluding violent residents and it also provides protection for both the excluded resident as well as any persons who occupied the park with the resident to ensure that there is a determination as to whether the exclusion is reasonable and provides certainty for the parties regarding their ongoing position. We support the amendment.

The Hon. D.G.E. HOOD: I rise to indicate Family First's support for the amendment.

Amendment carried.

Clause 99.

The Hon. M. PARNELL: I move:

Page 50—

Lines 33 and 34—Delete 'A park owner who gives a resident a notice to leave the residential park under this part,' and substitute 'If a resident is given a notice to leave under this part, the park owner'.

Lines 36 and 37—Delete 'before the end of 2 business days after the suspension of the agreement' and substitute 'within the exclusion period'.

Page 51—

Lines 1 and 2—Delete paragraph (b) and substitute:

(b) make an order vesting the residential park agreement in a person who resides or resided on the rented property with the resident; or

(c) order that the resident be allowed to resume occupation of the rented property under the residential park agreement.

Lines 5 to 14—Delete subclause (5) and substitute:

(5) If the tribunal orders that the resident be allowed to resume occupation of the rented property under the residential park agreement and is satisfied that there was no reasonable basis for the giving of the notice under this part, the tribunal may make 1 or more of the following orders:

(a) an order excusing the resident from paying rent in respect of the exclusion period;

(b) an order for compensation to be paid to the resident by the park owner for rent paid in respect of the exclusion period;

(c) an order for compensation to be paid to the resident by the park owner for reasonable expenses incurred by the resident relating to the exclusion period.

These are part of the same suite of amendments and I do not propose to say any more. They are all consequential amendments and relate to the same issue of protection of innocent victims from violent residential park residents.

The Hon. G.E. GAGO: The government supports the amendments.

The Hon. T.J. STEPHENS: We support the amendments.

The Hon. D.G.E. HOOD: Family First supports the amendments.

Amendments carried; clause as amended passed.

Clause 100.

The Hon. M. PARNELL: I move:

Page 51—

Lines 16 and 17—Delete 'period of suspension of a residential park agreement' and substitute 'exclusion period'.

Lines 20 to 22—Delete 'would reside on the rented property with the resident if notice to leave the residential park had not been given to the resident and the residential park agreement were not suspended' and substitute 'resided on the rented property with the resident immediately before the notice to leave the residential park was given to the resident'.

These amendments are consequential.

The Hon. G.E. GAGO: The government supports the amendments.

The Hon. T.J. STEPHENS: The Liberal Party supports these amendments.

Amendments carried; clause as amended passed.

Remaining clauses (101 to 143), schedules and title passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION (DRINK SPIKING) AMENDMENT BILL

In committee.

Clause 1.

The Hon. P. HOLLOWAY: It is a long time since we last debated this bill. The Hons Messrs Wade, Lucas and others commended in the course of debate the proposed opposition amendment foreshadowed in another place. The government could not accept it as moved there and opposed it, and I propose to outline its reasons. I will do that because it will explain what is to follow and why the government takes the attitude that it has adopted towards other amendments.

The presumptive scope of the proposed possession offence was too wide. Putting to one side for a moment the defence of the proposed offence, it can be observed that the offence extends to the possession of any prescription drug. That has the same meaning as under the Controlled Substances Act. It means that these are the substances listed in schedules 4 and 8 of the Controlled Substances (Poisons) Regulations. The width of that definition is quite clear. Whilst section 8 substances are listed as drugs of dependence, prescription drugs are very common indeed. What you get from your doctor on prescription is very different from what you get from a chemist, such as eye drops, inhalers and antibiotics. It is absurd that an offence of this extent and proposed seriousness should extend to these substances. It is obvious that many people will go to a restaurant, bar or bottle shop in possession of these substances. It is not sensible that they

should be threatened with five years imprisonment for doing so.

But there is more. Many people carry quite dangerous prescription drugs with them all the time for very good reason. Diabetics carry insulin; asthmatics carry puffers; people carry drugs for angina and epilepsy; people with severe pain may carry morphine and other extreme painkillers. Morphine is a controlled drug. People prone to kidney stones may carry prescribed pethidine on medical advice. Pethidine is a controlled drug. People subject to panic attacks carry benzodiazepines, which class of drug includes Rohypnol, and so on.

It has been said by various members of the opposition time and again that there really is little excuse for people taking into licensed premises any substance such as Rohypnol, other prohibited drugs or drug that could be used for drink spiking. That is just not so and, demonstrably, not even so once it is thought through. There is a tendency to think of licensed premises as pubs and nightclubs, but it is wider than that. Licensed premises would encompass restaurants, drive-in bottle shops (pity help you if you had been to the chemist first) and temporary licensed premises, such as those in private homes, fetes and barbeques. If you had a temporary licence in order to sell alcohol in your home to a large party, as some do, then your whole bathroom medicine cabinet would come under scrutiny, for the offence is not limited to what you carry but to what you have in your possession. This is obviously and plainly ridiculous, but it might be said there is a defence of lawful excuse and that surely that will cope with these situations. The answer is 'to a degree', but only to a degree. The Criminal Law Consolidation Act provides:

> 5B. Proof of Lawful Authority or Lawful or Reasonable Excuse.
>
> In proceedings for an offence against this act in which it is material to establish whether an act was done with or without lawful authority, lawful excuse or reasonable excuse, the onus of proving the authority or excuse lies on the defendant and, in the absence of such proof, it will be presumed that no such authority or excuse exists.

The answer is that any of these people can be arrested, charged, DNA tested, fingerprinted, and taken to court. It is proposed as a major indictable offence (so it requires a mandatory District Court jury trial and a threat of five years' imprisonment) and it is required to be proved on the balance of probabilities that the possession of the drug in question is lawful. This again is just not sensible. The Hon. Mr Hood came close to this point in remarking, 'We hope that this does not catch someone out, such as an elderly person having a pub meal whilst their medication is on them.' The response is that SA Police should resolve this at the prosecution level and adjudicate not to prosecute in such circumstances. That is not sensible and parliament should not agree to it. Why should a pensioner have to rely on the discretion of South Australia Police not to prosecute? It should not be an offence at all and the pensioner should have a right to know it straight away. Why should SA Police prosecutions have to waste their time with this trivia?

But that is not all. As a matter of policy the suggested offence misses the point almost completely. All the research done on the subject shows that, as far as anyone can tell, most or a great proportion of spiking or suspected spiking is done by alcohol and not drugs of any kind. Of course it is the drug cases that are spectacularly bad and make the headlines, but these are in the great minority. A recent study has shown that by self-report alcohol was the sole drug detected in 65 per cent of cases and a major factor in 77 per cent of cases. The shadow attorney-general said that her information is that it is 85 per cent.

That is not all either. The proposed five-year penalty is wildly disproportionate. That makes the proposed offence a major indictable offence and equivalent to the bottom rung of the reckless endangerment offences. That is obviously inappropriate. No endangerment is shown by mere possession. The government has proposed three years for actually spiking the drink. Possessing the means for doing so is preparatory to that act and so would attract a lesser sentence. Normally one might think that two-thirds would be about right—two years—conveniently making it the top of the summary range. However, the maximum penalty for mere possession of controlled drugs is also two years, and the fact of its being on licensed premises is intended to be aggravating. That would at best lead to a maximum penalty of 30 months.

The government decided to try to make sense of this, despite its many failings, and come up with some kind of a compromise to suggest it. Fair enough: you might think that that is what the government did. The government's proposed amendment is a compromise amendment and, because it is a compromise, it keeps the key elements of the opposition's amendment but builds in safeguards designed to ameliorate the weaknesses we have identified. The key element retained (the core of the proposed amendment) is: possession of prescription drugs or controlled drugs in licensed premises with a defence. It should be emphasised that this is a supplementary preparatory offence. Drink spiking will remain illegal under the government's proposed substantive offence. This amendment deals with a supplementary offence. The government admits that its compromise offered less than absolute coverage but submits that that cannot be achieved in a principled manner.

The government thought long and hard about safeguards. A first principle was that a suspect should be able to show a suspicious police officer lawful possession on the spot and without further ado. There should be no necessity in every case to take them down to the police station or leave it to police prosecutions. People should be able to demonstrate that they are innocent of wrongdoing (if that is so) at once, if they can. Therefore, the government's proposed offence does not apply if the drugs are contained in packaging or have on them a prescribed label indicating lawful prescription. People can check on licensed premises without identification. But some people carry around perfectly harmless drugs without labels or packets. Innocent examples include asthma inhalers, nose and eye drops, and contraceptive pills. There is no point in making an offence for these. Why? The answer is that they do not intoxicate. Therefore, it is an element of the offence that the drugs must be capable of producing a state of intoxication.

However, there is still a problem. People who take a lot of medications—older people, for example—may well carry a pill box with a number of pills as the daily dose. We certainly do not want to catch them. In addition, this intersects with the overbroad width of licensed premises. Bottle shops are licensed premises—so are restaurants. In general terms, the kinds of licences in which we should be interested go from 9 p.m. to 5 a.m. True it is that anyone can have a drink spiked at any time. But it might happen at a private party, not on licensed premises at all, and no-one is proposing to cover that, so we propose to restrict the legislation to the most at risk times. In summary, the safeguards are:

- The drugs must be such as are capable of producing a state of intoxication, so antibiotics, eye drops and asthma puffers, for example, are not covered.
- It is an element of the offence that the drugs be not contained in packaging or have on them a prescribed label indicating lawful prescription.
- The offence applies only between 9 p.m. and 5 a.m.
- The offence does not apply to restaurants and residential licensed premises (although it is extended to premises holding a casino licence), thus exempting the possession of drugs in licensed restaurants and at-home parties.
- A sensible maximum penalty of 30 months is proposed, thus sitting below actual drink spiking but above mere possession of controlled drugs.

We had hoped by these means to target the circumstances of high risk and exempt innocent people from the rigours of a serious offence. But this was not good enough. Now on file there are further amendments in the name of the Hons Ms Bressington and Mr Wade. I do not think it is necessary at this stage to go through all the elements of the differences in wearisome detail; a few examples will suffice.

The elements of the requirement that the drugs be intoxicating in nature and the hours of operation of licensed premises are omitted from both. The heavy-handed proposed Liberal penalty of five years remains in this amendment. Both apply to any licensed premises, including restaurants, and so on. I have been through all the objections above. The government notes that at the last election it was Liberal policy to create an offence of 'carrying date rape drugs'. It said 'people with date rape drugs on licensed premises face prison terms under changes to the law being considered by the Liberal Party'. The government proposed a compromise in the right spirit, but it appears that it is not wanted. Fine! The government will not move it. The government's position is that for the reasons it has given it will also oppose all the other amendments. The government's position is that it will vote for the legislation as it was intended to be in the first place, implementing announced Labor policy, not Liberal election policy. I commend the bill to the committee unamended.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. S.G. WADE: The opposition seeks an adjournment. This is the first time we have heard of the government's intention not to move its amendment.

Progress reported; committee to sit again.

WATER RESOURCES

The Hon. P. HOLLOWAY (Minister for Police): I lay on the table a copy of a ministerial statement relating to government action on water security made earlier today by my colleague the Minister for Water Security.

NATURAL RESOURCES MANAGEMENT (EXTENSION OF TERMS OF OFFICE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 December. Page 1196.)

The Hon. D.W. RIDGWAY: I rise on behalf of the opposition to make some brief comments about this bill. I indicate from the outset that the opposition will be supporting this small administrative bill. It is interesting to note that a review of the NRM act is due some time this year, and I believe that it would be more appropriate for me to address a range of issues during that debate rather than this one. My understanding of this bill is that the members are appointed to the NRM Council and boards initially for two years. There are two staggered terms—three-year terms and two-year terms—so that the terms of all members do not expire at once.

Those members appointed for a period of two years are now nearing the end of their term. It appears that a number of the boards and regions are still deliberating and have not finalised their NRM plans. Those plans will not be finished until at least mid 2007. The implementation of those NRM board and regional plans will be quite an important phase; and so, from the point of view of the opposition, it makes sense that we support the government's wish to allow the Governor to appoint these people to the boards for another three-year term.

I am a little uncertain, but my understanding is that they will all then be appointed to a three-year term and then, as a result of a review of the act, we will have staggered terms. We will have the on-off term extension and then the staggered-term policy will be reinstated for the terms commencing in 2008. It is important that the terms are staggered (a little like this place) so that, at any one time, we do not have all new personnel involved at the NRM board and council level. While there are a range of issues regarding funding and the effectiveness of the NRM process (the actual delivery of projects on the ground), there seems to be quite a degree of concern within the community that the government is building a layer upon layer bureaucracy but not delivering many outcomes to the community. However, I think those comments are probably better addressed at a later time when we review the act. With those few words, I commend the bill to the chamber.

The Hon. B.V. FINNIGAN secured the adjournment of the debate.

TOBACCO PRODUCTS REGULATION (SMOKING IN CARS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 November. Page 1085.)

The Hon. SANDRA KANCK: I have been listed to speak on this bill at least a dozen times over the past few months and each time it has been put off. The alternative way the Minister for Mental Health and Substance Abuse might have begun her speech when she introduced this bill is, 'Congratulations to the Australian Democrats for coming up with this idea in the first place. We in the ALP recognise that it is such a good idea that we are adopting it as our own.' Of course, that is in one's dreams—this government is never generous enough to acknowledge an idea unless it comes from one of its own.

Back in 2002, as we were approaching World No Tobacco Day, my researcher at the time (Cathy Tucker) suggested this idea of a ban on smoking in cars. We did some searching, and we were unable to find any evidence of anyone ever doing anything like this before. However, we thought, 'Well, this is not a bad idea.' My media release, titled 'Smoke gets in their eyes', states:

South Australian children need legal protection against cigarette smoke in cars. Increased rates of asthma and respiratory illness being inflicted on the most vulnerable people in our society is not acceptable. . . On World No Tobacco Day I call on the Minister for Transport to introduce legislation to prevent drivers from lighting up cigarettes and smoking them while driving. Parents and other adults should not subject young people to the carcinogenic dangers of side-stream smoke in cars, yet it is a common sight to see this happening. There is an advertising campaign but it is time for some legislative teeth. The cost to the community of the health effects on smokers should also take into account the cost of side-stream smoke on children exposed to smoking. In a free and democratic society adults can choose their own poison but we have to stop them inflicting it on the kids. If using mobile phones is illegal so should cigarette smoking in cars because of its capacity to distract drivers. Laws to prevent cigarette smoking while driving will have benefits to passengers, especially children, and for road safety in general, as a consequence of drivers giving their full attention to driving.

As I said, we could not find any evidence of anyone ever having done anything like this before, and the phones lit up. Over the next two days, I did a phone dance from one interview to the next.

Members interjecting:

The ACTING PRESIDENT (Hon. R.P. Wortley): Please allow the Hon. Ms Kanck to talk without caucusing, if you do not mind.

The Hon. SANDRA KANCK: I do not know, five years on, how many phone calls and interviews I took, but I would say that probably over the next two days, once I released that, I did about 50 interviews. If members look at what I said in that media release, while I specifically singled out children (I guess as the catch to get the media interest), I also talked about the capacity for cigarette smoking to distract drivers, particularly lighting up cigarettes, and I said that it would have benefits to all passengers. Anyhow, I congratulate the minister for taking up my idea, even if she does not acknowledge it, but now I think that the bill does not go far enough, because it only deals with the issue of side-stream tobacco smoke for children in cars, whereas in the release in 2002 I was envisaging that it would be applied to other people in cars as well.

It is fairly obvious that, having come up with the idea, the Democrats will be supporting the legislation, but I think it would be nice sometimes if credit was given to the originators. I am always keen to progress actions to bring the use of this particular drug under control. When the minister introduced her prohibited tobacco products bill in late May of last year, I congratulated her for doing so and I enthusiastically addressed her bill within two days of her introducing it. By contrast, when I introduced my clean air zones bill to amend the Tobacco Products Regulation Act, sadly, the minister would not even deign to come into the chamber to deliver her own message to me, which was that she would not support it. Instead, she sent in one of her backbenchers, and I have to say that I was taken aback by what was really quite dismissive treatment.

That bill of mine, had it received support, would have given the minister the power under regulation to bring about exactly what is envisaged in this bill today. I did not specify the action in the bill, knowing the government's pattern of rejecting anything that it has not introduced, but it was implicit. As I said, the news release that I put out almost five years ago placed emphasis on the effect of side-stream tobacco smoke on children, but I did raise that wider issue of the safety aspects of lighting up and smoking cigarettes while driving. Additional to that, what has been drawn to my attention—and again if members stop to think, it is logical—is the issue of people throwing cigarette butts out of their cars as they drive along, with the implication that that has for bushfires. This bill is limited in its impact in preventing smoking only whilst minors are present in the car.

There are good reasons for making this a blanket ban on smoking in cars, and I will be moving an amendment to the bill to bring this about. This parliament has already decided that people should not be allowed to drive with elicit drugs in their system, and I do not think we should countenance a double standard when it comes to the legal drug tobacco. I indicate support for the second reading, even though the bill does not go far enough. As I say, it would be nice sometimes if this government would give credit to the original originators of ideas and legislation.

The Hon. B.V. FINNIGAN secured the adjournment of the debate.

ADJOURNMENT

At 6.05 p.m. the council adjourned until Wednesday 7 February at 2.15 p.m.