HOUSE OF ASSEMBLY

Wednesday 5 May 2004

The SPEAKER (Hon. I.P. Lewis) took the chair at 2 p.m. and read prayers.

AUDITOR-GENERAL'S REPORT

In reply to **Hon. I.F. EVANS, Mr BROKENSHIRE** and **Mr KOUTSANTONIS** (13 November 2003).

The Hon. K.O. FOLEY: During debate of the Auditor-General's Report the following questions were asked:

1. **The Hon. I.F. EVANS:** Yes. In relation to part A, page 11, 'Probity issues and the potential for conflict of interest', has the Treasurer been given any advice since 5 March 2002 about difficulties of any public servants involved in an evaluation process holding shares in entities that 'directly or indirectly might have an involvement with the contracts concerned'?

2. **The Hon. I.F. EVANS:** In relation to the advice that the Treasurer has received, to which contracts does it relate?

3. **The Hon. I.F. EVANS:** Maybe you have a briefing on this, Treasurer. What was the level of recurrent spending under-expenditure in 2002-03?

4. **Mr BROKENSHIRE:** Can the minister advise me what he is doing, as Treasurer and police minister, to address the concerns raised about payroll in the Auditor-General's Report?

5. **Mr BROKENSHIRE:** Can the minister explain, given the points raised in the Auditor-General's Report with respect to workers compensation costs, why there has been a significant reduction in the amount of money allocated for redemption?

6. **Mr KOUTSANTONIS:** Running on from what the member for Mawson said about speeding fines, when will the minister pay back all speeding fines taken by police services vehicles parked illegally while operating speed cameras, as they do not have an exemption under the act to park illegally as do police vehicles?

7. **Mr BROKENSHIRE:** I have a final supplementary question. Will the Victor Harbor PPP be located in the main street?

Response

1. I have received general advice about the development of the Future ICT probity plan, as well as advice on the probity issues raised in the report of the Auditor-General.

2. The probity plan and the report of the Auditor-General relate to the Future ICT project that incorporates multiple IT and telecommunications contracts including the ITSSED Agreement with EDS.

3. There was no level of recurrent under-expenditure in 2002-03. The recurrent spending over-expenditure in 2002-03 for the General Government Sector was $378 159 000.

This answer has been prepared on the basis of a comparison of the original 2002-03 Budget and the actual level of expenditure for 2002-03. There are many reasons for a variation to exist. These could include budget decisions taken during the year, carryovers, accounting reclassifications and revenue offsets (ie additional Commonwealth funding). Accordingly, the figure should be interpreted cautiously as it does not necessarily measure 'overspending'.

4. The Commissioner of Police has advised that the Audit's review of SAPOL's procedures for the 'Review, Certification and Retention of Personnel Audit Reports (PAR's)' identified several issues with respect to the verifying and or certification of those documents by Officers of Police and or Managers. Further, the Audit found that in some cases the certified documents were not being retained, and concluded that the documents were not providing the level of control assurance they were designed to provide.

SAPOL as a result of the audit findings addressed these issues within corporate policy and to reinforce with Officers of Police and or Managers their responsibility with respect to the review, certification and retention of the fortnightly Personnel Audit Reports.

SAPOL General Orders – specifically Special Purpose Manual 8175, *Audit and Inspection Procedures*, outlines the corporate requirements for ensuring accountability of SAPOL's assets and finances and the well-being of employees. Amendments have been made to that corporate policy and the responsibilities of Officers of Police and or Managers reinforced in the South Australia Police Gazette. Amendments will ensure the accuracy of the fortnightly Personnel Audit Reports and retention of those certificates for at least one year.

5. The Commissioner of Police advises that the budget for redemption of workers compensation claims for SAPOL is allocated from the Government Workers Compensation (GWC) Fund and controlled by the Department for Administrative and Information Services. Like other agencies covered by the GWC Fund, SAPOL is required to argue the funding of redemption of liability on an individual business case basis.

In the 2003-04 financial year the base budget for funding the redemption of claims for SAPOL was unchanged from previous years. However, in recent years additional funding has been accessed primarily from accumulated reserves (unspent in prior years) to fund an expanded redemption program. This gave agencies the opportunity to resolve long-standing claims. SAPOL spent some $1.3 million on redemption in the 2002-03 year.

In 2003-04 the budget for funding the redemption of claims for agencies was determined by taking the average of redemption expenditure over the previous years, and the allocation for SAPOL was set at $560 000.

Whilst expenditure on the redemption of claims in SAPOL has resolved a number of claims (and reduced the liability for those claims), it has not resulted in substantial reduction in ongoing long-term liability. SAPOL has therefore undertaken a review of the range of claims resolution possibilities including improved vocational rehabilitation and identification of better return to work opportunities across the public sector as well as redemption.

SAPOL will continue to seek resolution of claims through rehabilitation and return to work opportunities.

6. The Commissioner of Police has advised that speed camera vehicles are exempted from the provisions of Part 12 of the Australian Road Rules, which relate to the restrictions for vehicles stopping and parking. This exemption was granted on 7 January 2001 by the Minister for Transport from the previous Government, pursuant to Regulation 7 of the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999. Therefore, these vehicles are legally parked when acting in that capacity, so there is no reason to provide a refund.

7. The Commissioner of Police advises that in relation to the Public-Private Partnerships (PPP) proposal for Victor Harbor, SAPOL and the Courts Administration Authority share a site located between Ocean and Torrens Streets, Victor Harbor.

This site will be made available for the redevelopment of facilities for both agencies as a key component of the PPP transaction and it is the joint view of both SAPOL and the CAA that the location of the current site adequately suits business needs.

An alternative site might only be considered if it is clearly shown there are practical difficulties in providing for proposed building requirements on the current site and if the proposed alternative is approved as suitable by SAPOL and CAA.

MITSUBISHI MOTORS

The Hon. K.O. FOLEY (Deputy Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.O. FOLEY: I rise to update the house on the progress of the planned meetings between the federal industry minister Ian Macfarlane, myself and Mitsubishi executives in Japan. As members will recall, the company had confirmed a meeting set down for Monday 10 May. The house was informed of this by the Premier two days ago. I wish to advise the house that the company has subsequently asked for the meeting to be delayed for a few days in order to achieve more meaningful talks in Tokyo. The federal industry minister and I now expect to travel to Japan towards the end of next week for a meeting on Friday 14 May. The government will continue to keep the parliament informed of developments.

PAPER TABLED

The following paper was laid on the table:

By the Minister for Science and Information Economy (Hon. P.L. White)—

A 10-Year Vision for Science, Technology and Innovation in South Australia—Report.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the 19th report of the committee.

Report received and read.

Mr HANNA: I bring up the report of the committee on regulations made under the Magistrates Court, District Court and Supreme Court acts concerning court fees.

Report received.

Mr HANNA: I bring up the 20th report of the committee.

Report received.

QUESTION TIME

DIRECTOR OF PUBLIC PROSECUTIONS

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Attorney-General. Will the current staff at the Office of the Director of Public Prosecutions be eligible and considered for the position of DPP if they so choose to apply?

The Hon. M.J. ATKINSON (Attorney-General): An emphatic yes.

NUCLEAR WASTE

Mr CAICA (Colton): My question is to the Minister for Environment and Conservation. Has the government's position on the proposed national nuclear waste dump changed as a result of polling into community attitudes on this matter and, if so, how?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for Colton for his important question. Information obtained under freedom of information reveals that the federal government has conducted its own poll and expensive marketing for the radioactive waste dump in South Australia. Today I reveal what the federal government has kept secret. The PR firm Michels Warren was contracted on two occasions by the federal government. The first contract ended in 2000 at a cost of $213 246.91 and the second contract was for the period 4 July to 31 August last year at a cost of up to $107 000.

The public relations campaign polled South Australians on three separate occasions in 1999, 2000 and 2001. On each of those occasions the majority of South Australians remained opposed to the dump being placed in our state. Interestingly, the polling also tested support for medium and high level waste dumps, even though the federal government said that our state is not a candidate for the high level dump. In March 1999, Senator Minchin ruled out a Pangea-style national dump in South Australia. Yet, in 1999, after that event, and in 2000 they polled South Australians to see whether a Pangea dump should be placed in this state. Why would they have polled South Australians about that if it was still not part of their secret agenda? They had up their sleeve—

The SPEAKER: Order! The honourable minister is now straying into the domain of debate.

The Hon. J.D. HILL: Thank you, Mr Speaker. Consultants at Michels Warren were paid up to $1 300 a day to sell us this dump, and what did that buy?

Mr WILLIAMS: I rise on a point of order of relevance, and I was going to point out the matter on which you, sir, have just advised the minister. As I recall, the question was: has the government's position on this matter changed because of polling and, if so, how? The minister has gone nowhere near the question at the moment, and I ask you, sir, to direct him to come back to the question.

The SPEAKER: I uphold the point of order. The question was to the minister with respect to his responsibilities to this house and implied that the polling had been done by the government of this state. That is as I understood the question. The minister has yet to address whether the government of this state has done any polling but, rather, has simply referred to the fact that the federal government has done such polling and proceeded to debate that measure. Either the minister comes to the point of the question or we move on.

The Hon. J.D. HILL: Thank you, Mr Speaker. I was attempting to show the context in which the government is considering these issues because the reality is that the federal government has used taxpayers—

The SPEAKER: Order! The minister's explanation is sincere, I am sure, and as such clearly illustrates the point that it is his desire to debate it. That is not permitted under standing orders.

The Hon. J.D. HILL: I understand, Mr Speaker. Perhaps in answering the question I can refer to a comment made by Michels Warren, and it is a comment with which the government would agree because it sums up the government's position. Michels Warren, in its reporting to the federal government, said:

> The national repository could never be sold as good news to South Australians. There appear few, if any, tangible benefits such as jobs, investments or improved infrastructure. Its merits to South Australians, at the most, are intangible.

On 27 September 2000, Mr Stephen Middleton of Michels Warren emailed an officer of the federal government to express concern about delays in undertaking research and marketing.

The SPEAKER: Order! The honourable the deputy leader has a point of order.

The Hon. DEAN BROWN: My point of order is the same as that raised earlier. We are straight back to the federal government. I have heard nothing that the minister has said in the last 60 or so seconds that relates to the state government.

The SPEAKER: I had thought that the minister would have something to say about that. During the course of the remarks the member for Mawson may not attempt a conversation across the chamber. He knows that it is highly disorderly and has been invited on previous occasions to cross the chamber and sit beside the member with whom he wishes to converse in such manner as will not disrupt the proceedings of the house. Otherwise, I will invite him to leave the chamber and see if his colleagues agree with that view. Unless the minister has an explicit response to the inquiry made by the member for Colton about the intentions of the South Australian government with respect to polling itself, the minister might choose to conclude that his answer is completed.

The Hon. J.D. HILL: Thank you, Mr Speaker. I will say that the government remains implacably opposed to the low level dump being placed in our state. In fact, our resolve has been strengthened by the commentary of the officer working for Michels Warren. Mr Middleton said:

We will lose ground once again unless we can soften up the community on the need for the repository.

The SPEAKER: Order! That is clearly debate. The honourable the Leader of the Opposition.

DIRECTOR OF PUBLIC PROSECUTIONS

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Premier. Given the Attorney-General's absolute assurance that the current DPP staff will be eligible for appointment as the new DPP, will the Premier now support the Attorney-General's decision and give the same assurance? On ABC Radio this morning Matthew Abraham said that he had spoken to the Premier and had been advised that the Paul Rofe replacement was not going to be from among the existing DPP staff. Mr Abraham said in respect of the replacement, and I quote—

The SPEAKER: Order! That is clearly debate. The honourable the leader does not need to explain anything about what went on in Mr Abraham's mind, or anywhere else. The thrust of the question is quite clear.

The Hon. M.D. RANN (Premier): I absolutely stand by the comments of the Attorney-General. What I have said today publicly is this.

Mr Brokenshire interjecting:

The SPEAKER: Order, the member for Mawson!

The Hon. M.D. RANN: What I have said publicly today is what will happen. We will advertise nationally for a DPP. We are out to get a fearless prosecutor. We want someone who wants to lock up the bad guys. We want someone who is on the side of the victims. I am told by the Attorney-General that we have outstanding people in the DPP's office in South Australia, and I hope that they apply. Let me say this, however: that the Liberals in government were soft on crime and law and order—

The Hon. Dean Brown interjecting:

The SPEAKER: The deputy leader will come to order. I assume that the Premier has concluded his reply. The member for Torrens.

HOSPITALS, WOMEN'S AND CHILDREN'S

Mrs GERAGHTY (Torrens): My question is directed to the Minister for Health. Do South Australian women now have greater choice in determining the type of birth they want and who they want to assist them as a result of the new maternity program at the Women's and Children's Hospital?

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for Torrens for this question, and it is particularly pertinent today because it is International Midwives Day. The answer is yes, South Australian women now have greater choice thanks to a new best practice maternity program at the Women's and Children's Hospital. The Women's and Children's Hospital is the first hospital in the state to offer midwifery group practices, a service that offers continuity of care to women and their babies throughout pregnancy, labour and birth and then for up to six weeks afterwards.

This model of care is supported by leading state, national and international research. The aim of the program is to ensure that a woman and her midwife work in a special partnership, which is established throughout the pregnancy. The focus is on the individual needs of the woman: her social, emotional, physical, psychological, spiritual and cultural needs. Care with the new baby in the early weeks continues at home and is provided by the same midwife, who works flexibly around the needs of the woman. If the situation arises where medical assistance may be needed during the pregnancy, labour or birth, the midwife works collaboratively with medical colleagues to coordinate the best care for the woman and her baby but continues to be the woman's primary carer.

The Women's and Children's Hospital has established four midwifery group practices, each with three midwifery staff. In their first year, the midwifery group practices are expected to provide care to around 500 women and their babies. It is expected that, eventually, the service will provide care for up to 1 000 women and their babies a year through the addition of another four midwifery group practices. This is a very impressive program at the Women's and Children's Hospital. I want to congratulate the midwives and staff at the hospital, as well as ANF because, together, they worked on making sure that South Australia had in place the very best of care for mothers and their babies.

HEALTH, MIDWIFERY TRAINING

Mr WILLIAMS (MacKillop): As a supplementary question, will the minister assure the house that she will ensure that there is enough funding going to our training institutions to make sure that midwives are receiving training and that they can enter the profession? Recently, I received an inquiry from a constituent who received help from the local hospitals in my electorate to undertake midwifery training at the Flinders University. That person cannot secure a position because there are 125 applicants for about 20 positions. The Flinders University tells me that there is no funding to train the applicants, yet we have a shortage of midwives across the state.

The Hon. L. STEVENS (Minister for Health): I am delighted to answer the question. I suggest that the member for MacKillop contact the Hon. Brendan Nelson because, of course, the funding for university places—

Mr Williams interjecting:

The Hon. L. STEVENS: No, no, no. The funding for university places, as we all know, is a prime and core responsibility of the federal government. The honourable member really needs to learn how it works.

EDUCATION, STUDENT SUPPORT

Ms THOMPSON (Reynell): My question is directed to the Minister for Education and Children's Services. What is the government doing in our schools to provide additional support to students who are not always inclined to learning to stay at school profitably until they are at least 16?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I know that the honourable member, unlike some people in this chamber, is very well informed about the education system and absolutely committed to giving young people opportunities. As part of the government's commitment to increasing participation in education and training, we have committed $5.6 million over four years, dedicated to student mentoring programs in schools. This is particularly targeted at young people at risk. The program is designed to support students, particularly around the age of 15, when they are most at risk of dropping out of school.

The honourable member will be pleased to know that in her electorate three schools—Christies Beach, Morphett Vale and Wirreanda high schools—are among the 45 schools

across the state that are participating in this government initiative. In fact, two years ago on 13 May 2002 in this place the state government introduced historic legislation—after many years of really no action from the former government—to increase the school leaving age to 16 years. This program supports students who have returned to or remained at school as a result of this significant change in the legislation. It allows teachers to dedicate time to individual students who may need more help to keep on track.

The student mentoring program involves some 80 teachers in the 45 schools who support up to 800 students. The experienced teachers have the opportunity to deal with individual students at risk—helping them to stay at school longer, dealing with personal concerns, building self-confidence and supporting students to set realistic goals and effective work plans. I recently heard first-hand from a student mentor of how her role has expanded to be an advocate for students' needs and interests, both in the school and within their community, including linking students with community organisations or services to gain further support.

As a government we are supporting young people, their families and teachers to ensure that young people remain engaged and in the education system so that they can have further education and work opportunities, or even a combination of these opportunities. I congratulate the student mentors in those 45 schools because I know they are making a significant difference to 800 young people's lives. It is a pity that the opposition has no interest in young people in our schools.

Mr BRINDAL (Unley): I have a supplementary question. How does the Minister for Education and Children's Services claim that children are most at risk at the age of 15, when the age for leaving school set by this parliament is 16 years of age?

The Hon. J.D. LOMAX-SMITH: I am very happy to reply to the honourable member. He will recognise that, in terms of mentoring and forming relationships with young people, it is almost pointless to do it at the age of 16, when they are on the brink of leaving school. It is far more sensible to start early on to build long, established relationships and deal with the issues that matter, such as having an individual study plan, setting goals, having targets and having some concept of where their career might go.

PLEA BARGAINING

Ms CHAPMAN (Bragg): Will the Attorney-General table in this house the submissions which were made to Mr Chris Kourakis QC in his inquiry into plea bargaining? In paragraph 12 of his report which has been tabled in this house, Chris Kourakis QC stated that he received submissions from—

The SPEAKER: Order! I advised all members yesterday, and standing orders make it plain, that when referring to people in such offices it is better that they be referred to by the office they occupy, or at least the title of that office, in order that, historically, it will be easier for anyone reading the record to know that it was in fact, say, the Commissioner of Police or, say, the Solicitor-General about whom the inquiry was being made, by whom the remark in explanation was made, or from whom the quotation was coming. It would be to my mind, and that of most other honourable members I am sure, unthinkable to simply say, 'Mal' when referring to the Commissioner of Police. Therefore, can I urge all honourable members, regardless of their view of the professionalism or otherwise of the holder of a public service office, in chief to refer to that office by its title and not them by name.

Ms CHAPMAN: Thank you for that guidance, Mr Speaker. The Solicitor-General stated that he had received submissions from the Victim Support Service, the Commissioner of Police, the Witness Assistance Service, the Legal Services Commission, Ms Marie Shaw QC and representative to the Criminal Law Committee and from the President of the Law Society.

The Hon. M.J. ATKINSON (Attorney-General): Some of those people or organisations who made submissions would have done so on the understanding that their submission was confidential. So, I do not think I am authorised to commit to releasing those submissions, given that I have not consulted them about whether they want those submissions released. So, I shall take advice on that question.

The Hon. R.G. KERIN (Leader of the Opposition): I have a supplementary question. Given the Attorney-General's answer, will he commit to the house that if in fact these people are happy for their submissions to be released he will release them?

The Hon. M. J. ATKINSON: No; I will take advice on the matter.

SALINE WATER DISPOSAL

Mrs MAYWALD (Chaffey): Will the Minister for Environment and Conservation provide the house with details of any inquiry into the feasibility of building a pipeline to the sea to dispose of saline water effluent from salt interception schemes along the River Murray in South Australia? Currently the Department of Water, Land and Biodiversity Conservation is undertaking investigations into the future needs for salt disposal basins in the Riverland district. Many farmers have approached my office concerned about the taking of good land to use for the disposal of saline water and they are seeking information on a pipeline to the sea.

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for Chaffey for this interesting question and acknowledge that her electorate consists of not only irrigators but also dry land farmers. The issue of a pipeline to the sea has been raised recently due to the investigation of a potential new disposal basin site to the south of Woolpunda Lowbank in the South Australian Riverland, as the member said. Community concern is over the disposal of saline ground water in a surface disposal evaporation basin, not the interception of ground water. The concept of a pipeline to the sea was first raised decades ago, I am advised, and the most recent detailed assessment is some 15 to 20 years ago. Those figures are not available to inform this briefing now. However, back of the envelope calculations are included below, which I will go through.

It is intended to undertake an updated detailed assessment of the option of a pipeline to the sea as part of the environmental impact assessment and background investigations to help determine the need for a new disposal basin, its location and size. Having said that, I would have to say to the member for Chaffey and all honourable members that it is highly unlikely that the feasibility of such a study will reveal that this can be done in any cost effective way. I am advised that it would cost approximately $120 million to $150 million to construct a 200 to 250 kilometre pipe to the sea, with a pipe diameter of 750 millimetres, at a cost of $600 000 per

kilometre to purchase and install the pipe. It would cost around $1 million a year to pump water to the sea, and that is at 500 to 600 litres per second. A pipe of 750 millimetres diameter would take a flow of about that volume per second.

All salt interception is predicted to total 1 500 to 1 900 litres per second by 2015, including water currently pumped to Stockyard Plain and proposed to be pumped to Noora. So, to improve the economic viability of such a pipe, it would require concentration of this salt from that 1 900 litres maximum to around 500 or 600 litres. In order to do that, you would still need some holding pond to allow the water to evaporate.

So, even if we were to construct a pipeline, we would still have to have some sort of place where the water could evaporate. To pump a distance of 200 to 250 kilometres, it would require the installation of intermediate pumping stations, the costs of which have also not been calculated or included in this assessment. There are a whole lot of other issues to do with native vegetation, Aboriginal heritage, disruption of landowners, easements, and all the rest of it. While it is feasible—and we will certainly look at it in a proper and sensible way—I must say that on the basis of those back of the envelope figures it seems highly unlikely.

Mr BRINDAL (Unley): I have a supplementary question. Is the minister aware that Penrice Soda, in about the last three years, has conducted a feasibility study such as he outlined to the house? Is he aware that Penrice Soda, having run out of evaporation ponds on the Adelaide Plains, may well be interested in working in partnership with the government to pump concentrated brine to their fields on the Adelaide Plains? Would the government be interested in working with Penrice Soda to achieve the solution outlined by the member for Chaffey?

The Hon. J.D. HILL: I must congratulate the member for Unley for that excellent question. It is a great shame that he is no longer the shadow minister responsible for such issues because he clearly understands these issues in a very broad context. I am not aware exactly of the studies conducted by Penrice, but the honourable member would know, as I know, that a select committee that we were on some time ago looking at the River Murray raised this issue.

I have had a couple of conversations with Penrice; I guess they would be interested in it occurring if the infrastructure were provided in such a way that it would be cost-neutral to them. I guess that, as part of this process, we could certainly take on board the issue of Penrice's needs. It would be a great solution if Penrice could get its salt from the River Murray; in fact, it would solve a couple of issues, as the member is suggesting. I will follow that up.

ROADS, ADELAIDE-CRAFERS

Mr O'BRIEN (Napier): My question is directed to the Minister for Transport. With the onset of winter and the havoc that wet and slippery roads play, what will the government be doing to address traffic management on the Adelaide-Crafers Highway?

The Hon. P.L. WHITE (Minister for Transport): I am pleased to inform the house that the government is spending $1.7 million to bring a new level of safety for motorists on that particular section of road—one of the state's most frequently used highways, namely, the Adelaide-Crafers Highway. The money will be spent on closed circuit security cameras as well as electronic signage—

The Hon. I.F. Evans interjecting:

The Hon. P.L. WHITE: The honourable member refers to traffic incidents—

The SPEAKER: The member for Davenport is out of order and the minister equally for attempting to respond.

The Hon. P.L. WHITE: For those members who are interested in traffic incidents on the roads, they do raise a point, because this facility will now be able—instead of having the traffic controllers working blindly in terms of what is happening on that road—in real-time to see via the closed circuit TV cameras whether there have been road traffic incidents, as well as monitor the weather for rain, sleet, fog and those sorts of conditions. Via electronic signage, they will be able to warn motorists of impending hazards and changed road conditions, vary the speed applicable and apply a different speed applicable to that road. Compliance with those speed signs will be legally enforceable. This is all aimed, of course, at improving the safety for motorists. It is a tricky section of road, and the government is spending this money to make it much safer for residents.

This is the first time that this technology will be applied here in South Australia. As I say, it will involve real-time message signs and variable speed limit signs to give motorists warning about impending incidents or potential hazardous conditions applying at that time at that particular area. There will also be detectors on the arrester beds so that there will be a signal to traffic control that there has been an incident and action can be taken. The closed-circuit television will give full coverage of both carriageways between the Glen Osmond and Crafers interchange. Those residents with properties along that section of road need not be concerned (and there will be consultation with them), because it is possible to blank out vision of their properties electronically. The variable message signs will be located near the Old Tollgate on the outbound carriageway and immediately before the Crafers Bridge on the inbound carriageway. The program has the endorsement of the Road Safety Advisory Council and South Australia Police. It will improve safety for all motorists travelling on that section of road.

CROWN COUNSEL

Ms CHAPMAN (Bragg): My question is to the Attorney-General. What reasons has the Office of the Director of Public Prosecutions expressed for its opposing the proposal to appoint a Crown Counsel in the Office of the DPP? The Solicitor-General's report recommended the appointment of a Crown Counsel to the Office of the DPP and that one of the functions of the proposed crown counsel would be to report to the Attorney-General directly. In answer to a question on 4 May 2004, the Attorney-General acknowledged that the Office of the DPP had made a submission opposing this proposal. My question, therefore, seeks details of the grounds of opposition.

The Hon. M.J. ATKINSON (Attorney-General): The position of Crown Counsel, as envisaged by the Solicitor-General, would be outside the Office of the Director of Public Prosecutions. The idea would be that Crown Counsel would advise the Attorney-General when advice was sought about difficult charge negotiations that had been brought to the attention of the Attorney-General by the Director of Public Prosecutions. I think it is obvious that the office would not like the Crown Counsel to be outside its auspices.

Ms CHAPMAN: I have a supplementary question. What are the reasons then for its opposition if Crown Counsel is to be outside the office?

The Hon. M.J. ATKINSON: The Office of the DPP does not wish to have its advice second-guessed by a lawyer outside the office.

WOMEN, ETHNIC COMMUNITIES

Ms CICCARELLO (Norwood): My question is to the Minister for Multicultural Affairs. How has the government improved leadership opportunities for women in our ethnic communities?

The Hon. DEAN BROWN: I rise on a point of order, sir. It appears that we do not have a minister in this state at this stage.

PLEA BARGAINING

Ms CHAPMAN (Bragg): My question is to the Attorney-General. I will give him another one! Is the Attorney-General aware of the introduction of a new policy regarding plea bargaining post Nemer? A letter from the prosecution service—

The Hon. M.J. Atkinson: I did not quite hear.

The SPEAKER: Order! The Attorney-General did not hear the question.

Ms CHAPMAN: I am happy to repeat it, sir. Is the Attorney-General aware of the introduction of a new policy regarding plea bargaining post Nemer? A letter from the prosecution service to a lawyer was quoted on public radio this morning. It stated that a plea bargain could not be agreed to because a new policy had been introduced post Nemer.

The Hon. M.J. ATKINSON (Attorney-General): There has been no change in the policies of the Office of Director of Public Prosecutions. However, I understand that there has been a change in policy at police prosecutions level.

Ms CHAPMAN: I have a supplementary question. If there has been a change of policy, Mr Attorney-General, will the minister table this new policy, and will adequate resources be given to the DPP's office and police prosecutors to implement the new policy?

The Hon. K.O. FOLEY (Minister for Police): The police prosecution—

Mr Brokenshire interjecting:

The Hon. K.O. FOLEY: Police prosecution is a division of the police department, and I am happy to receive a briefing from the Police Commissioner on this matter because, as I am sure the member would appreciate, under statute the Police Commissioner is responsible for operational matters. I am happy to get a briefing from him and provide the honourable member with an answer.

MOUNT GAMBIER FAYS OFFICE

Ms RANKINE (Wright): My question is to the Minister for Families and Communities. What is being done to ensure that FAYS services in Mount Gambier continue despite the recent fire at the FAYS office?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the honourable member for her question. Regrettably there was a fire in the early hours of the morning on Thursday 22 April in the FAYS office at Mount Gambier, which was subject to an arson attack, with extensive damage being caused to both building and contents. Staff removed all available files from the office and secured them in another location and they also removed PC hard drives for their confidential destruction. A complete printout of all the files located in the Mount Gambier office has been carried out and a matching process is being undertaken to determine what specific files have been lost or damaged. Staff have estimated that they have been able to retrieve around 90 per cent of the files. These are current open files and include intake, youth and some files concerning guardianship matters. Almost all the files located in the compactus have been lost or significantly damaged, which will be about 50 per cent of the files that were held in the office, including closed files.

Currently, emergency financial assistance and limited social work services are being delivered through the South Australian Housing Trust office and agreement has been reached with Centrelink, the Salvation Army and the council to provide short term accommodation for up to six months for staff from 3 May. At the moment it is anticipated that direct telephone lines will be up and running by 7 May. In the meantime telephones have been diverted to Crisis Care where social work and anti-poverty services are being prioritised. I would particularly like to acknowledge the outstanding work that was done as a crisis response by the FAYS staff down at Mount Gambier. Services were restored almost immediately after the fire. It is also worthy of note that the other agencies in the area, including federal government agencies, collaborated to assist in that effort. So, it was a tremendous joint effort and I congratulate the staff and all those associated with responding to this crisis.

DIRECTOR OF PUBLIC PROSECUTIONS

Ms CHAPMAN (Bragg): Will the Attorney-General table in the parliament, in the public interest, Paul Rofe's response (that is, in his position as the former Director of Public Prosecutions) to the criticisms levelled in the Solicitor-General's report? On 4 May 2004 the Attorney-General refused to release Mr Rofe's response on the ground that there was an FOI request on the document. Mr Speaker, this question seeks the tabling of the response. It is not addressed to the issue of whether it is subject to disclosure under FOI.

The Hon. M.J. ATKINSON (Attorney-General): The document that the member for Bragg seeks is a document created by work in progress. It was never contemplated that such a document would be released and quite understandably the former DPP and the Office of the DPP do not think it is appropriate to release it. But there is an application, as I understand it, from *The Advertiser* under FOI, and it will be determined according to law.

Ms CHAPMAN: Is the Attorney-General saying that he does not accept that it is in the public interest that this document be released?

The SPEAKER: The Hon. the Attorney-General, as I understood him, said that he was taking that on law. But it is the Attorney-General's question.

The Hon. M.J. ATKINSON: I have nothing to add, sir.

APPRENTICESHIP AND TRAINEE AWARDS

Ms BEDFORD (Florey): My question is to the Minister for Employment, Training and Further Education. How is the government promoting excellence in vocational education and training programs?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I am proud to say that South Australian training program participants have a well-deserved reputation for excellence. At the National Training Awards last year, South Australians won numerous national awards including Apprentice of the Year, which went to Adelaide chef Jonathan Kemble; Large Training Provider of the Year, won by Torrens Valley TAFE; and the VET in Schools Excellence Award, won by Murray TAFE and Futures Connect in the Riverland. In addition, Christopher Crouch from a farm south of Crystal Brook was runner-up in the New Apprenticeship Trainee of the Year. So a number of electorates can be proud that we have done so well in the National Training Awards.

Building on this success, nominations are now open for the 2004 South Australian Training Awards, the step towards the national competition. Over the next couple of months, I would encourage high-achieving apprentices, trainees and students of vocational education to consider the real benefits of entering the competition, including improved career opportunities. Likewise, I would ask members in this house to think about encouraging businesses, trainees and students in their own areas to consider being put forward as nominations for the state awards.

Businesses that nominate for training providers awards may benefit from greater industry and community recognition, along with heightened staff morale, and not only do the trainees and the employers receive acknowledgment but also quite often it is a team effort in particular workplaces and places of training. That is something that all members in this house can think about, that is, encouraging people in their electorate to consider these awards.

There are 10 categories in 2004, and these include apprentice of the year, trainee of the year, vocational student of the year, Aboriginal and Torres Strait Islander student of the year, VET in Schools excellence award, large training provider of the year, small training provider of the year, employer of the year, small business of the year and the South Australian training initiative award. Nominations for the 2004 South Australian Training Awards close on 30 June and winners will be announced on 27 August and at an award ceremony at the Adelaide Convention Centre. Winners of the state awards will go on to compete for the Australian National Training Awards in Melbourne in November 2004, and I urge all members of this house to seriously consider putting up people in their areas for these state awards and national awards.

ELECTRICITY REBATE

The Hon. W.A. MATTHEW (Bright): Will the Minister for Energy advise the house how many of the 1 800 pensioners who applied for the electricity rebate of $50 have received their rebate? How much in total has this exercise cost the taxpayer, including advertising and administration costs?

The Hon. P.F. CONLON (Minister for Energy): I appreciate this question because it gives me a chance to correct some misleading information unfortunately published in the *Sunday Mail*. It is regrettable that the *Sunday Mail* was not sufficiently advised on how this issue works. It is regrettable that the shadow minister also appears not to understand it at all, either. I will explain for the benefit of the shadow minister how the rebate works.

Members interjecting:

The Hon. P.F. CONLON: You would think he would know, but I will go through it. People in receipt of a concession have available to them a number of market offers. They consider those market offers; they then accept one. At the next meter reading, they will be transferred to a market contract with a retailer. Once the retailer takes financial responsibility, that is, takes them over as a customer, the retailer advises the government that that has occurred and the government sends a cheque. The figure of 1 800 referred to in the question is the number of cheques sent to that point, reflecting the activity in about January this year. Since that time, I can indicate that in just the last week I think the number has gone to about 2 500 cheques but, again, there is a natural three month lag in this.

What we have seen since the introduction of the rebate is a dramatic change in the level of churn—the best level of churn of any state which has gone to FRC so far—and we did that coming from behind the hurdles left by the previous government. Those hurdles were, of course, that they sold to a monopoly retailer (unforgivable!) to get a bigger return and they failed to implement retail competition in gas when everyone knows that the experience around the world is that dual fuel is what will drive competition better than anything else. I regret to have to explain this to the shadow minister, but I offer him a full briefing by our officers so he can understand what is not really a very complex matter.

The Hon. W.A. MATTHEW: I have a supplementary question. Given the minister's reply to the house that only 2 500 pensioners have received such a rebate and given that that number represents just over 1 per cent of eligible pension concession holders in the state, will the minister give an undertaking to the house that he will extend the program and better advise pensioners of their entitlement in relation to this rebate?

The Hon. P.F. CONLON: Again, can I explain to the shadow minister that the reason why 2 500 cheques have been received at this time is that there is a natural three to four month lag between accepting a market offer and the government's being advised by a retailer. So, it would be entirely inappropriate for me to make a decision on January's figures when we know that there has been something like almost a 10 per cent turnover of customers, because we get notice of churn earlier than we get notice of concession holders. So, it would be entirely inappropriate. Again, I stress that the shadow minister might like a briefing so he understands how the system works and he simply would not ask such foolish questions.

STAMP DUTY

Mr SNELLING (Playford): My question is to the Treasurer. Is it correct that in South Australia when you buy a $246 000 house you pay up to $60 000 more in interest repayments over the term of the loan due to stamp duty charges compared to buying the same house in Queensland?

The Hon. K.O. FOLEY (Treasurer): I have watched with interest the debate on stamp duty because members opposite have requested that the government considers cuts to stamp duty—and that is a legitimate right of an opposition. Of course, they have not advised us as to how they would pay for it. I gave an undertaking to the house yesterday after the question very late in the piece by the member for Davenport, the new shadow minister for finance. As I understood the question, that is how it reads: that the differential between

stamp duty in South Australia and Queensland would cost a person buying a $250 000 home $60 000 over the term of the loan. I undertook to do some modelling on that. The truth is that for some stamp duties we are higher than some states and we are lower than others. The choice of Queensland is an interesting one. I asked Treasury to do some modelling for me, as I undertook to do, because when the shadow minister for finance makes a claim that the differential in stamp duty costs will mean $60 000 over 25 years—

The SPEAKER: Order! The member for Unley has a point of order.

Mr BRINDAL: Mr Speaker, did you not previously rule that if a member asked a question on one day and an answer was found by the minister, it was disorderly for a member of the government benches, under the pretext of answering a separate question, to get up and have the minister answer that question? If the answer was, in fact, an answer to the member for Davenport's question of yesterday, out of courtesy the answer should be given to the member for Davenport. The member for Playford should not stand up and ask a stool pigeon question.

The SPEAKER: Let me say that the observation made by the member for Unley about standing orders is correct. What he may wish to imply is that the question asked by the member for Playford is the same as that asked by the member for Davenport. It is not. The Deputy Premier and Treasurer.

The Hon. K.O. FOLEY: The important thing is that an assertion was made and that has to be corrected because it was made by the shadow minister for finance. One would assume that the shadow minister for finance would have his numbers right. The assertion was that the figure would be $60 000. I asked Treasury to run that modelling for me. I thought that that was appropriate, and I undertook to do that yesterday. Treasury assumed a loan of 25 years, an interest rate of 7 per cent and monthly repayments of principal and interest. One has to bear in mind that some stamp duties are lower in other states but Treasury used Queensland as a benchmark, and a South Australian would pay $7 251 more. That is what I am advised.

The honourable member said yesterday that it was $60 000. I said to Treasury, 'In terms of the differential between a Queensland stamp duty and a South Australian stamp duty, how much would the house have to be worth to get that figure of $60 000 as quoted by the shadow minister for finance?' I am told that it is something in excess of $3 million. The shadow minister for finance comes into this place, asserts a figure of $60 000—

The SPEAKER: Can I disabuse the minister. He has been asked for explicit information; he has provided it. It is not an invitation for him to kick the pants of the member for Davenport or to engage in any other form of debate. If the minister has concluded providing the factual information to the chamber, we will move on. If he has not, he can provide the additional factual information which may assist members to understand the issue. The member for Bright.

DOOR SNAKES

The Hon. W.A. MATTHEW (Bright): My question is directed to the Minister for Energy about another of his innovative programs. Will the minister advise the house how many door snakes his government has given to South Australians struggling with high electricity prices, and advise what the cost of this exercise has been to government to date?

Members interjecting:

The SPEAKER: The members for Hartley and Morphett will come to order.

Mr Scalzi interjecting:

The SPEAKER: Order, the member for Hartley!

Mr Scalzi interjecting:

The SPEAKER: The member for Hartley is out of order.

The Hon. P.F. CONLON (Minister for Energy): The former premier knows all about snakes over on that side. He knows all about the snakes. The former premier, John Olsen, now over in Los Angeles, knows why he is not the premier now.

The SPEAKER: Order! The member for Bright.

The Hon. W.A. MATTHEW: I rise on a point of order, sir. My question was not about the former premier or the current one, for that matter, but about the number of door snakes that have been given to South Australians struggling to pay their power bills, and I asked how much this has cost the South Australian taxpayer.

The SPEAKER: I ask the member for Bright: was he asking about snakes?

The Hon. W.A. MATTHEW: Door snakes were part of an announcement by the minister, supposedly to help South Australians struggling to pay their electricity bills. They were to be provided with a door snake to place as a draught stopper in front of their door, in theory, to bring down the cost of their energy.

The SPEAKER: Regrettably, I have heard of a number of different types of snakes but never that one. I did not realise that doors had any sexuality. The minister.

The Hon. P.F. CONLON: Can I say something that is happening with energy? Can I tell members something that is happening at the moment?

The SPEAKER: Order! The Leader of the Opposition.

The Hon. P.F. CONLON: We have massive reform—

The SPEAKER: Order! The minister will resume his seat.

The Hon. R.G. KERIN: I rise on a point of order, sir. Given the importance of the question, I think that the minister should be instructed to answer it.

The SPEAKER: I now understand that what the member for Bright was talking about is a breeze stopper. Would the minister be able to address the question explicitly asked?

The Hon. P.F. CONLON: Again, if he knew his portfolio, the member for Bright would know that we do not give out door snakes. We provide audits to low income households, something that has been praised across the welfare sector. It is run by COTA and the welfare agencies and it is praised by all of them. The truth is that the member for Bright cannot get his mind above the snake. Sir, I cannot help him with that!

The Hon. W.A. MATTHEW: I rise on a point of order, sir. The question is a very simple one of the minister. It is self-explanatory. It requires a numerical response and those numbers still have not been given to the chamber.

The SPEAKER: I am curious as well. Does the minister have any relevant figures?

The Hon. P.F. CONLON: I will find out how many audits have been conducted. It is only in the fevered imagination of the member for Bright that there is a program of giving out snakes. He just has to get his mind off it. It is about energy audits, and I will find out how many energy audits have been undertaken.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: He should just keep his hand off it.

The Hon. R.G. KERIN: I rise on a point of order, sir. I think the minister should answer the question. The shadow minister is asking about what was an important government initiative.

The SPEAKER: Order! Obviously, the minister is saturated with the glee of the Irish and not possessed at the moment of the figures sought, so perhaps we had better move on.

The Hon. P.F. CONLON: I indicate that it is not as many door snakes as it was 0055 numbers.

Mr BRINDAL: I rise on a point of order, sir. I would contend that the double entendre used by the minister is unacceptable to this house and is sexist; and it should be deplored by the house.

The SPEAKER: I honestly do not know what it is the minister was referring to—nor the member for Unley.

YUNTA WATER

The Hon. G.M. GUNN (Stuart): Will the Minister for Administrative Services have immediate action taken to improve the quality of water supplied to the long-suffering residents of Yunta? I have had a number of contacts recently about the condition of water that is supplied by SA Water to that small community. The problem, as you would be aware, Mr Speaker, is that insufficient maintenance has been carried out on the old railway dam; and SA Water has never forgiven those residents when they were forced by the late Des Corcoran to take over that water supply—and they have a longer memory than an elephant.

The Hon. M.J. WRIGHT (Minister for Administrative Services): I thank the member for Stuart for the question and also note its importance. I know that tourism has been looking at this issue. I will ensure that SA Water, if it is not doing so already, does look at this area of Yunta for the member and his constituency. I will ensure that it is coordinated between the departments and I will come back with more detail for the honourable member.

WATER REUSE

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for Administrative Services advise the house whether SA Water will meet the stated aim of reusing 30 per cent of available effluent from the metropolitan waste water treatment plants by 2005 and say what the current level of water reuse is?

The Hon. J.D. HILL (Minister for Environment and Conservation): I am trying to find the figures to give to the honourable member. The government has sought information in relation to the use of water from the four Adelaide waste water plants at Glenelg, Bolivar, Port Adelaide and Christies Beach. Over the last three years, the amount of waste water that has been reused has increased to around about 20 or 21 per cent, from memory, but I will get the correct figures for the honourable member.

Over the first nine months or so of the current year to March, the figure is sitting around 23 per cent. So, there has been quite a dramatic increase in the amount of waste water that is being reused. The issue in terms of how the reuse that water is how you actually get it to areas where it can be used. In the northern part of the city and the southern part of the city, of course, there is plenty of potential for that water to be reused. The Bolivar pipeline, of course—and I commend the former government for the initiative—has led to a considerable increase in the amount of water that is used from that plant. There is potential to increase that amount of water.

In relation to the Christies Beach waste water system, a private developer has put a pipe in place to take that waste water down to McLaren Vale, and about 20 per cent of that water is used; in fact, most of the summer outflow is used. As I understand it, work is being done to try to expand that use by having storage facilities either underground or above ground. When that issue can be worked out, there will be potential to have greater water use.

I recently raised the issue of whether or not the pipeline which Mobil is constructing and which goes from Outer Harbour down to the southern suburbs could be used for taking water from Glenelg down to the southern suburbs. That is a particular issue, because the member for Morphett criticised the government for not having used more of that Glenelg water. In fact, there has been more of that Glenelg water used, but there is a natural limit on how much can be used, because there is not sufficient opportunities in a built up area such as Glenelg to use all of that water. If it can be taken down to—

Mr Brokenshire interjecting:

The Hon. J.D. HILL: I know the member for Mawson is a genius. We all in this chamber know that, but what we are looking at are practical things that can be done so that we can reuse that water. There is an opportunity to take that water from Glenelg via the existing pipeline, connect it up with the pipeline or another pipeline into the southern suburbs. That is an opportunity that is worth looking at. SA Water has looked at that and it is feasible. It would require some work being done on the pipeline, some extra sealing and so on. Whether that opportunity can be realised depends, of course, on whether or not Mobil eventually decides to leave the state, but there is potential there. If you are genuine about wanting to take water out of the Glenelg area, as the member for Morphett is saying, then there will have to be a pipeline taking that water to somewhere it can be used. The McLaren Vale area is a possibility. The parklands would not use all of that water.

Mr Brokenshire interjecting:

The Hon. J.D. HILL: Water is water, member for Mawson. All of it eventually ought to be used in some practical way, and we are trying to do practical things. If the member for Mawson is being parochial about effluent from the southern suburbs, then God help us!

SPENT CONVICTIONS

The Hon. M.J. ATKINSON (Attorney-General): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. ATKINSON: In 1972, the Howard League for Penal Reform in the United Kingdom released a report entitled, 'Living it down'. This report highlighted the difficulties faced by large numbers of people in the UK who, because of minor transgressions committed in their teenage or early adult years, had been forced to live their lives with a criminal record. Given the impact a criminal record can have on a person's employment opportunities and ability to

hold public office as well as their standing in public, the report questioned the fairness of allowing a conviction for a minor offence to hang over a person throughout his life. Although the report is a product of its time, the impact on both the individual and society of life-long criminal records was stated succinctly by the report's authors and remains relevant today. The report stated:

> Much of the crime committed in this country is the work of people sometimes called 'recidivists' who spend most of their adult lives in and out of gaol, undeterred and unreformed. They present society with an apparently intractable problem, but they are not people with whom we are concerned in the report. . . We are concerned instead with a much larger number of people who offend once, or a few times, pay the penalty which the courts impose on them, and then settle down to become hard-working and respectable citizens. Often their offences are committed during adolescence, which is a period of emotional instability in even the most normal people, and can sometimes be delayed if they are 'late' developers. There may have been a spate of thefts, breaking-in, driving away in other people's motor cars, street corner violence or hooliganism. When this phase is over, many of these people grow out of a need to behave delinquently. Mostly, they marry, find work and settle down, and never offend again. Others with whom we are concerned may suddenly commit an isolated crime in later life. . . Here again, in the majority of cases such a person will not offend again after he has served his sentence. . . [These rehabilitated persons] have done, over a number of years after their delinquent phase, all that society can reasonably expect from its respectable citizens. But for rehabilitation to be complete, society too has to accept that they are now respectable citizens, and no longer hold their past against them. At present, this is not the case, for the rehabilitated person continues to be faced with great difficulties, especially in the fields of employment, insurance and the courts. . .

The report noted that, although many years may have passed since he committed any offence, a rehabilitated person may still find it difficult to obtain many kinds of employment, to start a business or to join a profession. If he does succeed, and his employer later discovers his past, he might be dismissed and could not risk referring a prospective new employer to the old one for a reference, thus leaving an unexplained gap in his career.

The report, in estimating that up to 1 million people in England and Wales could be adversely affected by old convictions, concluded:

> A state of affairs in which a million people are forced to live in fear because of an ancient skeleton in their cupboard plainly requires reform, and the provision of a remedy (if one can be found) which will give them relief without having undesirable consequences in other fields. This is what we have tried to do in this report. . . The question is whether, when a man has demonstrably done all that he can do to rehabilitate himself, and enough time has passed to establish his sincerity, is it not in society's interests to accept him for what he now is and, so long as he does not offend again, to ensure that he is no longer liable to have his present pulled from under his feet by his past? In our view, both the interests of society and the requirements of common justice call for reform in this field. . . A further consideration lends support for reform. We have reason to think that, for some recidivists at least, the fear of exposure if they do go straight operates as a substantial disincentive to rehabilitation. Many recidivists have told us how they tried to go straight until the employer discovered it and gave them their cards or until their landlady discovered it and put them out on to the street, whereupon they lost hope and reverted to crime. No doubt some of these tales are told more with the object of enlisting our sympathy than with strict regard for the truth, but we are convinced that the possibility of full rehabilitation might make all the difference between reform and relapse to at least some recidivists at some stage in their career. That surely would be to society's advantage. . .

The Howard report recommended reforms to the law that led in 1974 to the enactment of the Rehabilitation of Offenders Act 1974 (UK). Under this legislation former offenders are not required to disclose or admit spent convictions, and access to information regarding such convictions is strictly limited, with penalties for unlawful disclosure. Discrimination on the basis of spent convictions is also prohibited. The findings and recommendations of the Howard report have been the subject of discussion papers and public consultation by the law reform committees or government agencies (or both) in Australian jurisdictions.

In 1985 and 1987, the Australian Law Reform Commission published papers analysing the desirability of spent conviction legislation in detail. Both papers recommended the implementation of a spent convictions regime. The Law Reform Commission of Western Australia in 1986, and the Attorney-General's Department of Victoria in 1987, also published detailed reports on the desirability of spent conviction legislation. Introduction of such legislation was also recommended by the Royal Commission into Aboriginal Deaths in Custody.

Spent conviction legislation has subsequently been enacted in Queensland and New South Wales and by the commonwealth, the Australian Capital Territory, Tasmania, the Northern Territory and Western Australia. Internationally, spent conviction regimes have also been established in many western countries, including most members of the European Union, the US, Canada and Japan.

The need for spent conviction legislation has not been ignored by governments in South Australia. In 1974, the Law Reform Commission of South Australia, in its 32nd report to the then attorney-general relating to the past records of offenders and other persons, examined the findings of the Howard report in the South Australian context. Although endorsing the need for reform to the law to protect rehabilitated offenders, the Law Reform Commission proposed changes to the legislation recommended in the UK report. However, no action was taken by the government towards carrying out the recommendations of the commission's report. In 1984, the Attorney-General's Department published a detailed discussion paper entitled, 'Rehabilitation of offenders: old criminal convictions'. This paper contained a proposal for spent conviction legislation, and a preliminary draft bill was attached.

The comments and submissions received from interested persons and organisations were generally favourable. In 1991, the then attorney-general introduced the Rehabilitation of Offenders Bill 1991 (later renamed the Spent Convictions Bill 1991) into the parliament. The bill was subject to much debate, being strongly opposed by the then opposition. It passed the Legislative Council with amendments and was introduced into the House of Assembly. The government did not pursue the bill, whereupon it lapsed. At an administrative level, SA Police operates a spent convictions scheme, similar to that proposed in the Rehabilitation of Offenders Bill, as part of its records release policy.

Arguably, South Australia's not enacting spent conviction legislation leaves this state out of step with most Australian and western jurisdictions. However, this does not of itself provide sufficient justification for enacting spent conviction legislation in this state. The South Australian government acknowledges that many people will either strongly support or strongly oppose the concept of spent conviction legislation and believes it is important that the public be consulted so that the views of stakeholders and interested persons can be sought on whether South Australia should enact specific legislation and, if so, in what form.

To ensure that the people of South Australia have an opportunity to express their view on spent conviction legislation, I am today releasing for public comment a

discussion paper outlining the major arguments for and against spent conviction legislation and the various forms this legislation could take, having regard to the models used in other jurisdictions. I encourage all interested persons and organisations to provide submissions to the government on the paper.

I stress that the government has not made any decision about whether it will introduce spent conviction legislation, nor what form any legislation might take—and will not do so until it has an opportunity to consider the submissions received on the discussion paper. The government requests submissions on its discussion paper by 30 June. I note that the member for Fisher has given notice of his intention to introduce a spent convictions bill, although I again stress that the government has not determined its policy about spent conviction legislation. I look forward to considering his proposed legislation.

GRIEVANCE DEBATE

STAMP DUTY

The Hon. I.F. EVANS (Davenport): During question time yesterday and today the matter of stamp duty on houses came up, and I asked a question of the Treasurer yesterday about whether the Treasurer thought it fair that in South Australia when you buy a $246 000 house you can pay up to $60 000 more in interest repayments over the term of the loan due to stamp duty charges in South Australia compared to buying the same house in Queensland. The Treasurer came back today and tried to put some figures that might indicate that there is a difference of opinion between the Treasurer and me on this matter.

For the record, I will read to the house a letter sent to me by the Mortgage Industry Association. I had the pleasure of addressing its membership recently about the terrors of the Fair Work Bill proposed by the government. The association raised this matter with me at the time and I asked it to write to me about it. I will not read all the letter, because it has a number of pages, and I will not have time in this grievance debate to do that. For the house's information, the letter states in part:

> Note that NSW and QLD have recently completely overhauled their first home buyer stamp duty rebate schemes. The WA Premier recently announced that they too will be overhauling their scheme. VIC has indicated that they will be looking closely at theirs but in the meantime they have completely abolished mortgage stamp duty with effect 1 July 2004. Adelaide and Brisbane have very similar median house prices. If SA was to introduce a first home buyer rebate scheme similar to Queensland, this would have a very positive effect on the ability of first home buyers to enjoy home ownership. For a first home buyer to buy a median price house in Adelaide they would require a deposit of $12 300 plus government fees and charges of $11 063.95, a total of $23 363.95. This does not include lenders' application fees and Lenders Mortgage Insurance (LMI) premiums (for which the government also levies an additional 11 per cent duty on the premium amount) which would add approximately an additional $3 000, therefore a grand total deposit of $26 363.95. Using the Queensland scheme, a first home buyer would only require a grand total deposit of $16 313.80, a saving of over $10 000. In the scenario below, assume that the new Queensland rebate scheme was introduced and the stamp duty savings were added to the deposit instead. This would mean a lower loan amount and therefore lower monthly repayments and also less total interest over the life of the loan.

The purchase of an Adelaide median house in March 2004 in South Australia is $246 000. If we adopt the same median price in Queensland, that would also be $246 000. The deposit on the purchase price in Adelaide currently would be $12 300. In Queensland it would be $23 350.15. The loan to value ratio in South Australia currently would be 95 per cent and in Queensland 90.5 per cent. Stamp duty and government charges payable would be $11 063.95 in South Australia currently, and if we adopted the Queensland model it would be $1 013.80. Lender and LMI costs are approximately $3 000 in South Australia currently and about $2 000 in Queensland currently, so the total deposit and fees in South Australia currently are $26 363.95, with the same figure in Queensland. The loan amount therefore in South Australia currently would be $233 700 and in Queensland $222 650. Interest payable on a 30-year loan at 7.07 per cent would be $329 993 in South Australia and $314 390 in Queensland. The monthly repayment therefore in South Australia currently would be $1 566 and in Queensland $1 492. The letter continues:

> As you can see, the monthly commitment is $74 less per month, and over the term of the loan a total of $15 603 interest is saved. To take the scenario one step further, if the payment of $1 566 is applied to the lower loan amount, therefore paying $74 above the minimum, the loan would be repaid in 25 years 10 months and a further $51 874 in interest would be saved.

This means that a total of $67 477 in interest would be saved for the first home buyer. The Treasurer makes the point that that is for a first home buyer, not a second home buyer. The question remains to the Treasurer: does he think it fair that a first home buyer pays an extra $67 477 in interest because our stamp duty regime is different from that of Queensland?

NUCLEAR WASTE

The Hon. J.D. HILL (Minister for Environment and Conservation): I wish to make some remarks today in relation to the question that I was asked in question time about radioactive nuclear waste dumps in South Australia and to put on the record some of the things that the opposition objected to my saying during question time. In question time today I was asked a question about polling that had been conducted by the federal government, and I was able to reveal that documents which had been obtained under FOI from the federal Department of Industry, Science and Resources show that Senator Nick Minchin had engaged researchers to conduct polling in South Australia and Australia-wide to gauge community attitudes to the Pangea Resources proposal for a high level nuclear dump. It is well known that Pangea wants to establish a high level radioactive waste dump in Australia and import tens of thousands of tonnes of toxic nuclear waste a year from around the world.

Polling was conducted in December 1999, June 2000 and again in February 2001 by McGregor Tan Research which asked questions about community attitudes to low, medium and Pangea radioactive waste dumps in our outback. The polling, according to McGregor Tan, 'aims to provide important input into shaping and refining the communications strategy for the department's radioactive waste management section'. It continued:

> The desired end product is to develop an integrated, national communications approach that appropriately addresses community concerns related to nuclear issues and thereby provides. . . an effective means of informing and influencing the public debate.

That was done despite the fact that, in March 1999, Nick Minchin categorically ruled out ever changing the federal government's policy on banning the importation of high level nuclear waste into South Australia. If the proposal was dead and buried in 1999, why was the federal government still

wanting to track community opinions two years later? This raises serious questions about Senator Minchin's similarly categorical assurances that the federal government would never place a medium level radioactive waste dump in South Australia.

We must now have serious reservations in South Australia about the sincerity of the federal government in relation to those promises. Despite the fact that it said it was opposed to Pangea putting its dump in South Australia, the federal government is organising public research to see whether or not the public of South Australia would cop such a dump. We can only draw the conclusion that it is not sincere in its promise that a medium level radioactive waste repository will not be put in this state.

The FOI documents also reveal that the federal government engaged local public relations firm Michels Warren, at a total cost of more than $320 000, for several months over 1999-2000 and again for two months in 2003, to change South Australian attitudes to a low level radioactive waste dump. Polling obtained by Michels Warren shows that South Australians were overwhelmingly opposed to the dump. Michels Warren was engaged by the federal government to turn around that opposition and soften our attitude to the dump. The PR company won the second contract on the basis that it would have a good working knowledge on the issue, having, and I quote from the report, 'played a major role in countering the "I'm with Ivy campaign" orchestrated by Channel 7'. That campaign opposed the low level nuclear waste dump proposal.

According to our information, Michels Warren set about changing community attitudes through a letters to the editor campaign, talkback radio and even mini scare campaigns. According to the documents, one letter to the Editor of the Mount Barker *Times* cost federal taxpayers $160. One letter to a constituent cost $225, and scheduling talkback radio interviews was $240. On one occasion that we know of, a Michels Warren consultant personally voted four or five times on an ABC internet poll about the dump. Documents show that the PR company had concerns about Adelaide's media being opposed to the radioactive waste dump proposal and suggested that, if the Editor of *The Advertiser* could not be convinced to report the issue in a balanced way, the issue should be taken to higher levels of News Limited. Documents also include an admission from Michels Warren:

> The national repository could never be sold as good news to South Australians. There appear few, if any, tangible benefits such as jobs, investments or improved infrastructure. Its merits to South Australians are at the most intangible.

I table the report to which I have referred.

Time expired.

BRINDAL, Mr M.

Mr BRINDAL (Unley): I am pleased that I have the chance to grieve directly after the Minister for the Environment, although obviously I had no knowledge of the matter on which he was going to speak. I find his contribution somewhat curious because I do not quite know what he is asserting. Is he asserting that it is not the right of this chamber, or chambers such as this, devolved over centuries, not only to reflect but also to inform public opinion? I conceived—

The Hon. J.D. Hill interjecting:

Mr BRINDAL: Well, the minister says 'manipulate public opinion'. I remind the minister that one of his demi-gods, the former Premier of South Australia, Don Dunstan, was in fact the first person to conceive that if he wished to have this house move certain laws in certain directions he must first carry the people with him. He was the first person in South Australia—I think in Australia—to poll people to see where they were, knowing where he wanted them to go, and then go out into the court of public opinion and seek to influence, to change and to modify to the point where he could then come into this parliament and have a parliament that was prepared, in line with changed public opinion, to vote for measures. You and I might not have agreed with all the measures that Don Dunstan proposed at the time. Indeed, he was considered so radical that Jane Lomax-Smith left England and took flight to South Australia because here was the light of the Aryans, the great hope of the world. So she comes to our shores and graces our chamber today. But if, in fact, it is not the right and, indeed, the duty of governments to both follow public opinion and to lead it, I do not know why we have a representative democracy and a system called the parliament.

I was bemused this morning by an article—and I take no offence—by Tom Richardson in *The Advertiser* headed 'Brindal turns a new chapter'. He describes me as moving sedately to my new eyrie from which I can peer down on all the members of the house.

Ms Ciccarello: You are never sedate.

Mr BRINDAL: The member for Norwood would say I am never sedate, and I agree with her. 'Sedate' implies sedation, and I do not think anyone will ever be able to sedate me. But I do object to the wrong conclusion. I do not blame Mr Richardson, because he was sitting a long way away, for suggesting I was reading a novel. I would not waste my electors' time by reading such things as novels in this chamber.

Mr Snelling: Why is it a waste of time?

Mr BRINDAL: Because I consider that I am elected to do a job and while I am here I should be doing that job. Therefore, because most of the answers coming from ministers are not, in my opinion, greatly edifying or educational, I wish the house to know that I was reading a book that I commend to all honourable members. It is called *A Parliamentary History of the Glorious Revolution*, and it would appeal especially to Labor members.

Ms Ciccarello: Cash for comments!

Mr BRINDAL: It was hardly cash for comments, I can tell the member for Norwood, because it was published by the Palace of Westminster, and I do not know that is a for-profit organisation, especially under the Rt Hon. Tony Blair. I commend it to members because it is a history, as the more erudite would probably know, of the revolution which resulted in the abdication and downfall of James II of England and the installation of Prince William and Princess Mary as William and Mary of Orange.

It is actually the story of how the parliament, in the dissolution of one monarchy in favour of the next, took the opportunity to reform the parliamentary system and how the parliament from which we are descended gained some of the most important rights ever gained by using the interregnum between the two monarchs to claim for itself some powers which have never been able to be taken from the parliament. I do not mind *The Advertiser* reporting that I was doing some work while I am in this chamber, but I hope that it will correct the fact that it was a novel.

EDUCATION, MENTORING PROGRAM

Ms THOMPSON (Reynell): During question time today I was surprised to learn that some members opposite do not understand the purpose of the mentoring program. They did not realise that it was a specific response to the legislative changes to require young people in our state to stay at school until they are 16. As members may have heard now, the 16 age requirement is but an interim response. It is the plan of this government, as indicated in the State Plan, to lift the age of school attendance to 17, and we are doing that for very good reasons. We know that our state needs skilled and committed young people, as well as skilled and committed older people, to meet the challenges of the future.

However, in increasing the school leaving age we also knew that, under the previous government, the mood in students and in schools has been so negative that it was necessary to support students to stay at school when, under the previous regime, they would have been looking forward to getting out of the place. In fact, many young people in my electorate have reported to me that during the 1990s little value was placed on education. The message coming from government all the time was that there was not much future for young people. The message in schools, in my sort of area, was, 'If you are not going to pay attention you may as well get out of here. There will be jobs for only a few so you may as well let those who are going to get them get the education.'

We had to take strong action to overcome that sort of negative mood in some schools and to recognise that some young people had been thinking they would be getting out at 15, and that now we would be saying, 'We need you to stay until you are 16 and we hope that, by the time you are 16, you will realise that you need to stay at school to complete your 12 years of education.' We therefore committed $5.6 million to support these young people to stay at school.

I also mention that when I was doorknocking prior to the last election one young woman raised with me the fact that the only thing she did not like in the Labor Party's election platform was keeping students at school until they were 16. She feared that this would disrupt other students because that had certainly been the sort of message that had been given when she was at school. When I assured her that we were committing considerable funds to making sure that those students were engaged profitably and would not be disrupting other students, she said 'Right, well, I am with you.' That got her vote and that of her twin sister, so I was very pleased about that.

As the minister mentioned, three high schools in my electorate have the mentoring program. I have been pleased to be able to meet with the Wirreanda High School mentors, Helen Fehlberg and Dave Clifton, as well as the principal, Jenny Sommer, to discuss progress. They are very pleased with the mentoring program, recognising that it is able to assist only a small number of students so that the selection of the students is crucial. Senior teachers and counsellors at Wirreanda High School select students on the basis of achievement, attendance and behaviour. These students may be teacher referred, but it is very encouraging to note that some of them are self-referred. They recognise that they need help to be able to stay at school in a way that is profitable for them and for others. The mentors commented that there are many complex factors as to why students may not be really engaged in schooling and why they are not succeeding.

However, two aspects have emerged: first, that all the students who have been benefiting from the mentoring program have literacy problems. Arising out of that is the realisation from the secondary teachers that they are not trained in literacy training and that there is a need for further professional development for the teachers to work effectively to support these young people.

Another problem is that these young people seem to think that school should just be for a good time. That also challenges some of the attitudes that have been prevalent in the department where people have talked about, 'We want to make schooling fun.' Some students have taken that too literally and do not realise that it is all about learning—but enjoyable learning. It is much easier to learn if you are enjoying it, but their idea of fun and the idea that most members would share about learning being pleasurable are very different.

Time expired.

WALLAROO JETTY

Mr MEIER (Goyder): In today's *Advertiser* there was an article which has, to some extent, brought my worst fears home to roost. The article on page 22 indicates that anti-terrorism measures will apply to the Wallaroo Jetty, and various other jetties, such that the jetty will be closed for much of the year. I am extremely disappointed that Flinders Ports and the state government have not lobbied the federal authorities much harder to ensure that full access is provided onto the Wallaroo Jetty for those times when there are no ships at the jetty. Obviously, this has not occurred. Members will recall that on 18 February this year I presented a petition of some 1 243 signatures. That petition stated:

> In light of Australia's obligations under an international agreement to provide protection to the maritime industry, and the proposed implementation of preventive security measures on all ports where international shipping docks, your petitioners therefore request that your honourable house will call on the state government to make urgent representations to the federal government, in particular the Department of Transport and Regional Services, to retain the current level 1 security rating for the Wallaroo Jetty, which is an important recreational fishing location on Yorke Peninsula, and to ensure the seaward end of the jetty remains open for access to the general public.

I have been pushing this issue for a long time. What disturbs me about this announcement is that no-one had the decency to contact my office before I read it in *The Advertiser*. I asked my office staff to check with the federal member for Wakefield, Mr Neil Andrew, who represents the area. I have been advised they have not received or heard anything about the jetty report, either.

Members will recall that in 1999 I presented a petition of some 3 000 signatures, seeking guaranteed jetty access at the time when the then state government was in the process of seeking to sell South Australian ports. Partly as a result of those petitioners seeking guaranteed access— certainly, as a result of extensive lobbying behind the scenes—guaranteed access to the jetty by recreational fishers was incorporated into the legislation. Now, it seems that, because of security measures, they will try to restrict access. Certainly, some access will still occur, but it will be for only a third of the length of the jetty. The other two-thirds will be in such a secure situation that I do not think the average member of the public will be able to gain access. In fact, I notice on the web site of Flinders Ports, in relation to the marine transport security legislation, the following as it relates to Wallaroo:

> Wallaroo—area security and upgrades project objectives

- Access control gates and fencing at the base of the jetty to restrict persons and vehicles entering in the event of a need to elevate the level of security.
- Improved signage at the base of the jetty.

And the one that is of concern is as follows:

- The access control gate located midway along the jetty will have PIN code operation to enhance the security beyond this point at all times.

I would ask the state government to do what they can at this late hour. I would ask Flinders Ports to take a more realistic approach and to allow the recreational fishers access. It is the only decent place you can get proper fishing, as far as I am concerned, from earlier times when I fished and certainly members of my family have fished. I plead, on behalf of all traders in the Wallaroo area, and on behalf of all visitors who come to Wallaroo, let alone on behalf of all locals in the Wallaroo area, to have this decision revisited. I do not believe we have a security problem at Wallaroo.

Time expired.

ROADS, OUTBACK

Ms BREUER (Giles): I am appalled to hear what the member opposite has just been saying about the Wallaroo jetty. It is certainly a place where many people have fished over the years, and I certainly spent a lot of my childhood fishing from that jetty. If there is anything I can do to support him on this, I would be very happy to assist.

In the last week I have travelled over 4 500 kilometres through Outback South Australia—in South Australia, in my electorate, and into the Northern Territory. I was interested to hear last night the comments about the state of the roads in the Outback. I once again disagree with the member for Stuart opposite who has been loud and noisy about the conditions of those roads, because I was actually suitably impressed with most of those Outback roads. In fact, I thought that they were very well maintained at present and certainly not in the state that has been described opposite.

I asked where I went about the state of the roads and I was told when I was in Oodnadatta that the Oodnadatta to William Creek Road, in the words of the person who runs the roadhouse there, the Pink Roadhouse, 'needs some work', but was not described as being outrageously bad. So I intend to go onto that road on the next few weeks, if I am able, to check out the condition of that road. But I am quite impressed. However, by saying that, I am not saying that we do not need to keep vigilance on those roads and keep an eye on what is going on out there and make sure that those roads are maintained, because of the use by tourists. This is what I want to talk about today, that Outback area.

It is an immense tourist asset, and many tourists travel through that area daily. If you are travelling through the area you see this continuously, with people from all over Australia and also from overseas. Of course, they hire vehicles and off they go in their four-wheel-drives out in those areas. What was really brought home to me on that trip last week was the lack of signage in many of the areas. On a number of occasions I was very unsure of my location. I will not say that I was lost, but I was very unsure about my location and whether I was on the correct road. This is despite the fact that I am quite a seasoned Outback traveller.

In the Northern Territory this was much worse. You really have no idea. You really have to follow your maps and just hope that the maps are accurate and that there are not any other roads and that you are on the right road. In a lot of the areas it is indistinguishable whether you are in South Australia or the Northern Territory, if you are moving in that area. I think that a tandem exercise has to be looked at about signage for those areas. In lots of the areas around the Oodnadatta area, if it were not for the signs that were placed by the Pink Roadhouse, you would have absolutely no idea, because there is no state signage out there.

I think this is dangerous, I think it is a worry, because the safety and welfare of Outback travellers I think is very much at stake there. If you turn off on the wrong road and you go somewhere, you may be stuck there for two or three days, and, of course, we all know the tragic instances in the past of people who have been lost. They have left their vehicles, gone wandering, not understanding the conditions out there and have died, because they did not know where they were going. So, I would urge that money, from tourism, goes into more signage out in that area. I have grave worries that a lot of our tourism money goes into the very popular spots like the Barossa Valley and Kangaroo Island. Fair enough, but it is to the detriment of those areas in the Outback, which I think do need to be looked at and do need to be continuously upgraded.

The other issue out there is toilet facilities. When I was young I was happy to go behind a bush, but now things have changed and I know on those travels you see many people out there, seniors, people with a disabilities, for whom it is not always convenient to go behind a bush. Let me tell you, the trip from Alice Springs to Oodnadatta, if you go down the old South Road and then go along the old Ghan track, there is not one toilet facility along that track, and it is a very long way to go.

Speaking from experience, I know that. So, I would urge this. Last year I went through the Gawler Ranges, and up around the Lake Torrens area I suffered a similar problem. I believe that we have to do something about putting some long-drops out there—basic long-drops which do not need maintenance and which are not really an attraction for vandals, but at least you have a little covered area where you can go and you do not have to get down behind a bush. I think that this is essential for our tourism industry. I cannot believe that any other country would not have outback dunnies. It is okay if you like going behind a bush; go for it, but some of us do not choose to do that. I would like to see some more money going into building some long-drops out there which are cheap and easy to maintain and which are not a problem as long as the redbacks do not get on them. I think that would be a great asset for our communities and I would urge that our minister have a look at this. I would be quite happy to christen one of those dunnies for her!

Time expired.

ECONOMIC AND FINANCE COMMITTEE: ROAD MAINTENANCE FUNDING

Ms THOMPSON (Reynell): I move:

That the 47th report of the Economic and Finance Committee, on road maintenance funding, be noted.

I am pleased to present to the house the 47th report of the Economic and Finance Committee entitled 'Road Maintenance Funding'. In October 2002 the Economic and Finance Committee resolved to investigate the reduction in funding

for the construction and maintenance of roads in the far north of the state, with particular emphasis on the reduction in the number of road gangs employed by the Department of Transport and the impact on regional tourism. As part of the inquiry process, the committee sought the written views from representatives of the key transport and tourism agencies and then proceeded to an open hearing in May 2003 where further evidence was incorporated. The committee specifically focused on a number of key aspects relating to this inquiry, and each will be discussed in turn.

The first aspect relates to the general reduction in road maintenance funding and outback roads during 2002-03. The budgeted allocation for road maintenance, preservation and asset development in the 2002-03 budget was approximately $3.36 million lower than actual expenditure in the previous year. In real terms this meant a 27 per cent reduction. However, the majority of the $3.36 million reduction can be explained by two main changes in core business activities. First, the budget was reduced by $2.2 million in dedicated funding upon the completion of the Flinders Ranges tourist roads upgrade program—a capital works program which had been in place since 1995-96.

Secondly, in 2002-03 the operating budget, which included the resheeting of surfaces and routine maintenance, was reduced by $1 million. Here the committee ascertained that almost the entire extent of this reduction applied to resheeting, while routine maintenance remained relatively unaffected. Furthermore, improvements in efficiency and revised design and maintenance standards would contribute to an overall improvement in road conditions. It is envisaged that the reduction of the 2002-03 operating budget will not adversely impact the standard of roads in the short term, while it is not possible to comment on the longer-term consequences, since factors such as weather conditions and changes in network usage would need to be incorporated into any future assessment.

The second aspect relates to the reduction in the number of road maintenance gangs. Here the committee was informed that in 2002-03 the number of workers employed to maintain unsealed roads in the far north of the state decreased by one-third or 26 FTEs over the previous reporting year. There were several reasons given for this overall reduction in work force numbers which can be primarily attributed to the conclusion of defined works programs. In one instance, the completion of the resheeting program for the Flinders Ranges tourist roads directly accounted for 12 FTEs. This effectively reduced the number of maintenance gangs from 4 to 3. A further gang was withdrawn due to the budget reduction. It should also be noted that during this time a number of maintenance workers moved from contract to permanent employment status, thereby improving their situation considerably.

The third aspect of the committee's findings relates to the impact on tourism. The Flinders Ranges and Outback areas of South Australia are a major tourism drawcard to this state, recording approximately 2.1 million visitor nights each year, with nearly all visitors travelling by road to these regions. Furthermore, this number is expected to grow by 5 per cent over the next two years as a result of the successful 2002 Year of the Outback tourism promotion.

The SA Tourism Commission suggested that the improvements to parts of the unsealed road network have increased the tourism potential in these regions due to greater accessibility and that tourism will, to some extent, be influenced by prevailing road conditions. Poor road conditions may reduce the tourism potential due to time and to increased vehicle running costs and repairs, while, at the same time, deteriorating roads may actually attract certain visitors to the region—specifically, independent travellers seeking an adventure holiday. Personally, I wonder about all those people driving Toorak tractors in the eastern suburbs and whether they want to drive on beautifully sealed roads to the Outback, or whether they want some dirt roads to drive on.

In tourism terms, the committee recognises that the state and maintenance of the Outback road network should be balanced between the needs of the structured tourism operator and the needs of the independent traveller and that the level of available road maintenance funding should reflect this. In conclusion, the report takes the following recommendation: the Economic and Finance Committee urges the Minister for Transport to recognise the benefits of a well-maintained road system for the local communities and the pastoral, mining and tourism industries. I commend the report to the house.

Members interjecting:

The ACTING SPEAKER (Mr Snelling): Order!

The Hon. G.M. GUNN (Stuart): I am pleased to participate in—

Members interjecting:

The Hon. G.M. GUNN: I try to be humble. I am just a quiet country lad.

Members interjecting:

The Hon. G.M. GUNN: Well, it worked pretty well: I have won 11 elections. I initiated this inquiry because I have been most concerned about the cutback in the gangs in the Far North of South Australia. It was disappointing that the government used its numbers on the committee, because I had moved another motion requesting that the minister reinstate the 26 employees whose services had been terminated. Notwithstanding the member for Giles' remarks (and she has driven on some of the roads in the north of South Australia), I tell the honourable member that many other roads need maintaining and re-sheeting, and I will give an example: the road between Yunta and Arkaroola. That is just one road, but I can give numerous others as examples.

The member for Giles is quite right: thousands of tourists go through the north of South Australia, and that is good for the state because it creates opportunities and because people get a great deal of enjoyment from the area. However, in the past, millions of dollars have been spent on the Strzelecki Track and the Birdsville Track and, if they are not maintained effectively, they will deteriorate rapidly. The house needs to take note of a number of issues.

It is very important that you have there people who are experienced and who know what sort of material to put on the roads and how to maintain and construct them. We have had very good people undertaking this work. It is interesting to note that, when the head of the department came before the committee to give evidence (and I am sure he was pleased with me), I produced a fax he had sent out telling employees that they were not allowed to talk or to give out information. There was a famous occasion, when I was in a cafe at Marree having morning tea with one of the foremen, when someone made a telephone call as though they had caught Ronald Biggs. In a democracy, this is really childish stuff. I have known these people for 22 years, and if the new director thinks that he will stop people like me from talking to them, he has another thing coming. If he really wants to make life difficult for himself, we can put so many questions on notice that they will keep his department going for days. Within half

an hour of this fax being sent, I received one at home. When I read it, I said to my wife, 'We're going to have a bit of fun with this, aren't we? Who would be so silly as to send that out? How childish!'

Let me say that the importance of the road system in the north of South Australia cannot be overemphasised. One of the most disappointing decisions that this government took was when it stopped the sealing of the road between Lyndhurst and Marree. I cannot for the life of me understand why they would do it. It has not hurt me politically. Who would do that?

Ms Breuer interjecting:

The Hon. G.M. GUNN: So, you are saying that they should not be sealed?

Ms Breuer interjecting:

The Hon. G.M. GUNN: That is what the honourable member is saying. I will be very pleased when I am up in Marree next week to tell the people—

Ms BREUER: I rise on a point of order, Mr Acting Speaker.

The ACTING SPEAKER: Order! The member for Stuart will resume his seat.

Ms BREUER: Mr Acting Speaker, the honourable member is putting words in my mouth. I did not say that road should not be sealed. I was clarifying what road we were talking about.

The ACTING SPEAKER: Order! There is no point of order; the member for Giles will resume her seat.

The Hon. G.M. GUNN: I understand that the member for Giles is somewhat sensitive because at the next election she has got a lot more rural people in her electorate and she has obviously put her finger up to the political wind; and in the future she might have a few more. Let me say to her and to other members that it was a very disappointing and unnecessary decision. The committee's inquiry was a worthwhile exercise, because if we want to promote the tourist industry and other industries in this area people must be able to travel there. What concerns me greatly is that if one tourist bus has a problem by hitting a bulldust hole and gets into trouble, it will send the wrong message out.

From time to time you see people who get into difficulties in the north, and for someone who spends a lot of time driving on these roads I will agree with the member that the road between Marree and Lyndhurst is in pretty good condition. I had a close look at it on, I think, the hottest day last summer when it was 47 or 48 degrees. I was changing a tyre on that road, so I actually know the condition of it.

I say to the member that the road between William Creek and Coober Pedy needs some work done on it. I have not been on the one from Coober Pedy to Oodnadatta for a while but I will be fairly soon.

The Hon. P.F. Conlon: You don't want to be there after it rains.

The Hon. G.M. GUNN: I know that, and it is wise not to go there in a Statesman, either. You want to go there in a four wheel drive. It is an important road for that community, as are many other roads which go out through the Flinders Ranges. So, this exercise was important. I would like to see the 26 people put back on the payroll, and I think the decision to spend all that money, $30-odd million in relation to buying new equipment, was an unwise decision. They should have utilised the facilities of Australian Plant Hire and other contractors, because it is available not only to the department but also to other small contractors and builders in the community who can take on further work because of the availability of equipment.

So, I sincerely hope that in the forthcoming budget the Deputy Premier reverses the situation, puts an injection of funds into rural South Australia and continues with the sealing program.

I am very disappointed that the sealing of the road between Blanchetown and Morgan has been held up, because it needs work doing on it. Also, I could list a number of other roads that need attention if time permitted. So, I look forward to a positive response from the minister in relation to his opening up the cheque book.

I would say to all members that, if they really want to have an enjoyable time from now onwards, they should go to the Flinders Ranges, Wilpena, Arkaroola, Rawnsley Park—great parts of the state. Call in at Hawker; have a look at what Mr Morgan has put in there to enable you to see the panorama, because it is a wonderful tourist facility; or go from Blinman to Parachilna, because it is a wonderful drive). One could also go to Innamincka and see the thousands of people who go there annually. I am taking some of my colleagues there in a couple of weeks time so that they can be better educated.

Can I also say to the house that, in relation to Innamincka, we should make a comparison between Innamincka and Birdsville. In Queensland the government has encouraged development and progress; in South Australia we have curtailed it.

The Hon. P.L. White interjecting:

The Hon. G.M. GUNN: They have a different view about allowing the environment and greenies to get in the way of progress. They have a different view. I know the Mayor of Birdsville, Mr Brook, and I understand that his discussions with the Queensland Premier were most productive. They had similar views on what should be done with these sort of things, and Birdsville has progressed very well. Instead of wanting to shut down the place, not have any development, without the bureaucracy 24 motel units would have been built at Innamincka, and a laundry. But it is finished; it is gone. That is the sort of stupidity of the situation. If we are going to stop development at least we should maintain a decent road system.

I will say to the minister that one of the great things that have happened in the last few years is the construction of passing lanes between Adelaide and Port Augusta. A new one has gone in at Templers and another one further up the road. It is a great initiative and there should be more of it. It is a great initiative safety wise and it keeps the traffic moving. Those passing lanes have made the trip between Adelaide and Port Augusta so much more reasonable. I have wanted to say that for a long time because it has been an important initiative. I am pleased to support this motion, even though I am disappointed that the Labor Party used its numbers and did not put the second recommendation which was a sensible solution to the problems. I have enjoyed participating in this discussion.

Ms BREUER (Giles): It is always a pleasure to follow on the heels of the member for Stuart and his entertaining comments about various groups in our society. I will reiterate the point of order I took that he misinterpreted my interjection about which road he was discussing. I agree with him in wanting to see every road in the Outback sealed; it would be wonderful. However, I am also realistic enough to know that will never happen.

It is interesting that we should be debating this motion today following my grievance speech in which I discussed road conditions in the Outback. It was entirely unplanned, because I did not realise that this motion was to be debated today, so I reiterate my earlier comments. I believe that a lot of the roads in the Outback are in reasonable condition, but the issue with Outback roads is that, with one rain, the road is totally destroyed. It is something that we have to be vigilant about and we must continue to maintain Outback roads. It is not just the tourism trade that we are talking about, because those roads are the lifeline for many of our communities. Those isolated communities, Outback stations and Aboriginal communities rely on those roads to get them from point A to point B. If they need medical attention, they have to use those roads and get there in a hurry. If the children have to travel to school on school buses they need adequate roads.

I was pleased recently to represent the Minister for Transport at the opening of the Lipson-Ungarra Road near Port Lincoln. Many of my colleagues in this place have received a barrage of mail over the last few years from the Lipson-Ungarra committee, which was set up to get some action on that road. They decided many years ago that they wanted to get their road sealed, for the reasons that I set out—safety reasons, for schoolchildren travelling in the area, for the trucks that cart grain, etc. They mounted this incredible campaign over a number of years to get federal and state funding to enable that road to be completed.

When I opened this road in conjunction with the federal member, Barry Wakelin, I commented on what a great effort it was and what a shining example it was of what a community can do if they pull together and work together towards a common goal, and that goal was getting the road sealed, which they have managed to do. I also mentioned at the time the issue which our minister is very aware of, that is, federal funding, and the fact that we get such a small proportion of federal funding in this state compared with the other states of Australia.

I urge members such as the member for Stuart to lobby his federal colleagues on this. We need to get more federal money into this state if we are going to make a good, genuine effort to maintain our roads. That is absolutely essential. We are poorly funded here and it is totally unfair. I suggested to the Lipson-Ungarra committee that they move to North Terrace and that I would ask the Premier to invite them to Adelaide so they could do the lobbying for us. We might be able to access more of that federal funding if we could get a community and a committee as strong as that.

This report highlights a lot of the issues that are important about Outback roads. It is essential to our state. Tourism is taking off and we need to make special conditions for our tourists because they do not understand the Outback. I would never go out there without lots of water, some food, safety equipment, etc.

Ms Thompson: A toilet.

Ms BREUER: Yes, I think I am going to have to look at a portable loo, unless we can get some Outback dunnies built. Many tourists do not understand the conditions in the Outback. They take out their maps and sometimes they do not even understand their mapping, so we need to get more signage. They also need to understand the roads and the time and distances involved in travelling from point A to point B. You are not travelling on bitumen roads. You must take into account the road conditions and you must not go too fast because it is very easy to tip over.

Another point that is dear to me is making it compulsory for people to travel in the Outback with their lights on, and I would like to see that in legislation. As soon as you leave Gepps Cross, put your lights on, because it is such a help when you are driving in the daytime. For some reason, people seem to think that they are going to run down their batteries when they turn on their lights, although I do not know where they get that idea from. It is a real help if people put on their headlights when they are travelling on country roads. It does not matter what the conditions are—full sunlight or clouded over—put your lights on and let people see that you are coming. When you are travelling on the Outback dirt and gravel roads, dust becomes an issue and it makes a difference if you put on your lights so people can see that you are coming. Many more issues could be discussed. I support the motion.

Mr WILLIAMS (MacKillop): I am pleased to contribute to this debate and there are a couple of things that I would like to add. I have had only a brief look at the report that has been prepared by the Economic and Finance Committee but I am disappointed that the committee does not appear to have taken evidence from the commonwealth government, and particularly does not appear to have taken into consideration the report of the House of Representatives committee on economic and finance on the cost shifting between various levels of government across Australia. If our committee had taken some notice of that report or had taken evidence or had expanded on some of the work that was done by that federal parliamentary committee it may have come to some different conclusions. I will expand on that by quoting from that report, particularly appendix D. Commonly referred to as the cost shifting report, it is on the commonwealth parliamentary web site. Appendix D gives a history of the interstate distribution of local road grants, and some interesting material comes out of it. It states that the history of state shared road grants dates back to 1923, according to the 1986 Report of the Inquiry into the Distribution of Federal Road Grants (the Cameron report).

The committee would have done itself a favour by getting hold of the Cameron report and starting from that point. The appendix gives a history of what has happened since the early days of commonwealth-state shared grants, compared with where we are at now. The Cameron report identifies that the General Purpose Road Grants Act 1974 legislated for formal grant arrangements to provide grants to states for urban arterial, rural arterial, urban local roads and rural local roads. Although the grants were initially made to the state government, some of them were passed on to local government.

One of the problems in allocating funds to local government has always been that some states—and I emphasise 'some states' because it is not all—claim that they deserve a proportion of the money issued by the commonwealth Treasury for use on local roads, because the state authority maintains a significant portion of the local roads in that state, and South Australia is one of those states. In fact, South Australia argued (and I think this occurred in the early 1990s) that 12.1 per cent of the local roads in South Australia were maintained by the state and not by local government. These are largely in the unincorporated areas—in the north, in the area that has already been discussed—and, of course, in national parks and the like.

There has been quite a serious debate at the local government level over recent months about South Australia's share of the federal local road grants only being around 5.5 per cent

when our population is almost 8 per cent and our local road link I think is in excess of 11 per cent of the nation's local roads. But the cost shifting report shows that the federal government, the state government and the Local Government Association apparently came to an agreement—and I have spoken to people in the Local Government Association and they cannot find a copy of the agreement. Apparently, a substantial amount of the grant that was historically paid to the South Australian local government sector has been syphoned off and paid into the state government's coffers. I understand that from 1977-78 through to 1990-91 South Australia's share of the local road grants from the federal government amounted to somewhere between 7.5 per cent and 8.1 per cent (it varied between those figures). In 1990-91 the amount of the local road grant to South Australia was $24.3 million, and that was 7.5 per cent of the national total.

The state government, as I said, then negotiated with the commonwealth government at, I understand, the special premiers' conference in October 1990, and the 12 per cent that I referred to a moment ago that the state claimed represented the percentage of the local roads that it maintained was paid directly to the state government of South Australia. At that time (and we are talking about 1990-91) that represented some $5.193 million, and the amount of the grant available to the local government sector in South Australia at that stage was $17.7 million, and that is when South Australia's local government sector's percentage was reduced from 7.5 per cent to 5.85 per cent of the national cake. Minor adjustments after that saw South Australia's share fall, somewhere between 1992 and 1995 or 1996, to about 5.5 per cent, and that was because of some things that happened in other states, and the cost sharing document suggests that that was caused by the change in the size of the cake rather than any change to the amount paid to South Australia.

The point I want to make is that the South Australian government is receiving a substantial amount of money directly from the federal government which was intended to be used for the maintenance of our local roads. The problem is that, again, according to the report that I am referring to:

> In 1993-94 payments to the states for local roads maintained by the states were untied and were subsumed within general purpose payments to the states.

So, South Australia's portion has been subsumed within the general grants given to the South Australian state government and, consequently, with the government's decision to reduce the amount of money spent on our outback roads, it is in fact pocketing the money from the commonwealth which is supposed to be used to maintain local roads. The state government is getting the money from the commonwealth government and it is an absolute outrage that they are not using the money for the purpose for which it was designed.

Briefly, in the few minutes I have left I will talk about another issue which is related to the lack of maintenance of outback roads. I have been working for a number of years now to try to have transport ministers and the department of transport accept that transport operators can operate with triple trailer road trains on outback roads, principally to bring livestock from the north of South Australia and southern Queensland to our abattoirs in the south of the state. Every state of Australia allows triple trailer road trains on their outback roads except South Australia. The reason we want to be able to do that is if you bring a triple trailer road train from the Far North to the Mid North and off-load the livestock (and we are talking about cattle), it fits neatly into two B-doubles which can then cart the livestock to either the T & R Pastoral abattoir at Murray Bridge or Thiess Brothers at Naracoorte in my electorate.

I am told by the operators of these abattoirs that livestock producers in the north of South Australia and in south-west Queensland are paying a penalty of up to 14 cents a kilo on every animal that they truck off those cattle properties if they choose to send them to either Murray Bridge or Naracoorte rather than abattoirs on the coast in Queensland. The impact that has on our South Australian abattoirs is that we have plenty of stock bred and fattened for slaughter in South Australia during the spring and summer months but in the autumn and winter months the only place you can get reliable and prime stock in South Australia is in the north, and it is imperative for the growth of our abattoir industry that we have access, at a realistic price, to that stock in northern South Australia and stop it going into eastern Queensland for processing. So, I implore the minister to have another look at that. Every state allows triple trailer road trains on their outback roads and South Australia does not, and it is impacting severely on jobs and the economy of South Australia.

The Hon. P.L. WHITE (Minister for Transport): I thank members of the Economic and Finance Committee for their interest in this matter, in the first instance, and the contributors to the debate on this report. Maintaining outback roads in the harsh South Australian climate is no mean feat, and I acknowledge and pay tribute to all the workers who assist in keeping our roads in a safe condition. In the winter, roads can be damaged by floods. However, I am advised that that damage has been minor and can be addressed as part of our day-to-day repair and maintenance practices.

The member for MacKillop raised issues about the funding of local roads, which is a different issue from what we are discussing here, but I wish the honourable member would look at the facts more closely, because it is a fact that South Australia does not get its fair proportion of the national bucket of funding for roads upkeep—for capital works or maintenance. I think it would be much more politic of him and his colleagues, instead of doing the political point scoring here in this chamber, to get onto their federal colleagues who have control of the federal purse strings to fix up the situation at the national level. Because, as I say, South Australia is not getting its fair share of the national funding bucket for roads across the state.

On this particular issue, because we are talking about outback roads, I mention that the state government maintains 10 000 kilometres of unsealed roads. We have a structural disadvantage in South Australia by virtue of the fact that, unlike some other states, our roads are unincorporated; other states have local shire bodies that govern those areas. Therefore, as local government entities, they have access to funds, and we do not have that in South Australia. South Australia does have a structural disadvantage not only on our local roads but also on our outback roads. Rather than trying to build bizarre arguments that just cannot be supported I urge the opposition to get onto their federal colleagues to do something about the problem that has existed in South Australia for a very long time. The road maintenance conducted by the state government on our outback roads is currently delivered through eight maintenance patrols and two resheeting gangs.

One of the greatest challenges for those living, working and visiting the outback area is simply being able to get from

point A to point B. The access that we might take for granted in other parts of the state or within metropolitan Adelaide is a luxury those in remote areas do not possess. As a result, the government has shifted its focus within the outback area to address maintenance issues as opposed just to resheeting. That was a deliberate measure to ensure access to most places for the majority of the time.

Members would be aware that there is a significant difference between maintenance and resheeting. Resheeting is primarily a capital infrastructure intervention—it is construction—whilst maintenance is the necessary treatment to provide this critical access that is fundamental for the people of the outback. Our government will continue, as recommended in this report, to place its priorities on routine maintenance in the outback areas. We will seek to develop greater efficiencies in maintenance techniques and plant operation, because that will help ensure a dynamic, responsive maintenance approach to providing access for the people of the outback.

Motion carried.

VICTIMS OF CRIME

Mr HANNA (Mitchell): I move:

That the regulations made under the Victims of Crime Act 2001 entitled 'Compensation', made on 18 December 2003 and laid on the table of this house on 17 February 2004, be disallowed.

These regulations concern the compensation payable to victims of crime and related matters, such as the fees available to solicitors who work in this area and the disbursements they pay for the reports which victims require in order to lodge their claim with the Crown Solicitor's Office. The Legislative Review Committee never did have a problem with the scale of fees fixed for legal practitioners under the regulations. Members may be aware that, for many years, a limited scale of fees has applied, which has effectively meant that lawyers have been contributing part of their work pro bono, or for the public good, in taking on victims of crime compensation cases.

These fees are a step towards a reasonable recompense for lawyers involved in these types of claims. The other offending aspect, one might say, is in relation to disbursements for medical reports and reports supportive of victims' claims. One of the options put to the Attorney-General was to separate out these two issues. They are clearly quite different in nature. The Attorney-General graciously appeared before the Legislative Review Committee on 17 September last year and, on that occasion, I had the opportunity to ask him:

Why do you not introduce regulations almost immediately that provide for an adequate level of fees for solicitors in this area and leave this thornier more controversial issue of the level of medical reportage as a separate issue?

The Attorney-General replied:

Because we are not soft.

Just as an aside, I muse on why softness is deemed a denigrating or derogatory characteristic in this place. It says something about the masculine cultural environment in which we work. In any case, the Attorney clearly wanted to be hard on this issue and, despite the concerns raised by the Legislative Review Committee and the disallowance of the regulations that were being considered at that time, the Attorney saw fit to reintroduce those regulations. I come now to the offending aspect of the regulations.

The regulations significantly limit the medical and other supporting evidence which can be put to the Crown Solicitor's Office when a claim is lodged. The limitation is effective, because it effectively warns practitioners, and thus the victims themselves, that if reports supporting medical or other reports fall outside the guidelines in the regulations they will not be paid for. The history of these interactions between victims and the Crown Solicitor's Office over a number of years is that reasonable reports in support of a claim are paid for without too much argument by the Crown Solicitor's Office when a settlement is reached.

Of course, if the matter goes to trial, as a very few of these claims do, the issue of reports and witness fees can be addressed after trial. However, the vast majority of claims do settle. It is very important for victims and their lawyers to have reasonable certainty that they will have cooperation from the Crown Solicitor's Office in covering reasonable disbursements incurred to establish the claim in the first place. The regulations severely limit payment for reports from non-medical practitioners in particular. When he appeared before the committee, the Attorney-General made a comment that the Crown Solicitor's Office had an unbending attitude toward payment of some of these disbursements.

The Attorney-General subsequently withdrew that remark. Indeed, the committee was heartened late last year by the Attorney's assurances that improvements would be made in the way in which these claims were dealt with. When members of the committee sought a more flexible approach from the Crown Solicitor's Office through the Attorney-General, the Attorney-General advised that this was a possibility. The Attorney suggested that some protocol might be put in place which gave appropriate guidance on whether funding would be provided for psychiatric reports or that of allied health professionals.

Mr Lamb of the Attorney's office said that the Attorney has given a commitment to talk and to come up with protocols or some other scheme which will be an acceptable compromise. In the view of the committee that has not occurred. The committee also heard from a solicitor practising in this area, Mr Russell Jamison, and the committee also heard from psychologists Dr Helen Winefield and Dr Michael Wood. It is worth quoting from the evidence of Dr Wood, a senior psychologist. He gives an example of how this dispute arose. In his evidence to the committee this year, he said:

I have seen about 400 or 500 victims of crime over the past four or five years. A lot of them have facial fractures or other factures and it is not that common to have had a severe head injury, but that occurs as well. They have received anti-depressants or anti-anxiety medication from their general practitioner.

When writing a report I am required by the solicitor who refers them to give some recommendation for whether they do or do not require further treatment and the sort of treatment required, whether by a psychiatrist or a psychologist. I do not recommend always that they see a psychologist because in some cases they are so severely depressed they require medication and considerable care. The problems may have triggered or exacerbated previous issues and I have to take them into account. I use an estimate based on the best practice model of what the research literature tells me is a reasonable number of sessions that might be required for that sort of treatment and an estimate of cost. Not all people who come through and are referred have psychological or emotional disorders as a result of having been exposed to trauma—some do and some do not. Some would like to have, but unfortunately they do not. That comes out through careful interviewing and through the psychological tests that I administer, which include scales that assess validity of responses, tendency to exaggerate and plain inconsistencies in a person's statement.

The point raised before was unrecoverable costs. If the Victims of Crime Fund does not pay for the psychologist's report, the psychologist does not get paid. Most people who are victims of crime are socially disadvantaged, Aboriginal, some are female, although there are slightly more males than females. There are certain sites in

the city that pick out where assaults take place. It would be almost inhumane to try to recover costs from those individuals because they just do not have the money, so the psychologist does not get paid. It does not often happen, but that is the way it has been operating over the past few years.

I have cited that evidence from Dr Wood, but the fundamental concern of the Legislative Review Committee was the financial wellbeing of victims themselves. If they are to get adequate compensation they need to be able to go to their lawyer and have full confidence that their lawyer will carry out the lawyer's professional duty in obtaining reasonably necessary reports to paint a picture of the victim's condition, so that an appropriate amount of compensation can be gained through settlement with the Crown Solicitor's office.

I referred previously to questions raised about the attitude of officers in the Crown Solicitor's office in relation to compensation for disbursements. Mr Jamison, a solicitor, was able to provide two illustrations of the difficult attitude of the Crown Solicitor's office. In one case, Mr Jamison provided a letter from the Crown Solicitor's office to his firm in relation to a client whom, quite properly, he chose not to name. However, we do have the detail of the letter. It has a number of standard clauses in the letter and there is a standard paragraph which states:

A report from your client's usual or treating general medical practitioner must accompany the claim. No other medical report or related report unless authorised by the crown will be accepted or paid for, excluding those that predate the Criminal Injuries Compensation Regulations 2002, as in force at 19 December 2002.

That letter was written in July 2003. It does indicate that there is a reluctance to look at reports other than those of the usual or treating general practitioner. Of course, there is the exemption for those reports authorised by the crown. The Attorney-General informed us that approximately half those requests for authorisation are granted. Of course, that leaves a huge number which are not granted.

The other illustration provided by Mr Jamison was a copy of reasons for decision provided by Master Rice of the District Court to the parties in the case of Bennell v the State of South Australia and John Knott. In that case, a social worker had provided a series of reports for members of a family who had suffered injury as a result of a robbery. The payment for those reports was refused by the Crown Solicitor's office. After lengthy argument, Master Rice decided that the disbursements, namely, payment for the reports prepared by the social worker who attended to the family, were necessary and proper disbursements. In that case the victims did the right thing, the lawyer did the right thing, the social worker did the right thing but the Crown Solicitor's office did the wrong thing. The Crown Solicitor's office did the wrong thing by refusing to pay those disbursements.

It is that attitude which has come through into the current regulations. The Legislative Review Committee decided to recommend disallowance of these regulations. Thus, I put the motion to the house.

Motion carried.

CITY WEST CONNECTOR

Mr CAICA (Colton): I move:

That the 202nd report of the Public Works Committee, on the City West Connector, be noted.

The Public Works Committee has examined the proposal to apply $8.9 million of taxpayer funds to the city west connector project. The committee is told that the Adelaide Metropolitan Area Transport System Initiatives identifies the city west connector as a critical link in the inner ring route improvements. The city west connector is part of the strategic arterial road network being developed to provide an efficient and effective route for travel between the north-eastern and south-western suburbs of Adelaide. As a key link in the inner and outer city ring routes and a key part of the urban roads freight improvement program, it provides for the efficient movement of urban freight and attracts traffic out of and around the City of Adelaide. In its ultimate form it will consist of two lanes in each direction and involve the upgrade of the Bakewell Bridge.

The current project involves the construction of a new road link (one lane in either direction) between James Congdon Drive and South Road through former industrial land and includes the upgrading of the intersections with South Road, Sir Donald Bradman Drive and Railway Terrace. The road link has trees lining each side and down the wide median strip, an environmentally designed stormwater detention dam developed in the new park adjacent to Keswick Creek at South Road and the extension of the Westside shared pathway, linking Glenelg to the City of Adelaide. Cyclist and pedestrian crossings will be provided at the three intersections.

The committee is told that the project has a series of objectives, including:

- the provision of bicycle and foot-paths through the project to link with existing routes;
- to provide an alternative route for freight and commuter traffic by completing the inner city ring route;
- to assist in stimulating the Mile End precinct in conjunction with planned retail and industry developments; and
- to improve the environmental profile of the area through the remediation of former industrial sites, improved stormwater management, extensive native tree plantings along the connector, recycling building materials from building demolitions, and the use of noise abatement technology for the project.

The committee is told that the total capital cost of the project is $8.9 million. Recurrent costs for the connector are standard for a road project and will be $30 000 per annum. An economic evaluation of the project indicates a benefit cost ratio of 3.5 and a net present value of $22 million for this section of the connector project. The committee is told that the project is currently expected to be completed by November 2004. While the committee is generally supportive of the project and its objectives, the staged process through which it is being constructed means that it will not fulfil its capacity or potential until other associated works—such as the replacement or upgrade of the Bakewell Bridge and the eventual provision of extra lanes—are completed.

The committee is of the opinion that, budget constraints notwithstanding, projects such as the connector would be of increased utility and value if more funds were allocated earlier to enable more extensive works to be undertaken. In the current project, the committee believes the restrictions placed on the connector in the interim by, for example, the height of the Bakewell Bridge or congestion at the South Road intersection undermines to some extent the purpose of the project as a whole. The committee notes, however, the recent announcements regarding an upgrade of the Bakewell Bridge and looks forward to these plans being progressed.

The committee notes the stormwater detention basin being constructed to manage run-off from the road project. The committee was told that the proponents and developers acknowledge the Mile End area's status as a natural flood

plain and are implementing measures to manage stormwater within the redevelopment precinct. The committee emphasises the importance of stormwater management for the area both in environmental terms and with regard to the potential economic damage to residents and businesses as a result of any potential flooding. The committee notes that there has been communication between Transport SA and the City of West Torrens regarding a range of design issues, the most significant of which have been addressed, leaving some residual matters that the parties will work together to resolve.

The committee further notes and accepts the retention of land by Transport SA adjacent to the connector project for use in the future should further additions to the project, such as overpasses or extensions, become necessary. The committee is of the opinion that the land should be retained for this purpose. Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee recommends the proposed public work.

Mr KOUTSANTONIS (West Torrens): I always enjoy following my committee chair, who I have a great deal of faith in and respect for. I welcome the City West bypass and I welcome the government's commitment to the western suburbs and infrastructure projects because they are long overdue. Things have been held up by the previous government because they have taken the western suburbs for granted after their landslide victories in 1993. Having said that, however, I am concerned with the way the department of transport is dealing with local residents. For those people who have no understanding of where this is, it is a site on the start of Scotland Avenue and South Road, right through, past Bunnings, passing Sir Donald Bradman Drive, near the Hilton bridges—they are two bridges, so it is not the Hilton Bridge—onto James Congdon Drive, which runs perpendicular to Railway Terrace, right through to Port Road, going under the Bakewell Bridge.

That whole infrastructure there will be upgraded and revamped by the state government. It will be a brand new underpass or overpass of about $30 million, plus roughly about $8 million for this road. I know there were some members who were crying foul about this commitment to the western suburbs, but I am prepared to defend the Labor Party's commitment to the western suburbs any time. However, alongside this road, there has been new development. This new development was built alongside a sound wall, but this sound wall does not completely protect local residents, because, unfortunately, there was an agreement between Transport SA and the council not to approve any two-storey developments. As these things always happen, two-storey buildings were approved, because that road was always going to be upgraded and was always going to carry traffic.

I point out that the committee was told—and in fact this has been reiterated by the CEO, Mr Tim O'Lachlan—that this route is not for B-double traffic and heavy industrial freight. It is for residential and ordinary traffic: it is not for heavy traffic. Local residents were upset about the consultation process. So, I intervened on their behalf and I sat down with the concerned local residents, Dermot Holden and Nicki Dantalis, who came to my office. I took notes of this meeting we had and we ticked off everything that these local residents asked for. Can I say that everything the local residents asked for, other than increased vegetation, was delivered by Transport SA, and I thank them.

However, it is my understanding that there has been a misunderstanding between Transport SA and the Public Works Committee and, indeed, by me, as the local member of parliament. It was my understanding that the upgrade of the road would be from Scotland Avenue through to Sir Donald Bradman Drive alongside Bunnings, and there would be a continuation of the existing road through James Congon Road, which would be upgraded later. As I was driving along on a tour with these Transport SA officials, who were very helpful, I asked them especially, 'How close is the new road moving towards local residents?' I was told these words: 'Not substantially.' I understand now that Transport SA has been out there with its engineers, and I have been briefed by council that the new road will come alongside local residents. I am talking about a distance of no more than maybe a metre or so.

This is a new road works. I am very concerned about this, because my local residents, even though some of those two-storey houses should not be there, there are other people who have not built two-storey houses and who were given assurances by Transport SA and the council that there would be no road works that would impinge, infringe or in any way impact on their lifestyle, noise or amenity of the area. They have this in writing from Transport SA, but they have now found out that the residents will be affected, and I am quite disappointed by it. I have raised this with the minister and I will be raising it from the rooftops with Transport SA, because I have to say that I do not like being misinformed. I am sure that it is an honest mistake and it might have been my misunderstanding and the officers' misunderstanding, because the impact on local residents is in fact quite substantial.

Mr Goldsworthy interjecting:

Mr KOUTSANTONIS: The member for Kavel thinks that we could both be wrong. I thought that I was mistaken once.

Members interjecting:

The ACTING SPEAKER (Mr Snelling): Order!

Mr KOUTSANTONIS: I was mistaken once but I found out later that I was wrong. I will champion the cause of local residents. I am not afraid to stand up and speak out. I understand that the government will listen to our concerns. Of course, the unfortunate thing is that it has been ticked off both by cabinet and the Public Works Committee, and it is supposed to be ticked off by the parliament here today. One specific thing that concerned me about this was that I asked a question that, instead of extending the road to the left as you are heading north towards the Bakewell Bridge, why could it not be extended to the right? The member for Unley at the committee meeting said that the reason we could not do that was because it was parklands. At no stage did Transport SA correct the member for Unley or me by saying, 'No, that is not the reason.' In fact, on the right-hand side of James Congdon Drive where the sports stadium is, it is not parklands. The parklands border is the railway line.

The Hon. R.B. Such: They are exempt.

Mr KOUTSANTONIS: I know that they are exempt, but there is an ideological or community reason for not encroaching on parklands, even though Transport SA is not bound by it. I think that local residents would accept that, if it were parklands, it would be a different scenario altogether. When the member for Unley quite rightly piped up in his usual shy, retiring manner and said, 'It is parklands; you cannot build on parklands'—because he is a great champion of the parklands—Transport SA, knowing it was not parklands, did

not inform the committee that that was not the reason. That concerns me a great deal. What our very good chair of the committee, the member for Colton, has done is that we have agreed today to write back to Transport SA to ask for the exact details of where this road would be and the slip lane heading in to James Congdon Drive.

I have spoken to local residents; they are prepared to forgo the 'singlisation' of the intersection of Railway Terrace and James Congdon Drive which, I understand, is not something that Transport SA wanted in the original plan and which would be quite a substantial saving. They are prepared to forgo that and the pedestrian crossing to keep the amenity of the area. I support that proposal; I will be putting that in writing to the minister. Hopefully it can be changed. The minister, of course, is getting advice and she cannot commit either way, obviously, which is quite fair, because everyone has ticked off on it. I do not think that anyone had any concept or idea of the extent of the proposed extension of the road towards residences. There are some residents for whom a sound wall was not built, and the original residents who were there had to pitch in to pay for the wall themselves. It is quite an attractive feature. People might have noticed it opposite Bunnings—there is a red brick wall. It was not built as a sound deterrent: it was actually built by the local residents. This road will just increase traffic.

I went down there on the Anzac Day public holiday and stood there with some local residents and I heard the noise at first hand. I can say quite honestly that it was deafening—absolutely deafening. The local residents want this project to go ahead. They want to see the city west bypass move forward; they do not want to stop it. They want to see the Bakewell Bridge upgraded. They applaud this government. The members opposite have no doubt that local residents support what the government is doing and they know that they can rely on us to listen. We will listen to their concerns. I just hope that we can act in time to change something that might unfairly and adversely affect residents. In future, I urge local councils, when they enter into arrangements with Transport SA about two-storey dwellings and about building on land that is going to be developed at a later date as a transport corridor, not to build houses on that transport corridor. We would not have these problems otherwise.

Unfortunately, with the benefit of hindsight and 20:20 vision, we are all geniuses. At that time, the Liberal government was in power and, of course, we knew that they would not spend a cent in the western suburbs so they went ahead and built the development, because they knew that they would never build this road. We are in power now and we are investing in the western suburbs. We believe in the western suburbs and we are investing in infrastructure. The local residents' needs must be heard and I will shout from the rooftops of Parliament House to make sure that those local residents' concerns are voiced and heard.

Mr BRINDAL (Unley): I am very sorry that, given the considered and statesmanlike contribution to the debate made by our highly esteemed chairman, the member for Colton, the member for West Torrens should, while being a very assiduous local member (a local member who should be praised for his work in his electorate) descend to the cheaper and more tawdry side of politics in trying to suggest that members on this side of the house might not know where the western suburbs are. I am sure that most members on this side of the house have visited the western suburbs. As the member for Colton well knows, the seat of Colton was, for a number of years, held by a very esteemed resident of the eastern suburbs who was the Liberal member for Colton. Before I get on to the substance of the debate, for the benefit of the member for West Torrens, I am one of the principal developers of the western suburbs. I can assure him that my contributions on a weekly basis to Bunnings Warehouse are astronomical.

Mr Koutsantonis: I have seen you there at the sausage sizzle.

Mr BRINDAL: It is my grandson who likes their sausages, not I, for the benefit of the member for West Torrens. I refute the proposal; I presume he said it lightly, because I do not think he is an ignorant man. As the member for West Torrens knows, the Liberal government spent a lot of money looking at transport infrastructure. It is true that our first priority was the development of the southern suburbs and the freeway down there, but he will know—

Ms Thompson: The half road.

Mr BRINDAL: The member churlishly says 'the half road'—the half road that is rather successful. I do not think her electors want it taken—

Ms Thompson: It is not as successful as a whole road.

Mr BRINDAL: The member says that it is not as successful as a whole road. I take the member's point and, as the member for West Torrens said, they are now in government, so let them get out and build the whole road.

Ms Thompson: It costs too much.

Mr BRINDAL: Oh, it costs too much! We should have built a whole road. Suddenly, now that they are in power, the whole road costs too much, but we should have built it anyhow. We should have built it when we built what we built against escaping from a state debt—against a $7 billion debt left by John Bannon and the member for Reynell's predecessors. We built half a road and we are now being criticised for it.

The ACTING SPEAKER: Order! The member for Reynell is out of order interjecting, as is the member for Unley in responding to the interjections.

Mr BRINDAL: I am contrite. I am devastated that you should need to correct me, sir; but, I do take that correction. The point I was making is that the Liberal government did have on its agenda a progressive upgrading of the ring route and that would have included the very section that now is being rightly put forward by this government. I respect the views of the member for West Torrens and his absolutely assiduous defence of his electors, but I would like to speak a little in defence of the West Torrens council. I hope that the member for West Torrens will not mind. It is true that, in evidence, we were very specifically told by the West Torrens council that they themselves—not being the developers (I do not think they individually developed)—had to get permission to develop. They were very assiduous.

Mr Koutsantonis interjecting:

Mr BRINDAL: Yes, it is a different council to today's as the member for West Torrens said. However, they were assiduous and we questioned them. The member for West Torrens went to some lengths I seem to remember (and I may be followed up) in questioning them in detail on whether they had informed potential buyers of those properties about the existence of the road and the future upgrade of the road. The answer was categorically yes.

While I have sympathy for those residents, and while I absolutely applaud the member for West Torrens in trying to defend them, I must inform the house that those people bought the house knowing that the road would be there. If the

member for West Torrens can get concession of his point from Transport SA, good luck to him. However, I say to the house that I am of this opinion: caveat emptor—that is, let the buyer beware. I bought a house next to a railway line (I do not mind trains). However, the house rocks sometimes at night and, if the 2 o'clock freight train does not go past, I wake up not knowing what it is I have missed because my mind has become attuned to the sound.

The point I want to make is this: I have no capacity to tell whomever is running the current railways how big the trains should become. The freight trains are getting heavier and heavier and bigger and bigger, and that is the risk I took when I bought a house near a railway line. But the people whom the member for West Torrens is rightfully defending (because they will vote at the next election and he is their representative) bought houses in an area in the absolute and full knowledge that the government of South Australia—whether it be a Liberal or a Labor government—would build a road there and that it would expand that road for the good of South Australia.

While I hope that the member for West Torrens meets with some success, I say to the house that this government, and the minister who is in charge of this project (and I think the minister at the table was in charge of the project), did exactly the right thing. Perhaps a little adjusting needs to be done—but only a little. I believe that the member for West Torrens is doing the right thing in responding to his electors, who could be accused by some South Australians of being slightly churlish and curmudgeonly in their approach to this issue. I would not like to suggest that one or two of them are long-term members of the member for West Torrens' sub-branch and think that they may gain an unfair advantage from the government simply because they hand out 'how to vote' cards. I am sure that the member for West Torrens would not let that interfere with his debating in this chamber. I believe that this is a good project and that it is worthy of commendation because it is part of the ongoing improvement of the road system in South Australia.

In closing, I would like to point out an issue that is not part of the project but part of a shared concern in the bipartisan approach of this committee—that is, the consideration of all projects from the point of view of clever environmental design and long-term sustainability. The member for West Torrens and I share a very similar problem in that we are part of the Patawalonga and Sturt catchment system and are subject to the flooding foisted on us by the electorates of the members for Bragg and Waite and (in the case of the member for West Torrens) to the detritus foisted on him by the electorate of the member for Unley.

Mr Hamilton-Smith interjecting:

Mr BRINDAL: And by the member for Heysen—that is quite correct. That is a particularly flood-prone area. The design does incorporate water run-off from the road. It would be nice to think that, one day, in such areas perhaps the underbase of the road could be designed in a way that would make it a repository for excess flood water. It is not in this design and, when we questioned the engineers, this issue had not been thought about before. However, it is worth saying that perhaps at some time in the future, when roads such as this are being constructed in a flood-prone area, engineers might be able to come up with a design that incorporates the capability to reserve water well under the road base, to hold that water and to utilise it, not only making the road a useful infrastructure project for the people of South Australia but also making the strata beneath the road a reservoir. I think that then we will move forward.

As the members for Colton and West Torrens know, government departments come in with clever environmental solutions (and we saw one today). However, unless we as a parliament, and we as a committee, keep pushing departments to come up with better solutions, they will not do so. In all, I think this is an excellent project, and I commend the Ministry of Transport for developing it. I hope it goes forward expeditiously.

In conclusion, I wish the member for West Torrens well. If he loses out, it is tough luck for his electors, because South Australia deserves the road, because they knew what they got when they bought the house.

Motion carried.

SPENT CONVICTIONS BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to encourage the rehabilitation of offenders by providing that certain convictions will become spent on completion of a period of crime-free behaviour; and for other purposes. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

I am delighted to introduce this bill. It has taken a long time to get to this point, and there has been a lot of consultation. I am not saying that it is in a perfect form, and I am quite receptive to members seeking to try to improve it, as is their right. A lot of work has gone into this bill over a long period of time and, in proceeding down this path, I have been encouraged by the support of various members in this house and in the other place.

In effect, the bill is about giving minor offenders (and I emphasise 'minor') a second chance—a chance to wipe the slate clean. It will mean that those who have committed a minor offence will be able to have that conviction spent, or cancelled, after a prescribed period of time, provided that they have not reoffended during that period. The specified crime-free period will generally be 10 years, except when the offence was committed by a juvenile, in which case the crime-free period will be five years. When a person is found guilty without a conviction being recorded, the crime-free period will be two years.

I emphasise that we are talking about minor offences, and I will give some examples from the Summary Offences Act: disorderly conduct; avoiding the payment of an entrance fee; indecent language; urinating in a public place; depositing rubbish on land; objectionable persons in public passenger vehicles; and refusing or failing to provide a name and address to police. I do not condone that offending, nor any other offending, but urinating in a public place late at night (which is often the situation) does not come into the category of hard core or serious crime.

In considering the sort of offences with which we are dealing, I make it clear that there is scope to deal with more serious charges in the bill, but I emphasise that that is only when the court has imposed a small penalty. Theoretically, the offence could be more serious, but the court has decided that, because of the nature of the offending, it was only of lesser or minor consequence, and I will come to that point in a moment.

Members would be well aware that many people come into their offices saying that they will plead guilty because

they cannot afford a lawyer. Young lads have come to my office saying that they cannot get time off work and that they will just plead guilty. I try to talk them out of it and say, 'Look: you should see a lawyer.' Many of them do not get legal advice and many end up in court pleading guilty when they may well have been innocent. A lot of the people who end up in the court system in this minor category may actually genuinely be innocent. I am not saying all of them or most of them, but some of them could well be. What is the consequence of having something against your name and kept in the system? I will give some examples.

I have had women in their sixties who have said to me that they have never worked because they did something silly when they were young. One lady told me recently that she altered the price tag on an item in a department store 30 or more years ago. I do not condone it: it is not acceptable behaviour; but, in the scheme of things, it is a relatively minor thing. The consequence of that is that that woman has not been able to visit her daughter, who now lives overseas. A lot of people cannot get employment, and people have a stain on their record.

We are talking about a lot of people who have never reoffended: they did something silly once, learnt their lesson and have not done anything silly since. I will cite a very sad case that came to my attention a couple of years ago. A young lad belonged to the Young Catholic Workers Association, the youth group associated with the Catholic church. When he was a teenager he went to work for a business and the boss said,' Go down the street and get something for the company.' The silly lad not only got what the boss wanted for the company but also got something for himself, of a minor nature, courtesy of that company. He paid it back the next day but, nevertheless, ended up being charged and he went through the system.

Eight years later when he was in his mid-20s he wanted to become a security guard, and he did the course. I think he came near the top. He was offered a job by Websters, who said this lad was fantastic. He tried to get a job as a security guard but no: 'You did something as a juvenile.' It was silly: he bought something—I do not know what it was, a CD or something. He paid it back the next day but it was on his record and he could not be employed as a security guard. That lad went out and hanged himself. The family will never recover from that. To give members some idea of what was involved, 500 young people and others were at his funeral. But he felt 'I'll never get anywhere in life. I'll never be able to move on. This is going to be held against me forever,' and he hanged himself. That is a very sad consequence of what happens to people.

I know people have argued in the past that giving people a second chance, which many other jurisdictions do, is living a lie, but I think there is room in our system for compassion and consideration where people have made a silly mistake and not reoffended. That is what is motivating me to bring in this bill. Many people are associated with some of our prominent churches who have come to me and raised issues, saying, 'We have hidden this part of our past that we would like to get rid of and move on.' In many cases their families do not know. These are decent, law-abiding citizens who did something silly but have not offended again, and I think that they deserve a second chance. I stress again that we are talking about minor offences.

There are safeguards in this bill, because the Attorney can by regulation prescribe certain offences that cannot be considered under the spent provisions. If the Attorney determines that something should not be spent, then he or she can do it via regulation. If any of the offences involved another person, in terms of assault or something like that, that could not be spent or cancelled unless a judge in the District Court had considered the matter and considered in detail the circumstances in relation to it. I am mindful of someone who is an elder in a church, and I know this person quite well. When he was a lad he was involved in a bit of a scuffle outside a pub, as many young people tend to do. It was nothing malicious, but they got into a bit of a brawl and ended up in court and got a record.

That sort of situation would have to go to a judge and the judge must have regard to the following: the length and nature of the sentence imposed in respect of the conviction; the length of time since the conviction was incurred; whether the conviction prevents or may prevent the applicant from engaging in a particular profession, trade or business or in a particular employment; all the circumstances of the applicant including the circumstances of the applicant at the time of the commission of the offence and at the time of the application; and the nature and seriousness of the offence and whether there is any public interest to be served in not making an order. So, safeguards are built into this so that if the offence involved another person that would have to be considered by a judge in the District Court.

I think that is quite appropriate. If the Attorney, under regulation, wants to put in requirements about prescribing certain things, then clearly the Attorney has the power under this act to do so. This type of requirement has been considered by the Law Society and others, and has involved aspects such as whether it was a money offence, and whether someone should be allowed to have that struck off and then get employment in the casino, for example, or in some other facility. Those aspects have been carefully considered, but with this bill I have tried to have a very simple approach to minor offences, as I mentioned before, such as indecent language. But, where there is a little bit of greyness still at the minor end, it would need to come before a judge in the District Court. You need that flexibility; otherwise, if you just say that anyone under a certain category is automatically wiped off and you do not take into account some of the grey factors, I think you can cause problems.

I mentioned earlier the restriction on travel. You cannot travel to the United States, for example, if you have a conviction. They have other stipulations, and those of you who have travelled there know that you have to make a declaration. It seems draconian to me that someone who may have done something minor 40 or 50 years ago cannot visit their daughter in the United States because they cannot honestly say that they are now law-abiding and decent citizens. I appeal to members that in considering this bill they look at people who have done something they should not have done. I do not dispute that they should not have done it, but they have learnt their lesson, have not reoffended and are good decent citizens who want to get on with their life; and they should be able to do so.

I do not see why we should continue to punish people. They have had their punishment: why not let them have a fresh start? They have demonstrated that they are, and will continue to be, good citizens. They have not reoffended, so why keep something hanging over their head until the day they die without giving them the chance to start afresh? Members will have been contacted by people who are in the situation that this bill seeks to redress and, if passed, there will be a lot of happy people in South Australia.

As I indicated earlier, some other states and the commonwealth already have provisions that take account of giving people another chance. I appeal to members to look at this in the spirit in which it is presented: not condoning criminal behaviour but realising that humans make mistakes and that many of the people who have got themselves in a certain situation did not have legal advice, were not properly represented and often pleaded guilty because they thought that would sort the matter out quickly. To their regret they have found that this is not the case, because, the way the system works at the moment, even though they have had no conviction recorded there is a record kept of their no conviction. So, even though you are not convicted you still get a record and that is held against you.

I think this is an area that needs to be tidied up in those various aspects, because if the court is saying it does not warrant a conviction the system still records you as having no conviction. So, you still have a record and to me that seems somewhat incongruous. So, I appeal to members to support this measure. I think it is reasonable and it is long overdue, and I think it will bring great relief to thousands of South Australians. I commend the bill and I reiterate that I seek to include the explanation of clauses without reading them.

Leave granted.

EXPLANATION OF CLAUSES

1—Short title

This clause is formal.

2—Commencement

This clause provides for commencement of the measure 3 months after assent.

3—Interpretation

This clause defines certain terms used in the measure. In particular ***minor offence*** is defined as being any offence other than an offence for which the convicted person was sentenced to imprisonment for an indeterminate term, or for a term exceeding 3 months (whether or not the sentence was suspended), or was ordered to pay a fine of more than $2 500.

4—Application of Act

This clause provides that the measure applies in relation to minor offences whether committed before or after commencement of the measure and whether committed here or interstate.

5—Spent convictions

This clause allows for convictions for minor offences to become spent on completion of a specified "crime free" period. This process will happen automatically except in relation to a conviction for an offence against the person, or an offence of a kind prescribed by regulation, where the convicted person was sentenced to a term of imprisonment in respect of the offence. In this category of cases, the conviction will not be considered as spent unless the District Court confirms that the conviction is spent. The Schedule to the Bill sets out the provisions relating to this court proceeding.

The necessary "crime free" period is generally 10 years, except where the offence was committed by a person who was under 18 at the time (in which case the necessary period is 5 years) or where the person was found guilty without a conviction actually being recorded (in which case the necessary period is only 2 years).

6—Information about spent convictions

This clause provides that a person cannot be asked for, or required to furnish, information concerning a spent conviction and deems any request for, or requirement to furnish, information about convictions to not include request for, or requirement to furnish, information about spent convictions.

7—Proceedings before courts and tribunals

This clause provides that the limitations on access to information about spent convictions in clause 6 of the measure do not apply in relation to proceedings before a court or tribunal (although if such information is admitted in court or tribunal proceedings, the court or tribunal must attempt to avoid, or minimise, publication of that evidence).

8—Offence to disclose spent conviction

This clause provides that it is an offence to knowingly or recklessly disclose a spent conviction except in circumstances specified in subclause (2). The maximum penalty for contravention of the section is, for a first offence, a fine of $10 000 or, for a subsequent offence, a fine of $20 000 or imprisonment for 4 years.

9—Prosecutions

A prosecution for an offence against clause 8 may only be commenced with the written consent of the Attorney-General.

10—Regulations

This clause gives a power to make regulations for the purposes of the measure, including the power to, by regulation, exempt persons or specify circumstances in which the Act (or provisions of the Act) would not apply.

Schedule 1—Provisions relating to proceedings for spent conviction orders

The Schedule sets out the procedures to be followed where a person applies to the District Court (in accordance with clause 5) for an order confirming that a conviction is spent. The Commissioner of Police is made a party to such proceedings. The Schedule provides that, in deciding whether or not to make an order, the Court must have regard to—

- the length and nature of the sentence imposed in respect of the conviction;
- the length of time since the conviction was incurred;
- whether the conviction prevents or may prevent the applicant from engaging in a particular profession, trade or business or in a particular employment;
- all the circumstances of the applicant, including the circumstances of the applicant at the time of the commission of the offence and at the time of the application;
- the nature and seriousness of the offence;
- whether there is any public interest to be served in not making an order.

Mr GOLDSWORTHY secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: MILLICENT AND DISTRICT HOSPITAL SHEOAK LODGE EXTENSIONS

Mr CAICA (Colton): I move:

That the 204th report of the Public Works Committee, on the Millicent and District Hospital Sheoak Lodge extensions, be noted.

The Public Works Committee has examined the proposal to apply $5.355 million of taxpayer funds to the Millicent and District Hospital Sheoak Lodge extensions. The committee was told that the Sheoak Lodge opened in Millicent in 1995 as a purpose-built, aged care facility with funding from the then Millicent Council, community fundraising and significant donations and bequests. Currently Sheoak Lodge offers high level accommodation for 30 residents and an eight bed closed dementia unit, which is the only one in the region. Sheoak Lodge is attached to the Millicent and District Hospital and Health Service.

Sheoak Lodge has been allocated 25 low care licences and two high care licences by the commonwealth and seeks to use these to build a 30 bed extension. An additional three beds, which will be used for transitional respite purposes, are also being built to take advantage of economies of scale. The new facility will meet the requirements of the 2008 building certification standards demanded by the commonwealth and will also include upgrading of adjacent existing facilities to meet these standards. The 30 bed extension will be divided into two wings. The west wing will have 12 beds and will provide added flexibility to the adjacent eight bed dementia unit as well as the existing north wing which is also adjacent. The east wing will have 18 beds and will extend the existing Madison Wing, and will be mainly low care, with the capacity to age in place to high care.

This unit has been the subject of extensive consultation with patient groups including the indigenous community regarding its design, and suggestions have been incorporated. The planning and space requirements are based on the following: compliance with commonwealth aged care certification requirement and benchmarking with comparable aged care developments commissioned by DHS and user specific operational needs. Bedrooms in the facilities will be 16 to 17 square metres. The living area will accommodate up to 20 people in normal operation and 100 people standing when necessary. There will be small kitchenettes in the living areas in addition to the central main kitchen. There will also be small private lounges, a chapel, a staff room with kitchenette and bathroom, nurses' stations, cleaners' accommodation and central courtyards. The committee was told that these courtyards have been designed to provide stimulating, comfortable and user friendly environments for residents, including meeting specific indigenous needs. The existing aged care facility will be remodelled to provide new reception areas, a nurses' administration office, central store area and linen store.

The committee was told that the facility is designed to provide a domestic character and will be in federation style. The nature of the facility requires several constraints on the design, including keeping the facility on a single level and maintaining full hospital functions during construction. The committee understands that the facility incorporates a range of ecologically sustainable design elements such as passive design and energy efficient appliances but also notes that there is no implementation of double reticulation, stormwater reuse or solar cell features. The committee is told that the facility is being built to enable such measures to be incorporated in the future.

The committee is told that the facility aims to provide a significant new addition to Sheoak Lodge and upgrade existing buildings, provide a viable 60-bed aged care facility and achieve compliance with the 2008 Australian standards for aged care service provision. The committee is also told that the project has a capital cost of $5.355 million. Of this, $4 million is in the form of a loan from DHS to the Millicent and Districts Hospital and is repayable over 16 years from the net cash flow generated by expanded operations. The committee is told, too, that there will be no impact on recurrent funding as the new beds will be self-sufficient and generate a positive cash flow to meet all costs.

Once the project is completed, it will have a positive budgetary impact. The project will generate net operating surpluses in excess of $600 000 per year. From this money, $350 000 per year will be used to service the DHS loan, with the balance being used to fund ongoing capital upgrade costs and increased clinical services. Economic analysis of the project indicates that the project has a net present value of $631 000 at a discount rate of 6.6 per cent compared with minus $1.167 million for the status quo option. As the discount rate increases, the value of the project is eroded, but this is attached to high risk levels that are not considered appropriate for this proposal.

The project also has broader benefits such as meeting unmet aged care service demand in the region and reducing disruption to residents by preventing them having to be moved out of the region to seek high level care when needed. Such benefits allow residents to remain in the area and be assisted by families and support networks. In addition, the expanded facility will allow hospital beds to be freed up for other purposes. The committee is told that construction is scheduled to be completed in August 2006.

The committee wishes to note and congratulate the local community on its extensive and generous support of the project, including significant financial contributions. The committee further endorses the work of the Millicent and District Hospital's administration in coordinating and cooperating with the community on this project, and acknowledges the high standard of their evidence at the committee hearing.

The committee recommends to the minister that consideration be given to providing additional funds to the project to enable the incorporation of dual reticulation plumbing for grey water reuse and stormwater retention tanks on site. The committee is of the opinion that such features could be inexpensively incorporated into the current project and would avoid expensive remedial works should they be approved at a later date.

The committee acknowledges that this project was initially conceived and designed prior to current ecologically sustainable design policies being implemented but does not accept that this exempts the proponents from working to achieve the best possible environmental outcomes in the circumstances. The committee is of the opinion that the time lines that precede current policy do not constitute an acceptable reason for not seeking to achieve high levels of ecological sustainability on all projects, even if this requires some measure of budgetary adjustment or reallocation.

The committee wishes to bring to the attention of agencies and future witnesses that it regards as very important the quality of written submissions regarding proposed projects. The committee is of the opinion that agency submissions are undermined if they are poorly presented or expressed in such a way that they include an over-reliance on jargon and/or technical language. Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee recommends the proposed public work.

Mr WILLIAMS (MacKillop): I am delighted to be eventually speaking to this project. I had hoped that I would be presenting this contribution two years ago, but I will come back to that. One of the things that I want to do—and I will say it right at the start because sometimes I tend to run out of time—is that I thank the Public Works Committee for the timely manner in which it assessed this project. Also, when the committee was taking evidence from witnesses, I attended the hearing, and the Chairman of the Public Works Committee gave me an opportunity to put a few matters on record, for which I thank him and his committee.

Let me now talk more generally about what we are achieving at Millicent, which, as members know, is my home town, and I point out that this process has occurred across the state. It was recognised a number of years ago that our country hospitals were facing huge increases in costs in delivering the services that they were obliged to deliver to their communities. I put on the public record my gratitude and that of the communities that I represent for the system that was instituted by the former Liberal government under the ministry of the deputy leader, Dean Brown, when he was the minister for health, of incorporating aged care and nursing home facilities on the same campus and often under the same roof as our country hospitals.

Incorporating both facilities on the one campus has significantly reduced costs, particularly in the administrative area and in the services that are provided to both organisa-

tions, whether it be cleaning, kitchen services, the food delivery services and even in many cases the nursing care services, where there is a sharing of resources. That has enabled regional South Australia to continue to have very effective hospitals. Even our small and medium size towns have been able to maintain viable hospitals that can provide communities with acute health services. I do not want any member to miss that point, namely, that this has allowed us to maintain the delivery of health services in our country areas.

The aged care service is an important stand-alone function but, through this process of shared campuses, we are able to deliver aged care at a reduced cost to those communities. In turn, as identified by the member for Colton, that has enabled those communities to project forward and has given them the opportunity to put away some funds to continue to expand their capital works program into the future because, as we all know, the aged are becoming an increasingly significant proportion of the population.

All of us recognise that, in Australia, as in all western countries, we are facing a problem with a greater proportion of our population being in the aged bracket, where they will need care in the future. However, I do not want to canvass that issue now.

One of the problems in country areas for a long time has been the lack of aged care beds. This involves two issues. One is simply a lack of aged care beds. The other is that sometimes the available aged care beds are in the wrong place. That has made it very difficult for families in rural communities, because almost by definition rural communities are isolated. As has been experienced at Millicent and at the existing facility at Sheoak Lodge over the years, when people become frail and in need of nursing home or other institutionalised aged care, a bed may not be available in the local community and they are transferred to another community. Often that is quite distant from their local community and family and loved ones. Of course, those who are left behind are, by definition, generally of the same age and have great difficulty moving substantial distances to visit loved ones when they are in a community remote from their home town. I have even had the experience of husband and wife teams being split up because one may require nursing home care or aged care of the institutional variety and a bed is found in a community remote from their home—

Mr Brindal interjecting:

Mr WILLIAMS: Unfortunately, I would like to be able to blame this Labor government, but this has been an ongoing problem for a number of years, and it is being addressed. As I say, quite often the spouse may require the same sort of treatment and be shipped to a remote location in the other direction. That has caused problems for aged people in our rural communities. It is imperative that we get these aged care facilities constructed so that we have beds available. However, one of the other problems is that the recurrent funding for aged care facilities is based on bed occupancy.

Mr Brindal interjecting:

Mr WILLIAMS: Yes, it is. So if you have a couple of vacant beds you lose the recurrent—

Mrs Geraghty: What about the federal government?

Mr WILLIAMS: That is what I am talking about. This is a federal government issue. I am just pointing out that because of the way in which the recurrent funding works the managers work diligently to keep up their bed occupancy. This is what exacerbates the problem: when you are in need of a bed in a country community, quite often it is not available because the management of the facility has been trying to keep the beds fully occupied. So we have a significant project that is about to get under way in the Millicent community which will overcome these problems.

I thank the Public Works Committee for allowing me to give evidence, and I was fairly gentle at that stage in what I said, but I will not be quite so gentle now. This project was about to be let to tender at the time that the Labor Party came to government. The funding package was in place, the preliminary design had been done and it was about to be let to tender, and at the change of government the Treasurer literally said, 'We can't have this project because it entails further borrowings; that will go on the bottom line of the budget, and I will not have a position where we borrow more money,' and, as a result, the project went into stall mode.

Members interjecting:

The ACTING SPEAKER (Ms Thompson): Order!

Mr WILLIAMS: The project we see today is being funded again by borrowings and has made absolutely no difference to the bottom line of the budget, but it has caused a delay of in excess of two years.

The Hon. W.A. Matthew interjecting:

Mr WILLIAMS: And the costs have gone up significantly. The member for Colton talked to the local council (the Wattle Range Council); and I commend it and other councils in my electorate and other country areas that are contributing to aged care. But the money that was raised in the local community was significant two years ago: it is far less significant now. The contribution by the community, although well-intended and significant at the time, has also been diluted by the two year delay, and that is most unfortunate. A significant number of the people whom I represent and who have been in need of the sort of care provided by this project have missed out because the project has been delayed for so long, and that will be to this government's eternal shame.

But I certainly commend the project. As I said, I thank the Public Works Committee. There were no delays by the committee. I think it did its work in a timely fashion. But the department that presented the project to the committee was scheduled to do so before Christmas last year and did not turn up. They were not ready because they thought the government would change the system so that projects of this size would no longer have to go before the committee.

Time expired.

Mr VENNING (Schubert): I support the motion moved by the member for Colton as Chairman of the Public Works Committee. This has been yet another successful reference. I feel quite strongly about this project because it was already a wonderful community asset before the addition of this new facility. This is an expanded facility and will free up the acute hospital beds, as both the Chairman of the committee and the member for MacKillop have just said. The most important thing, as I highlighted in my speech in this place yesterday, is that it enables people who are unable to look after senior members of their family at home, in good conscience, to put their aged loved one in care which is close and within their community. Doing so is bad enough, but when they have to send their loved ones many kilometres away because such a facility is not available, it becomes a double blow to the family. Of course, many families just do not do it: they keep their loved ones at home because they will not see them taken to another community. The traumas of the break from the home are bad enough without their having to travel so far

away. For the people of Millicent and area this is a wonderful asset, and this extension certainly will be very much appreciated. It is a great facility and will be improved by the new Sheoak Lodge extension.

I am enjoying my work on the Public Works Committee—going to see the site, looking at the hospital and seeing what they are doing. It is certainly a very interesting and important role for a parliamentary committee. However, I cannot let go of the opportunity to again stress to the parliament that very few of the facilities (particularly after seeing Murray Bridge and now Millicent) would come anywhere near the serious category of the Angaston hospital, yet it seems to slide away.

But, I return to the subject at hand. I was pleased to have some personal input into this project, and this is where the Public Works Committee is unique. Not only does it enable the scrutiny of all these projects by members of parliament, but also committee members bring their own personal expertise to bear in relation to investigating these projects. The members of the committee are diverse and all have their individual strengths, which often come to the fore. My input is usually in relation to nuts and bolts, plumbing, light bulbs, air conditioning and heating issues, and that sort of thing.

I raised the point that in a building such as this we should consider putting in dual plumbing. As members know, when you are erecting a building it costs little more to lay an extra pipe under the floor or in the wall.

An honourable member interjecting:

Mr VENNING: Several. Even though you may not initially plan to use or connect them, it is easy to go back at a later date and connect them externally. This is particularly relevant now when we are looking at piping in not just potable water but also recycled water to be used in toilets and from other non-drinking or washing purposes.

Mr Brindal interjecting:

Mr VENNING: Not grey water, because it is untreated, but recycled water. It can be used in the toilet cistern and for other industrial uses within the hospital and facility. So two systems are going in and there can be two systems going out. The grey water from showers, hand basins, kitchens and the like goes out and, of course, black water from the toilets goes out separately. It is easy to recycle the grey water but, of course, the black water cannot be recycled in or near a facility such as this. I was very pleased to note in the final wash-up that this idea will be taken up and the facility will be plumbed with dual plumbing.

I think that it is a great idea. I hope that every future project will consider this, because ripping holes in walls and digging under floors to put this in at a later time would incur a huge cost and, in many instances, it just would not happen. This is the Public Works Committee working at its best. I am very pleased that we have had some input and that it has been recognised. I am pleased that this project is eventually going ahead after the delay, as the member for MacKillop just said, not like the Kapunda homes issue, as I mentioned in my speech yesterday. That project has been stalled for over 12 months. It is very similar to this project in many ways—identical in some ways—but there is one difference: the Kapunda homes project was totally funded by the local people. Why would you have this delay for over a year? Why? It is a 12 months delay by this bureaucracy, and the minister sitting in the chair was part of this. Before he was shuffled away he was involved with this problem.

Debate adjourned.

STAMP DUTIES (MISCELLANEOUS) AMENDMENT BILL

The Hon. M.J. Atkinson, for the Hon. K.O. FOLEY (Treasurer), obtained leave and introduced a bill for an act to amend the Stamp Duties Act 1923. Read a first time.

The Hon. M.J. ATKINSON: I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The *Stamp Duties (Miscellaneous) Amendment Bill 2004* ("the Bill") contains a number of amendments to the *Stamp Duties Act 1923* ("the Act") to implement new and clarify existing exemptions and concessions, confirm the operation of existing provisions and make other minor administrative changes to update the State's taxation laws.

I will deal with each of the amendments to the Act in turn.

The first amendment to the Act is to ensure that the electronic lodgement of an application to register or transfer the registration of a motor vehicle under the *Motor Vehicles Act 1959* ("the MV Act") is subject to duty.

In late 2001, the then Minister for Transport and Urban Planning entered into a contract with EDS (Australia) Pty Ltd to jointly develop and implement Electronic Commerce facilities ("EC facilities") for motor vehicle dealers, local government and insurers ("the participants"), as agents for Transport SA. These facilities include the processing of certain registration and licensing transactions, such as applications for the registration, transfer and renewal of registrations of motor vehicles via the Internet or Interactive Voice Response (IVR) technology.

Applications for both the registration and transfer of registration of motor vehicles will be processed via EC facilities with participants required to forward the written application for registration or the transfer of registration of a motor vehicle to the Registrar of Motor Vehicles. It is reasonable to expect that, over time, there will be no need for these written applications.

RevenueSA is a significant stakeholder in the EC project, as Transport SA is an agent for RevenueSA in the collection of stamp duty on the registration or transfer of registration of motor vehicles.

Therefore, it is proposed that the Act be amended so that where applications for the registration or transfer of registration of motor vehicles are made by means of an electronic communication approved by the Registrar of Motor Vehicles, that electronic communication is taken to be an instrument, which is chargeable with stamp duty.

This opportunity is also being taken to make a number of minor and technical amendments to clarify the operation of existing motor vehicle provisions and exemptions in the Act.

The second amendment is to remove the requirement that stamp duty payable on an application to register or transfer the registration of a motor vehicle must be separately denoted on the certificate of registration of a vehicle.

The current motor vehicle registration process displays the total fee receipted for a transaction. It does not contain a cash register imprint of the stamp duty paid (as a separate component of the total fee) as required under the current provisions of the Act.

It is proposed that the Act be amended so that the stamp duty payable in respect of an application to register a motor vehicle or transfer the registration of a motor vehicle does not have to be separately shown as a cash register imprint on the certificate of registration. The total fee payable consisting of stamp duty, a compulsory third party premium and administration fees will continue to be denoted on the certificate of registration.

The third amendment is to limit the exemption currently available in respect of a motor vehicle held in the name of a totally or permanently incapacitated ("TPI") person to only one motor vehicle owned by that person at any given time.

An exemption from stamp duty is currently available on an application to register or transfer the registration of a motor vehicle for ex-servicemen who are totally or permanently incapacitated as a result of their service. There is currently no restriction on the number of vehicles in respect of which a TPI person can receive the exemption.

This is an unintended outcome and conflicts with another exemption in the Act, where a person is eligible for a stamp duty

exemption in respect of an application to register or transfer the registration of a motor vehicle where the person has lost the use of one or both of their legs and as a consequence is permanently unable to use public transport, provided the person is the owner of the vehicle and it will be used predominantly for transporting that person. This exemption only applies to one vehicle owned by the disabled person at any one time.

The fourth amendment provides relief from stamp duty for spouses or former spouses, including *de facto* partners, where the registration of a motor vehicle has lapsed and an application to register a motor vehicle is lodged with the Registration and Licensing Administration Branch, Transport SA.

The Act currently provides a stamp duty exemption for instruments, the sole effect of which is to transfer the registration of a motor vehicle between spouses or former spouses. This provision was introduced to provide relief to both legally married and *de facto* partners in circumstances where motor vehicles are transferred as part of property settlements and the Commissioner of State Taxation ("the Commissioner") is satisfied that the relevant instrument has been executed as a result of the irretrievable breakdown of the parties marriage of *de facto* relationship.

On a strict interpretation of the exemption, spouses are not entitled to an exemption in circumstances where the registration of a motor vehicle has lapsed and subsequently an application to register a motor vehicle is lodged with the Registration and Licensing Administration Branch, Transport SA, as opposed to an application to transfer the registration.

Clearly, it is not intended to deny spouses or former spouses a stamp duty exemption in these circumstances. Accordingly, it is proposed that the Act be amended to correct this unintended outcome.

The fifth amendment removes the potential for double duty, where another instrument transferring property in the motor vehicle exists, but has not been lodged for stamping prior to an application to register or transfer the registration of the vehicle.

An exemption from stamp duty is provided on any application to register or to transfer the registration of a motor vehicle where duty has already been paid on another instrument by which the property in the motor vehicle was legally or equitably transferred to the applicant.

It is not reasonable that the timing of an application to register or transfer registration of a motor vehicle in these circumstances determines whether or not the exemption will apply. For example, the exemption will apply where an applicant executes an agreement transferring property in a motor vehicle, lodges the agreement at RevenueSA, pays *ad valorem* duty, and then registers the vehicle at Transport SA. However, the exemption will not apply if the applicant registers the vehicle at Transport SA, prior to lodging the agreement at RevenueSA.

The sixth amendment removes the potential for avoidance of stamp duty by primary producers, in circumstances where a primary producer has obtained conditional registration under the MV Act.

An application to register a motor vehicle is exempt from duty where immediately before the date on which the application is made, the motor vehicle was registered in the name of the applicant (and not in the name of any other person). This ensures that stamp duty is not payable each time a motor vehicle is re-registered in the same name.

The same exemption applies if an applicant satisfies the Registrar of Motor Vehicles that, immediately before the date on which the application is made, the motor vehicle was registered in the name of the applicant (and not in the name of any other person) under the law of another State or Territory of the Commonwealth and the applicant was a resident of, or carried on a business in that State or Territory.

The Act also provides an exemption from stamp duty payable in respect of an application to conditionally register a motor vehicle under the MV Act. The conditional registration provisions of the MV Act enable a primary producer to conditionally register a vehicle that is being used between two parcels of land, which are being worked on by the primary producer.

The potential for stamp duty avoidance arises when a primary producer obtains conditional registration under the MV Act, which is exempt from stamp duty and then fully registers the vehicle and obtains a further exemption from stamp duty because of the previous mentioned exemptions. The proposed amendment is intended to close this potential loophole.

The seventh amendment allows a person who is entitled under the MV Act to receive a *pro-rata* refund of registration fees, to also receive a *pro-rata* refund of the stamp duty on renewal certificates for compulsory third party insurance.

The Act provides an exemption from stamp duty on the renewal certificates for compulsory third party insurance where the application for registration is made by a person entitled under the MV Act to have the motor vehicle registered at a reduced fee.

The MV Act states that the registration fee for a motor vehicle will be reduced by the prescribed amount if the Registrar of Motor Vehicles is satisfied that a motor vehicle is owned by a person who as a result of service in a naval, military or air force of Her Majesty, is totally or permanently incapacitated, or is blind, or has lost a leg or foot, or receives under the laws of the Commonwealth relating to repatriation, a pension at the rate for total incapacity, or a pension granted by reason of impairment of the power of locomotion at a rate of not less than 75 per cent of the rate for total incapacity.

The MV Act provides the Registrar of Motor Vehicles with a discretion to refund part of a registration fee where the owner of the vehicle becomes entitled to an exemption from, or reduction of registration fees, at any time during the period for which the vehicle is registered.

It is proposed to provide a similar *pro-rata* refund of the stamp duty on renewal certificates for compulsory third party insurance.

The eighth amendment merely ensures that Councils continue to receive an exemption from stamp duty on the registration or transfer of registration of their motor vehicles following the enactment of the *Local Government Act 1999*, which replaces the *Local Government Act 1934*.

The ninth amendment allows the Commissioner to seek a valuation or appoint a valuer, where the Commissioner is of the opinion that the amount declared in an application to register or transfer the registration of a motor vehicle is not the true value of the motor vehicle.

The current motor vehicle provisions in the Act do not provide the Commissioner with the discretion to obtain a valuation or appoint a valuer in these circumstances.

The tenth amendment seeks to align the exemption provisions in the Act with the new Parts VIIIA and VIIIB of the *Family Law Amendment Act 2000* (Cth), which came into operation on 27 December 2000 and 28 December 2002 respectively.

These amendments also extend the exemption provisions to include co-habitation agreements made pursuant to the South Australian *De Facto Relationships Act 1996* where persons have co-habited continuously as *de facto* partners for at least three years.

The proposed amendments exempt from stamp duty instruments that effect the disposition of property, including interests in superannuation, between married parties and *de facto* partners during or after dissolution of marital or *de facto* relationships.

The eleventh amendment seeks to address a drafting matter arising from an amendment made to Schedule 2 of the Act by the *Statutes Amendment (Corporations-Financial Services Reform) Act 2002*. That Act amended the terminology in the principal Act to take into account the new concept of *financial product*. An amendment to an exemption in Schedule 2 that replaced the word "security" with "financial product" has caused some uncertainty as to the scope of the provision. The amendment was not supposed to alter the effect of the provision and so it is proposed to clarify the matter by again referring to a security (being a security similar to those already mentioned in the provision).

I would like to thank the various Industry Bodies and taxation practitioners who have made their time available to consult on the development of a number of the proposals contained in this Bill. The Government is very appreciative of their contribution.

I commend this Bill to Honourable Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides that the measure will come into operation on a day to be fixed by proclamation (other than the amendment made by clause 10(8) of the Bill which is appropriate to bring into operation on assent).

Clause 3: Amendment provisions

This clause is formal.

Part 2—Amendment of Stamp Duties Act 1923

Clause 4: Amendment of section 42A—Interpretation

Section 42A contains definitions for the purposes of the division of the Act dealing with motor vehicle registration. This clause inserts subsection (2), which allows an applicant for registration, or transfer

of registration, of a motor vehicle to make the application by a means of electronic communication approved by the Registrar of Motor Vehicles. If an applicant makes application by an approved means, the electronic communication is taken to be an instrument executed by the applicant and is chargeable with duty as an application for registration or transfer of registration.

Clause 5: Amendment of section 42B—Duty on applications for motor vehicle registration or transfer of registration

This clause inserts into section 42B a number of new subsections after subsection (1). The existing subsection (1a) is therefore redesignated as subsection (1d) (and a consequential amendment is also made to subsection (2)).

The effect of the new subsections is to allow the Commissioner to obtain a valuation of a vehicle, at the cost of the applicant for registration of the vehicle, if the Commissioner is not satisfied that the amount stated as the value of the vehicle in the application reflects the market value of the vehicle. The Commissioner may then assess the duty payable by reference to the valuation.

The amendment to section 42B(2a) made by this clause removes the requirement that the amount of *duty* paid by a person on an application to register or transfer a vehicle be denoted on the certificate or transfer form but substitutes a requirement that the total amount paid by the person on the application be denoted.

This clause also inserts a new subsection (2b). This subsection clarifies that section 6 of the Act, which requires that the payment of duty on an instrument is to be denoted on the instrument by an impressed stamp, does not apply in relation to an application to register a motor vehicle or transfer the registration of a motor vehicle.

Clause 6: Insertion of section 42CA

42CA.Refund of duty on eligibility for reduced fee

Section 42CA permits the Commissioner to refund to the owner of a vehicle part of the component of duty paid in respect of an application for registration of a vehicle relating to a policy of insurance. The Commissioner may permit a refund if satisfied that the owner of the vehicle has become entitled to an exemption from, or reduction of, registration fees payable under the *Motor Vehicles Act 1959* at any time during the period for which the vehicle is registered.

Clause 7: Substitution of section 71CA

71CA.Exemption from duty in respect of Family Law instruments

This clause recasts section 71CA, which currently provides an exemption from duty for maintenance agreements and certain other documents under the *Family Law Act 1975* of the Commonwealth in certain circumstances, by extending this exemption to other instruments under that Act. The definition of "Family Law agreement" now includes a maintenance agreement, a financial agreement or a splitting agreement. These terms are separately defined in section 71CA(1). The section also provides an exemption for deeds or other instruments executed by trustees of superannuation funds to give effect to, or consequential on, a Family Law agreement, a Family Law order or a relevant provision of an Act or law (State or Commonwealth) relating to the transfer or disposition of property or any entitlements on account of a Family Law agreement or Family Law order.

Section 71CA, as recast by this clause, is in other respects substantially the same as the existing section.

Clause 8: Amendment of section 71CB—Exemption from duty in respect of certain transfers between spouses or former spouses

Section 71CB(2) currently provides an exemption from stamp duty for an instrument that has the sole effect of transferring an interest in the matrimonial home or registration of a motor vehicle between parties who are spouses or former spouses. This clause amends that subsection by extending the exemption to an instrument of which the sole effect is to register a motor vehicle in the name of a person whose spouse or former spouse was the last registered owner of the vehicle, either alone or jointly with the person in whose name the vehicle is to be registered.

Clause 9: Insertion of section 71CBA

71CBA.Exemption from duty in respect of cohabitation agreements or property adjustment orders

This clause inserts a new section. Section 71CBA provides an exemption from stamp duty in respect of cohabitation agreements and property adjustment orders under the *De Facto Relationships Act 1996*. This section is in similar terms to the new section 71CA, proposed to be inserted by clause 7, but provides an exemption to instruments relating to agreements in respect of de facto relationships.

Clause 10: Amendment of Schedule 2—Stamp duties and exemptions

Clause 10 amends a number of the provisions of Schedule 2 relating to applications for registration or transfer of motor vehicles.

The amendment to exemption 6 made by subclause (1) removes the possibility of an applicant being required to pay duty on a transfer or registration instrument when duty has been paid or is payable on any other instrument for the same transfer or registration.

Subclauses (2) and (6) replace references to the *Local Government Act 1934* with references to the 1999 Act.

The amendments made by subclauses (3) and (7) have the effect of limiting the stamp duty exemption available to a person entitled to a reduced registration fee under section 38 of the *Motor Vehicles Act 1959* to one vehicle. That is, such a person is not entitled to the exemption if he or she is already enjoying the benefit of the exemption in respect of another motor vehicle.

Exemption 15 applies in relation to any application to register a motor vehicle where the vehicle was, immediately before the date on which the application is made, registered in the name of the applicant. By virtue of the amendment proposed under subclause (4), this exemption will not apply if the vehicle was *conditionally* registered under section 25 of the *Motor Vehicles Act 1959* immediately before the date on which the application is made.

The amendment made by subclause (8) addresses a drafting matter arising from the *Statutes Amendment (Corporation-Financial Services Reform) Act 2002* to clarify the scope of an exemption under clause 3(2). This amendment is to have immediate effect from assent.

Mr BRINDAL: I rise on a point of order, Madam Acting Speaker. As the Attorney has introduced this bill on behalf of another minister and seeks, at present, the concurrence of the house to insert the second reading and explanation of clauses into *Hansard* without his reading it, I ask for clarification. Will the second reading explanation be inserted in the name of the absent minister or in the name of the Attorney-General? It is a speech to this house, and it is a matter of who is delivering this speech and who can be questioned on it.

The ACTING SPEAKER: Order! This is not a debate. There is no point of order. The honourable member seeks clarification. Any minister is entitled to introduce any matter in relation to government business.

Mr BRINDAL: In whose name will the explanation be inserted?

The ACTING SPEAKER: It will be in the name of the Attorney.

The Hon. W.A. MATTHEW secured the adjournment of the debate.

Mr BRINDAL: I rise on a point of order, Madam Acting Speaker. The Attorney sought leave for the second reading explanation to be inserted in *Hansard* and leave has not yet been granted by the house.

The ACTING SPEAKER: Leave was granted. The chair had indicated that leave had been granted and there was no opposing voice.

LAND AND BUSINESS (SALE AND CONVEYANCING) (MISCELLANEOUS) AMENDMENT BILL

The Hon. M.J. ATKINSON (Minister for Consumer Affairs) obtained leave and introduced a bill for an act to amend the Land and Business (Sale and Conveyancing) Act 1994. Read a first time.

The Hon. M.J. ATKINSON: I move:

That this bill be now read a second time.

The Land and Business (Sale and Conveyancing) Act 1994 (the act) regulates dealing in land, particularly the sale of

land. The act provides for mandatory disclosures by vendors to purchasers in the form of vendor statements (often referred to as the 'section 7 statement' or 'form 1 statement') and cooling-off rights for the purchase of land. The bill makes minor amendments to the act to improve its operations, specifically amendments to:

- close an apparent loophole in section 7(1)(b)(ii) of that act, to ensure that a vendor who acquired a property or an option to purchase a property within the previous 12 months is required to disclose that fact and the price paid for the property to prospective purchasers; and
- clarify that agents are permitted to apply for an exemption under section 23(3) of the act from the application of section 23(1), which prohibits an agent having a direct or indirect interest in the purchase of land that the agent is commissioned to sell; and
- amend the regulation making power in section 41 of the act to enable the making of regulations to fix fees under the act.

I seek leave to have the balance of my second reading explanation incorporated in *Hansard* without my reading it.

Leave granted.

Disclosure of recent transactions

Section 7(1)(b)(ii) of *Land and Business (Sale and Conveyancing) Act 1994* (the Act) requires the vendor statement to contain particulars of any transactions involving transfer of title to the land where the vendor has obtained title to the land within 12 months before the contract for sale, including details of the price for which the property was bought. This disclosure limits the ability of the vendor to profiteer.

It has become apparent recently that there is a loophole in this disclosure provision that is being exploited by unscrupulous persons.

In one case brought to my attention land was bought and sold within three days without any disclosure by the vendor of this transaction. The vendor was probably not in breach of the disclosure provision in the *Land and Business (Sale and Conveyancing) Act 1994* because the vendor did not "obtain title", as referred to in section 7(1)(b)(ii), before entering into the contract with the purchaser, rather the vendor had at that time only an option to purchase the land.

Another case brought to my attention was of apparent abuse of the provision by an unscrupulous person who was taking advantage of vulnerable consumers and perpetrating alleged fraud on financial institutions. This person would buy properties then on-sell them to vulnerable consumers in such a way that the consumer did not need to pay a deposit. For example, a property would be bought for $100 000 but offered to the unsuspecting purchaser for $160 000. Allegedly, a further inflated sale price of $200 000 would be stated in the loan application, along with a false declaration that the purchaser had paid a $40 000 deposit to the seller. In this way the bank was allegedly induced to loan $160 000 on the belief that this was 75% of the property value—a satisfactory loan to value ratio. In effect, though, the property was only worth $100 000 and the purchaser has been induced to pay far in excess of that by the opportunity to buy the property without needing to put up part of the purchase price. The purchaser is unlikely to recoup the purchase price if he or she sells and the bank has taken inadequate security for the loan.

In the latter case, the price for which the seller has notionally bought the property is not being disclosed to the purchasers. The seller is able to exploit a loophole in the recent-transactions disclosure provision because the seller does not actually obtain title to the property before sale. Rather, the seller enters into a contract to purchase the property in favour of himself "and/or nominee" and then assigns the contract to the purchaser before settlement. It is not uncommon for property sale contracts to be executed in favour of a party "and/or nominee", where the party executing the contract is acting as agent for another, or where it is intended to assign their interest in the contract to another person, however, usually the contract value is the same on assignment.

In both of the above examples, the disclosure of details of the recent dealings with the property would have alerted the purchaser that the purchase price was suspect. Even if it could be argued in certain cases (other than the latter example) that the market had risen in the intervening period and the inflated subsequent sale price was justified, the disclosure provision is a useful tool for alerting purchasers to look more closely at the transaction, for example, to ask for further information about why the vendor is selling so soon after purchase and to be alert to any problems with the property that may have prompted the fast disposal, as well as to the possibility of profiteering.

Accordingly, the Bill amends section 7 to ensure that the details of any transaction entered into by the vendor in the previous 12 months for the purposes of acquiring the property must be disclosed, even where the vendor has not obtained title to the land as such in the 12 month period.

Consequential amendments will also be required to the Regulations under the Act.

Fees for section 23 exemption applications

Section 23 of the Act prohibits land agents and their officers or employees from having an interest in the purchase of a property they are commissioned to sell. However, section 23(3) allows an exemption to be made where it is an employee or officer of an agent that has the interest in the purchase of the property.

The Office of Consumer and Business Affairs (OCBA) has determined that it currently takes approximately four to five hours of work to process one section 23 exemption. OCBA has determined that it cannot afford to ignore these extra work pressures without attaching a fee.

Presently there is no power in the Act enabling a regulation to be made to prescribe fees for exemption applications. The Bill amends the regulation-making power in s 41 of the Act to include a power to make regulations under the Act to prescribe fees to be paid for any matter under the Act. It is intended that a Regulation then be promulgated under the Act to fix a fee for exemption applications to recover the costs of processing these applications.

Section 23 exemption applications

Section 23(3) allows an exemption to be made where it is an employee or officer of an agent that has the interest in the purchase of the property. Although it can be argued that there may be less of a conflict of interest where it is an employee of an agent, rather than the agent himself, that has the interest in the property, in practice, an agent who has incorporated his or her business and is a director of the business will be able to obtain an exemption pursuant to section 23(3) as an officer of the agent company. It is anomalous that an agent who is a natural person is unable to obtain an exemption under this provision. Also, in many cases it will be the agent's employee sales representative handling the sale in any event.

The practice in assessing applications for exemptions under section 23(3) is to require evidence of the informed consent of the vendor or vendors to the exemption as well as requiring a valuation of the property from a valuer of the vendor's choice before providing consent. This process ensures that vendors are protected against the risks of the agent having a conflict of interest, while allowing vendors the freedom to proceed with a sale in circumstances where it is in their interests to do so.

The proposed amendment will make it clear that agents, as well as their officers and employees, may be granted exemptions under section 23.

I commend the bill to members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides that the measure will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Land and Business (Sale and Conveyancing) Act 1994*

4—Amendment of section 7—Particulars to be supplied to purchaser of land before settlement

Section 7(1) of the *Land and Business (Sale and Conveyancing) Act 1994* provides that a vendor of land must, at least 10 clear days before the date of settlement, provide the purchaser of the land with a statement setting out certain information. Under paragraph (b)(ii) of section 7, the vendor must, if he or she obtained title to the land within 12 months before the date of the contract of sale, provide the purchaser with particulars prescribed by regulation of all transactions involving transfer of title to the land occurring within that 12 month period.

Under proposed section 7(1)(b) as amended by this clause, a vendor of land who acquired a relevant interest in the land within 12 months before the date of the contract of sale will be required to disclose to the purchaser of the land all transactions relating to the acquisition of the interest occurring within the 12 month period. Under new subsection (5), the expression *acquired a relevant interest* is defined to mean, in relation to land, obtained title to the land, obtained an option to purchase the land, entered into a contract to purchase the land or obtained an interest in the land of a category prescribed by regulation.

5—Amendment of section 23—Agent and employees not to have interest in land or business that agent commissioned to sell

Section 23(1) and (2) prohibit agents, or officers or employees of agents, from having a direct or indirect interest in the purchase of land or a business that the agent is commissioned to sell. (Exceptions are made for the interests that exist in the agent's capacity as agent or a person's office or employment.) Section 23(3) provides that the Minister may exempt a person from the application of subsection (2) in relation to the purchase of specified land or a specified business. This clause amends section 23 by substituting a new subsection (3) that is substantially the same as the existing provision but provides that the Minister may also exempt an agent from the application of subsection (1).

6—Amendment of section 41—Regulations

The amendment made to section 41 by this clause has the effect of allowing the Governor to make regulations fixing fees in respect of any matter under the Act and provide for payment, recovery or waiver of those fees.

The Hon. W.A. MATTHEW secured the adjournment of the debate.

GAS (TEMPORARY RATIONING) AMENDMENT BILL

Second reading.

The Hon. P.F. CONLON (Minister for Energy): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill makes further provision with respect to temporary gas rationing under Part 3 Division 5 of the Gas Act 1997.

The explosion at Moomba on 1 January 2004 would have had quite devastating effects on South Australia had it not been for the fact that the new SEAGAS transmission pipeline, sourcing gas from Victoria, was able to be brought into operation at additional capacity sooner than planned. My government is very grateful for the efforts of all those involved in that exercise.

Perhaps unsurprisingly given the timing of these events, contracts for the supply of gas to the mass market were based on the availability of supply from Moomba. Although we were fortunate that gas sourced from Victoria was available in larger volumes than planned, the cost of securing additional gas from Victoria has been higher from 1 January than the costs of the same quantities of gas sourced from Moomba would have been. This, added to the serious shortfall of gas as a result of the Moomba explosion and repairs, put the continuation of gas supply to customers at considerable risk.

As full retail competition in a practical sense does not yet exist, consumers whose consumption at a single site is less than 10 terajoules per year currently have the benefit of Ministerially determined maximum prices. The government was keen to ensure that those smaller customers would continue to be supplied and at a prices no greater than the maximum prices currently in operation. The government was also keen to ensure that its efforts to minimise disruption to larger customers would not result in an affected retailer being able to make a profit on the cost of additional "top-up" gas secured. A special regulation was made on 15 January, regulation 22 of the Gas Regulations, to support the continued supply of top-up gas via the SEAGAS transmission pipeline on the basis that those affected customers who wished to take gas in excess of the quantity of gas that was available for supply to them under Ministerial Directions from Moomba would do so on terms and conditions that appeared fair, in particular at a price that did not allow an affected retailer to profit from the emergency situation.

The amendments are designed to ensure that all appropriate investigative, enforcement and recovery measures are available to government. The public interest requires that there must be compliance with Ministerial Directions (given "to ensure the most efficient and appropriate use of the available gas"). The government also considers it to be in the public interest that it should have all necessary power to investigate whether those large customers that have faced increased costs for top-up gas over the temporary gas rationing period have been unlawfully exploited.

Accordingly, the Bill contains provisions designed to put it beyond argument that the Minister can require information to be provided for the purpose of enforcement of the Temporary Gas Rationing provisions in the Act and regulations that relate to temporary gas rationing, including regulation 22. The power to require information expressly includes the power to require a retailer affected by Ministerial Directions to conduct an audit of its compliance with the regulations and to report the results of that audit to the Minister.

The High Court has held that in Australian common law a body corporate does not have a legal privilege against self-incrimination. Natural persons have such a privilege and statutory law generally ensures that they are not required to provide information that may incriminate them of an offence. Although it is expected that only corporations would be required to provide specified information or documents, the Bill also safeguards the rights of natural persons by providing that if a natural person is required to provide information or documents, the information or documents provided will not be admissible in criminal proceedings against him or her (other than proceedings for making a false or misleading statement). Similarly a director of a corporation that is required to provide information or documents cannot have that information or documentation used in proceedings against him or her. Directors are also excluded from the criminal liability that, under section 89 of the Act, would normally flow from the conviction of the corporation of an offence against this Act. The government believes these provisions will maximise the flow of relevant information without jeopardising the protections against self-incrimination that normally and properly apply to natural persons.

I foreshadow now that the Gas Regulations will be further amended to make it an offence for an affected retailer not to re-pay a customer who has been overcharged contrary to regulation 22.

It may be that inquiries will reveal nothing that indicates an offence has been committed. Certainly, present indications are that Ministerial Directions have been complied with and those in the gas supply chain have cooperated in efforts to best deal with the very difficult situation that faced us. Nonetheless, the government considers these amendments should be made to ensure adequate provision for investigation, and if need be for criminal enforcement and for recovery by customers of payments in excess of those lawfully allowed.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure is to be commenced by proclamation. However, clauses 5 and 9 are proposed to commence 15 January 2004, the day on which new regulation 22 of the Gas Regulations was made (see the explanation for clause 9 below).

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Gas Act 1997*

4—Amendment of section 37A—Minister's power to require information or documents

This clause is designed to clarify the scope of the Minister's power to require information for the purposes of Part 3 Division 5 of the Act (Temporary gas rationing). The new wording spells out that information or documents may be required to determine the sufficiency of gas supply, frame directions, plan for the future exercise of powers under Division 5 or otherwise administer or enforce Division 5 (or regulations made for the purposes of Division 5). In addition, a new subsection makes it clear that the Minister may require a seller of gas affected by directions under Division 5 to

conduct an audit of the seller's compliance with regulations made for the purposes of Division 5 and to report the results of the audit to the Minister.

The penalty for failure to comply with a requirement to give information or produce documents is increased from $20 000 to $100 000.

A requirement must be complied with even though the information or document would tend to incriminate the person of an offence. However, the information or document will not be able to be used for the prosecution of a director or other natural person, other than for an offence relating to the making of a false or misleading statement .

5—Insertion of sections 37AB and 37AC

A new section 37AB is inserted to make it clear that regulations may be made for the purposes of Part 3 Division 5—

· making provision relating to contractual relations between customers and sellers of gas affected by directions under Division 5;

· requiring sellers of gas affected by directions under Division 5 to repay to customers any amounts that under applicable contractual terms were not payable by the customers;

· prescribing a penalty not exceeding $10 000 for contravention of a regulation made for the purposes of Division 5.

New section 37AB requires the Minister's consent to prosecutions for a contravention of Division 5.

6—Amendment of section 62—Appointment of authorised officers

Amendments are made to have authorised officers available to assist the Minister in the enforcement of Part 3 Division 5.

7—Amendment of section 67—General investigative powers of authorised officers

This amendment is consequential on the previous amendment.

8—Amendment of section 70—Power to require information or documents

Section 70 empowers authorised officers to require information or documents. Consistently with clause 4, a provision is added so that a requirement made for the enforcement of Part 3 Division 5 must be complied with even though the information or document would tend to incriminate the person of an offence. As with the amendment under clause 4, the information or document will not be able to be used for the prosecution of a director or other natural person, other than an offence relating to the making of a false or misleading statement.

Part 3—Provision relating to *Gas Regulations 1997*

9—Provision relating to *Gas Regulations 1997*

A new regulation 22 was added to the Gas Regulations on 15 January 2004. That regulation dealt with contractual relations between gas retailers affected by directions given by the Minister under Part 3 Division 5 of the Act and customers. The regulation was made relying on the powers conferred by section 95 of the Act.

This clause deems the regulation to have been made under new section 37AB for the purposes of Part 3 Division 5 of the Act. One result will be that it is clear that the powers of the Minister and authorised officers to require information or documents are exercisable for the enforcement of that regulation.

The Hon. W.A. MATTHEW secured the adjournment of the debate.

[Sitting suspended from 6 to 7.30 p.m.]

AUTHORISED BETTING OPERATIONS (BETTING REVIEW) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 May. Page 2007.)

Mr MEIER (Goyder): Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

The DEPUTY SPEAKER: The honourable member has just made it by half a head.

Mr BROKENSHIRE (Mawson): Thank you, Mr Deputy Speaker. It is quite an interesting analogy when you talk about making it by a half a head and what were the odds, and so on and so forth, because this bill clearly has a fair bit to do with gambling.

Mr Hanna interjecting:

Mr BROKENSHIRE: As the member for Mitchell said, it must be the odds that are fixed and not other aspects being manipulated.

The DEPUTY SPEAKER: It is impossible to hear because the members for Goyder and Kavel are having a chat.

Mr BROKENSHIRE: That is what the parliament is about: it is about checks and balances and what is happening with an industry. Of course, we all know that the industry, particularly the thoroughbred and harness racing industries, is very important to South Australia. Most colleagues would know that I personally am not one of those involved with, or who supports, gambling. I do realise, however, that the racing industry is very big economically for South Australia. In fact, certainly until recent times, it was the third largest industry in South Australia. Therefore, it is an industry of which the parliament needs to take notice and to which it needs to give due consideration when issues affect it.

Without dwelling too long on it, this bill has resulted from reviews of the act, and also from the national competition policy review—something about which, I am sure, my colleagues on both sides of the house from time to time shake their heads. I know the intent of the National Competition Council and of the national competition policy, that is, the so-called level playing field hoping to deliver the best opportunities to the communities of different states, and indeed the nation. However, I put on the record that the national competition policy review is part of the reason why we are now debating this bill.

I do not always do this in the house, but I think it is important to do it when credit is due. I want to acknowledge the minister's Chief of Staff. In the time that the minister's Chief of Staff and the minister have had this portfolio, and therefore worked directly with me as shadow minister, I have received a lot of cooperation. I put that on the public record for the minister and his team. I hope that, in the interests of our responsibilities, where possible, we can continue to grow that way.

I was advised during the briefing that this bill is to improve the technical licensing, the regulatory structures and the operational efficiency of the act. Clearly, it has been raised after consultation with the TAB, the racing codes and also, importantly, the South Australian Bookmakers League during the review process. Although I said earlier that I personally am not involved in gambling and do not condone it, my father's side of the family was involved in the racing industry. In fact, my grandfather was a trainer of horses and my father at one stage was a jumps jockey. I do have a reasonable understanding of the history of the industry, too. When as a child I did go to the racetrack with my father, it was interesting to see how many bookmakers were there. Not long ago it was 36, but recent advice suggests that there are as few as 33. That side of the industry has certainly changed a lot, and it has changed because during that period there have been other opportunities for people to place their bets, including the TAB.

The TAB nationally has a big part to play when it comes to betting and gambling, not only on horse racing these days but also on other forms of sport. I hope and trust that, while there was a requirement for a review of the act, bearing in

mind the TAB was sold and the requirements of the national competition policy review, there is in this bill some sort of a balance with the TAB and the bookmakers. I put on the public record that while I was not able personally to speak to the executive officer of the South Australian Bookmakers League, my portfolio assistant and adviser did. I confirm that my advice is that they have been thoroughly consulted in relation to the amendments in the bill. I think there is some win/win here for both the bookmakers and the TAB.

This bill abolishes the class of licence for the Port Pirie betting shop, which is a grandfather provision for the existing single licensee in its current form. In fact, I understand that the Port Pirie betting shop has not been functional for a while now. There is a lot of history around the Port Pirie betting shop. It does change, as the member for Schubert would well know from living in that area. The point is that, even issues like that, which are fundamental considerations with these amendments, have been considered. I raise that, because I believe it is important when we debate this bill that I discover those points so that someone cannot say in the future when they look at the public record that I had not done my homework on this matter.

Another point that I want to raise is that this brings us into line with other states, so South Australia was out of kilter up until this point in time, and the passage of this bill really only brings us into line with the other states. With respect to the Liquor and Gambling Commissioner having some more absolute discretion I support that.

I have concerns that I have raised in this house before, and I will continue to raise them with respect to the Independent Gambling Authority, sometimes, from the point of view of the decisions they make, but also from the point of view that, given the diverse and broad requirements of the Independent Gambling Authority, there is a lot of expectation on them to deliver right across quite a complex spectrum of gambling matters and sectors within this state. So, I do not have a problem, personally, with the IGA giving further power to confer their discretions to the Liquor and Gambling Commissioner.

I also want to point out, because it has been raised by some of my colleagues (and rightly so), that my understanding is that, overall, it is still the IGA that has the ultimate management responsibility for the bill that we are talking about here now, and I have been reassured about that through the minister's staff. Given that I gave an accolade to the minister's immediate staff on the way they have consulted with the opposition on this matter, I should also give one to the Public Service through the Treasury office, because they have been readily available to discuss this, too. I am probably not one for giving them a lot of credit over the years, but I do acknowledge their input into briefings to me.

We face a couple of problems in South Australia at the moment in the gambling portfolio. One is that, according to advice, there is a small sector of people who get caught up in gambling to the point where it does damage to themselves and their families and even their broader families. We also have a problem when it comes to the racing industry and particularly the stakes, and the racing industry in South Australia has gone backwards for quite a period of time when it comes to its competitiveness on the race track compared with the competitiveness that we see on the eastern seaboard in particular and also overseas. Therefore, it is prudent and important that we are aware as a parliament that we have to try to balance those dilemmas that we have with people who get caught up with gambling problems with the importance of the industry from a recreational point of view and also from the point of view that industry sectors such as the racing codes create jobs for South Australia.

In summary, we have spent quite a bit of time on this bill behind the scenes. In fact, I commend some of my colleagues who requested that there be another briefing on this bill, because they had concerns. I want to put on the public record that they had particular concerns about what this bill might do to the viability of bookmakers in this state. They have raised that with me personally as shadow minister. We did organise a briefing and, whilst I know that some of those colleagues still have certain concerns, and I think it is only fair for them that I place that also on the public record, after assessing this bill, I advise the parliament that the opposition will be supporting the bill.

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): I thank both the shadow minister and the opposition for the support of this bill. As has already been said by the shadow minister and briefly by me previously in the second reading speech, the major provision of this bill is to provide the fixed odds operation to the TAB so that it can provide that service to punters. The TAB will be doing so off-course, so they will not be competing directly with bookmakers on-course. It will be a commercial decision of the TAB as to which racing events it chooses to provide with this particular facility. I am going to come back to the bookmakers in a moment, because the shadow minister makes some good points which were also issues which we certainly took account of in putting together this bill, and it is only right and proper that the opposition has also taken account of that in its preparation in getting to this position in briefings. Certainly I want to talk about that as well, because they are, always have been and hopefully always will be an important part of the industry.

Why is this important? It is important for two reasons. It is important because in every other state TABs have this capacity to offer the facility to their customers and, of course, South Australia not having the capacity to do so, obviously punters here are at a disadvantage. Of course, another thing that happens as a result of that is that some people can and do choose to invest and place their bets with interstate TABs because they can get that facility with interstate TABs. So, of course that in fact does occur—some moneys leave South Australia, because they do not have the capacity to be able to bet fixed odds with the TAB here in South Australia.

This is all about providing a service to the punters so that they have the same opportunity to bet fixed odds with the TAB, just as every other TAB around Australia provides that service to punters in their respective states. What we see happen in practice here in South Australia—and let us not forget that we are talking about racing, because sporting bets already provide this facility—is that the TAB makes a commercial decision as to which events for which it would choose to provide this service to the punters here in South Australia. It would be my expectation, particularly from a starting point, that it would offer this service for larger racing events. One that springs to mind is the Adelaide Cup, which is going to be run on 17 May in just a couple of weeks' time, and I would hope and expect that the TAB would make a commercial decision to offer this particular facility on the Adelaide Cup.

I would expect that those people who are betting with the TAB—once again I stress off-course, not on-course—would be able to go to a TAB outlet, whether it be a TAB agency or

an agency in a hotel and, for the Adelaide Cup race itself, the TAB will offer the punter the ability to make a bet at fixed odds or, under the system that we currently have, they take the chance, depending upon the volume of betting for that particular race, as to whether the price fluctuates up or down. That is how it would work in practice. The shadow minister correctly asked about whether balance had been taken account of here, and that is an important issue because, as I said before, bookmakers do play an important role in the racing industry in South Australia and Australia-wide, and it is important that they continue to do so.

They do provide an additional element that does not exist in other parts of the world, and I think they play a vital role in the success of the racing industry in Australia and, of course, in South Australia. I think we should always take account of that and make sure that we make provision for bookmakers, because it would be a sad day if we lost bookmakers out of the Australian racing industry; so, we need to always take account. The government has had discussions to get us to the position that we have with this bill. There are some important measures; I will not list them all, but there are some very important elements in this bill that take account of that. The shadow minister spoke about the importance of the balance, and he is right.

Two or three of the things I wish to highlight to the house which are very important and which have certainly been put on the record by the Bookmakers' League—and I congratulate them for doing so—include that the Liquor and Gambling Commissioner will have the responsibility for the bookmakers in the future—that currently resides with the IGA. However, as a result of the legislation, once it passes the parliament, the bookmakers sought the movement of the licensing function to the Office of the Liquor and Gambling Commissioner and we have agreed to that. Certainly, the bookmakers are very appreciative of that.

The shadow minister also asked a question about the role of the Liquor and Gambling Commissioner and how that interfaces with the IGA. Once again, he is correct, because the Liquor and Gambling Commissioner will have the responsibility to the IGA to keep the bookmakers under constant scrutiny and report to the authority. Certainly, that will still be in place as a result of this measure. A couple of other things which were important to the bookmakers and which have also been facilitated in this legislation, are to allow a bookmaker's licence to be granted to a body corporate. I would imagine that in the future bookmakers will take the opportunity to do so. That is not a bad thing. That, as I understand, happens in other states and in other parts of the world, so why should they not have the right to do so? As racing changes, I expect that we will see more of this. It is not to say that if they do establish a body corporate they will not still have all the rules and regulations that apply to bookmakers to still be the case.

Another component included in the legislation is the abolition of the requirement that clerks be licensed. The people who need to be licensed are the bookmaker and the bookmaker's agent, so that will continue, but we have abolished the requirement for clerks to be licensed, because obviously it is the bookmaker and the bookmaker's agent who are critical to the operation of the bookmaking facility. I share the sentiments of the shadow minister. It is to be noted that on both sides of the house there is a commonality in the view that bookmakers play an important role; we want to recognise them for that and we also want to thank them for the contribution that they made in getting us to this position—that is, the government bill—but also in the discussions that they had with the opposition, because I think that, without the support of the bookmakers and the Bookmakers' League, we would not have this bill going so smoothly through the parliament.

In conclusion, I want to thank the opposition and particularly the shadow minister. I want to say that this is a good thing for racing. It is a good thing for providing that additional service to punters, whether they be regular punters or whether they be once-in-a-year punters as we have with the Adelaide Cup. This will provide an opportunity for the TAB to make commercial decisions and to be able to operate just as every other TAB does around Australia. Wouldn't we be mugs if we did not do that? This is a good bill that we can all be proud of. I wish the TAB well and I hope that they have it in place by Adelaide Cup day.

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

LOCAL GOVERNMENT (FLOOD MITIGATION INFRASTRUCTURE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 May. Page 2005.)

Dr McFETRIDGE (Morphett): I rise as the shadow minister for local government, and it gives me great pleasure to act in that capacity for the Liberal Party. It is a pleasure to be here, and to be given the privilege of serving as the shadow minister for local government is something that I relish and in that role I hope I can fulfil with diligence the expectations that are before me.

This is a very short bill. It has a couple of clauses to change the Local Government Act to allow the northern Adelaide and Barossa water catchment management board to access some areas on the north Para River to undertake some flood mitigation work. As the member for Morphett, flood mitigation and flooding is dear to my heart, because in June last year we had some quite disastrous flooding on the Patawalonga. Anything that we can do in the state to help relieve the stress, strain and disaster of having property and lives threatened by floods is a very welcome move. This work is in the member for Light's electorate and I believe that he will be adding to this debate and I also understand that the member for Schubert will be adding some comments.

We are supporting the bill as we see this as a very useful piece of legislation. It is a common sense piece of legislation to allow councils and particularly catchment management boards and their servants to get on with the job of protecting the people of South Australia and trying to reduce the damage from floods. We should look at the damage that has been done to South Australia from floods, not just down at Glenelg, which is close to my heart and home. However, South Australia, despite being the driest state has regular floods and, if you look at the history of the Adelaide region, it is susceptible to very rapid onset flooding. After heavy downfalls of rain in the Adelaide Hills, the small creeks and tributaries soon develop into raging torrents. They burst their banks and cause the consequent flooding over the coastal plain. Certainly down at Glenelg, we found that out at great cost.

The worst such floods in the history of South Australia were back in 1917; of course, in 1956 there were floods on the Murray; there were floods in 1963, 1976 and 1983 and I will talk about some of these in a little more detail to

illustrate the necessity for this piece of legislation. There were also floods in the Barossa in 1992. In August 1992 flash floods accounted for two lives, five injured and $160 million in crop and orchard losses and damage to homes, roads and bridges in the Adelaide Hills and Gawler regions. Again, in December 1992, further major flooding in the hills caused another death and even worse agricultural and other losses to the tune of $175 million in 1998 values. We have a history of severe and disastrous floods in South Australia and anything that can be done to mitigate the effects of floods is something that we should all be supporting. This bill makes a significant change to the Local Government Act 1999 to allow the Gawler River Flood Management Authority, which is a body made up of local councils and the northern Adelaide and Barossa water catchment management board, to get in and carry out survey work on the north Para River. It will allow other councils to do similar work and I have no problem with that, because certainly the work that was undertaken by the Unley, West Torrens, Adelaide City, and the City of Holdfast Bay councils in the work on the Keswick Creek-Brownhill Creek flood plain is something that we need to encourage. The cost of the effects of flooding in the metropolitan area, not including the lives and property that will be put at severe risk, will be in the hundreds of millions of dollars.

We need to put on the record the history of flooding in South Australia in case anybody thinks that this bill is not necessary. I will quickly go through some of the more recent history. In March 1983, after the disastrous Ash Wednesday bushfires, huge floods occurred around Gawler when we had the rain. More than 1 000 people were evacuated from homes and caravans when a five-metre flood wave raged down the Gawler River. Sixteen caravans and campervans were swept more than a kilometre away and were damaged and destroyed by flash floods. As usual, the CFS, the SES, the police and the Salvos were all involved in assisting those residents.

Further downstream, hundreds of Virginia market gardeners lost major parts of their produce when a two-metre high wall of water surged down the previously dry Gawler River and spread over crops and gardens. That report is particularly relevant, because problems arise where the North Para River joins the South Para River at the Gawler River, and this bill is aimed at allowing the Gawler River Floodplain Management Authority to do something about that.

In 2000, widespread flooding occurred over South Australia, and houses as far away as Marla were damaged. At William Creek, the pub was surrounded by water. Gawler recorded over 70 millimetres of rain in three days. I had a bit of a laugh at the report from the Emergency Management Authority, in which it stated that 'thirsty' houses in Eudunda were rain affected—I bet they were not after all that rain. The Eudunda-Kapunda Road was washed away. The constant downpour led to homes in numerous towns, including Nairne, Macclesfield and Mount Barker, experiencing flooding both inside and out. Mount Barker Hospital and Mount Barker Primary School were damaged. Across the state, damaged property, roads and agriculture accounted for millions of dollars of damage.

This bill is about protecting the people of South Australia. Local government will be there to assist and, with the cooperation of the state government, South Australia will be a safer place. Closer to home, in January 2001 (I am sure that the member for Unley will remember this well, and he may speak on this issue) the inner southern and south-eastern suburbs were hardest hit after flooding. Houses were flooded at Unley, Wayville, Goodwood and Myrtle Bank. We have only to look at the good work that is being done by the Patawalonga Water Catchment Management Board on the flooding of the Keswick and Brownhill Creeks to see the areas of potential flooding from a one in 100-year flood, when there would be an estimated $250 million damage were that to happen.

In 2001, we had a flood at Unley and Wayville, with 26.8 millimetres of rain recorded at Parafield, but it was not as bad as a one in 100-year flood. Muddy water swept through Wayville and over the parklands, and certainly Unley Road was shut because of flood damage and inundation with water. At the time, the Unley Council Chief Executive said that the flooding problem would require a collaborative approach between state and local government, and that is what we have today—in addition to the collaboration of the government and the opposition. 'Opposition' is an unfortunate word because, in this case, we are not opposing but collaborating to ensure that the state gets what it deserves.

As I said before, the most recent flooding that has affected me closely was in Glenelg in June last year, when 200 homes were flooded. A downside has been that, because very few homes were insured, there has been protracted legal debate and argument with the government over compensation. In fact, I will see on Friday people who are still having problems with the government paying compensation. I hope that does not continue to be the case.

Initially, I understood that the clauses of the bill would be very specific to the Northern Adelaide and Barossa Water Catchment Management Board. They are a little broader than that, but that does not stop my supporting them. A collaboration of five councils is involved in the flood mitigation project: the Adelaide Hills Council, the Barossa Council, the Town of Gawler, Light Regional Council, the District Council of Mallala and the City of Playford. I know that the Local Government Association is urging that councils take a little more control in planning for disasters such as floods in the local government areas.

This issue was discussed in the other place yesterday, and some questions were asked and answered more than satisfactorily. Unfortunately, the Crown advice given to the Northern Adelaide and Barossa Catchment Water Management Board, and its subsidiary body, the Gawler River Floodplain Management Authority, has been a little awkward, as can sometimes be the case. The advice was that there was no legal impediment to agents of these authorities undertaking survey and planning work. However, some private legal advice stated that that right did not exist and, of course, such ambiguity had to be cleared up, and this is a commonsense way of doing this. I understand that this was put up by the very commonsense member of parliament, the member for Light, who I know represents that area exceptionally well.

I applaud the government for assisting the member, the councils and the people of Gawler in going ahead with a project that will get rid of the nightmare of a heavy downpour with the potential of millions of litres of water flooding through homes and businesses and endangering life. I have spoken to the Chair of the Northern Adelaide and Barossa Catchment Water Management Board, and I have been informed by the local government minister that the Local Government Association also agrees with this bill.

I point out that the degree of urgency exists not only because of the degree of flooding that is possible but also because, if some work is not commenced by the authority by 30 June, up to $3 million of commonwealth funding will be

at risk, and we cannot allow that to happen. I will mention quickly the members of the Gawler River Floodplain Management Authority, one of whom, I am very proud to say, is a former member of this place and, like me, is a veterinarian: Dr Bruce Eastick. He is the Chair of the board.

The Adelaide Hills Council is represented by Mr Peter Peppin, the CEO; the Barossa Council, by Mayor Brian Hurn and Ms Judith Jones, the CEO; the Town of Gawler, by Councillor Brian Thom and Mr Jeff McEachen; Light Regional Council, by Councillor Ralph Hatcher and Mr Peter Beare, the CEO; the District Council of Mallala by Councillor Michael Picard and Mr Colin Dunlop, the CEO; and the City of Playford, by Councillor Dino Musolino and Mr Tim Jackson, the CEO.

The Gawler River Floodplain Management Authority board members are wise and knowledgeable people, and I know that they will not be swayed from their efforts to divert this river. I support the bill.

The Hon. M.R. BUCKBY (Light): I rise in support of the bill. I commend the local government minister on this occasion for very quickly taking up my approaches to him to ensure that this bill was drafted very efficiently, with my cooperation and that of the Local Government Association, the Gawler River Floodplain Management Authority and the minister to ensure that this bill could be placed on the *Notice Paper* and introduced in parliament as quickly as possible. I appreciate his work, and I want to put that on the record.

The Gawler River system is unique in that it consists of the North Para River and the South Para River, which then combine to form the Gawler River, which then flows into the Gulf St Vincent. The problem in terms of flooding arises from both the North Para and the South Para coming down with volumes of water at the same time and then converging at the Gawler River, creating a real bottleneck there, with a massive amount of water moving down what is quite a narrow river. As the Member for Morphett and shadow minister has advised the house, the last serious flood occurred in the region in 1992. It caused some $10 million worth of damage, particularly to the lower reaches of the Gawler River and, as a result, when former Premier Arnold and the former Labor government were in power, a study was undertaken into the causes of the flooding. It was deemed that, because both the North and South Para had flooded at the same time, this had allowed a large amount of water to move through, creating flooding in the lower reaches. With that report in hand, legal advice was sought with regard to any future floods that might happen and then who might be liable for any damage that would occur given that any government of the day had the knowledge that the report had produced. The legal opinion is that any government of the day with the knowledge of that report is liable for damages should any further flooding occur throughout the region or the Gawler River flood plain.

As a result of that, the previous Liberal government undertook the investigation of forming a retention dam on the North Para. A dam on the North Para had been talked about for many years in terms of further damming to conserve water, but it was always found that the salt content in the water would not be suitable for domestic use, so it was never brought forward as one similar to the South Para reservoir. This was brought forward by the previous minister for water resources, the Hon. Mark Brindal, when we were in government the last time. We approached the federal government, which allocated some $500 000 of moneys to commence planning and survey work to undertake the building of this retention.

Our problem arose when the flood management authority sought to commence survey work and enter property and wanted to make sure that under the Local Government Act they in fact had the authority to do so. The legal advice from Crown Solicitors was that, yes, they did have the authority to enter land and undertake survey work and do the necessary work required for the construction of this dam. They also sought some private legal advice, as the shadow minister has indicated, and that indicated that they did not have the authority to enter land as they were a body which was constituted under the Northern Adelaide Water Catchment Board and as such there was some grey area as to whether they had the authority to enter land or whether they did not. That is why we are here tonight: to clear that up.

This amendment to the Local Government Act will ensure that the Flood Management Authority has the ability to enter land, to undertake survey work and to undertake any works that are required in the design and construction of the retention dam. As the member for Morphett has said, this is one that is particularly important to Gawler, because we have a flood event on average about one in every 10 years, and over the years I can remember three separate floods very clearly and the damage that has been done both in the Gawler township and also in the lower reaches of the Gawler River. So, this retention dam will actually retain the water there but allow for a controlled flow out of the river so that the volumes of water from both the South Para and the North Para do not come down at the same time and create the flooding problem. In a significant flooding event, the water will back up some distance in the North Para River, but all the design work that has been done assures us that flooding of the Gawler township and the lower reaches of the Gawler River will be a past event, and I am very happy that will be the case.

I commend the federal government, as well as the state government, for taking up this plan and for continuing on our work with this retention dam. It is very important to the area. The northern Adelaide water catchment board has been particularly active on this issue and was getting a little frustrated because of its failure to secure its ability to enter land. As I said, I commend the minister for local government for picking up this issue so quickly and making a firm decision about this and getting it through cabinet to allow us to start work prior to 30 June so that we do not lose federal funding and then further funding so that construction of the dam can be commenced.

I commend this bill to the house. It is particularly important for the Light electorate and for the Gawler River catchment area and the lower reaches of the Gawler River, because people are living there in the knowledge that, until this is done, there is a very high potential for a flood to occur, and significant damage to property and loss of property because of it.

Mr HANNA (Mitchell): I am speaking to the Local Government (Flood Mitigation Infrastructure) Amendment Bill, which has been introduced to resolve perceived uncertainty in relation to the powers of local government and other officers to go onto property and do what they have to do to build infrastructure such as dams. I need to say something about the process in relation to the bill. It is unsatisfactory that, on Monday this week, I was informed that the bill would be debated on Thursday. I promptly sent out my own

communication to people in the Gawler River area and asked them to respond to me by Thursday if they had any comment. It was only this afternoon that I was told that the bill would be debated this evening, and consequently I feel that I have not had a proper opportunity to hear back from people who may have a view different from that which has been expressed so far in debate.

I accept what has been put. I know that members are genuine in their contribution, and the contribution from the member for Light as one of the local members is certainly commendable. However, it is not as straightforward as the other speakers have said. Just on a general level, despite the fact that nobody, whether it be the Greens, Labor, Liberal or anyone else, wants to see farms or homes flooded, with all the distress and damage that goes with that, it should be recognised that flooding is a part of the natural cycle and, when we think of the River Murray, for example, it is actually essential to the ecology of the river to have periodic flooding. Of course, because of human settlement we will want to control that, we will want to mitigate that, but let us recognise that the riverine ecology relies on periodic, higher levels of water.

Getting specifically to the terms of the bill, I also say that it is not straightforward because the current relevant provisions, section 7 and section 295 of the Local Government Act, are in my view quite clear. It is highly debatable whether this bill is necessary at all. Section 295 gives council workers the power to go onto property at any reasonable time for the purpose of conducting surveys, inspections, examinations or tests, or carrying out work. Work is presently defined as work associated with the construction, maintenance, repair or replacement of infrastructure, equipment, connections, structures, works or other facilities. I suggest that that is extremely broad. It does not have to be the work involved in building a dam or building a wall or a shed, or laying down piping. It can actually be the work associated with it. Virtually anything which we can imagine and which could be related to any sort of structure that needs to be put or maintained on a ratepayer's land will qualify under that section. It is extremely broad.

Section 7(f) of the act presently defines one of the functions of councils to be providing infrastructure for the council community and for development within the area of the council. I am paraphrasing. The bill seeks to amend or clarify that slightly. In respect of section 7, the bill adds '(including infrastructure that helps to protect any part of the local or broader community from any hazard or other event, or that assists in the management of any area)'. The intention of the current provision is to allow councils to provide infrastructure and to develop areas—in other words, to transform the environment with built structures to render it more suitable, more amenable, to human settlement and all the things that human beings want to do on the land. I am suggesting that the wording does not add very much, and I would be very interested to hear from the minister in his response to the second reading speeches about what work that wording has to do.

In relation to section 295, the chief difference between the proposed new section and the current wording is the addition of words in the definition of work to cater for work associated with 'the provision of services or facilities that benefit the area of the relevant council'. An interesting shade of meaning comes into the Local Government Act if that amendment is passed. The purpose of section 295 is clearly directed at built structures and, of course, that could include dams; indeed, it could include a wide range of things. 'Work' also includes equipment, so it is not necessarily structures affixed to the land. However, it could be any sort of equipment that the council needs to deal with on land. It may be a matter of going across land to deal with council equipment. It is extremely broad.

The amendment brings in work associated with the provision of services. That is a little different because it goes beyond things that are built—tangible, physical things. Councils offer services. For example, they offer the provision of information. Some councils might offer eradication services for European wasps, or whatever. Councils might offer education programs. These would be better classed as services rather than facilities. I presume that the government sees the need to bring services as opposed to physical facilities within the definition of work in this section. Again, the central question is what work those new words have to do, and why the present section is inadequate. Having raised those issues and the general issue of lack of notice of the bill, I will finish my contribution, and I look forward to hearing from the minister in his reply.

On a final note, I am told that the reason this bill could not be dealt with tomorrow is the Legislative Council is apparently rising at 3 p.m. I do not know if that is correct, and I do not know whether there is a good reason for that, but if there is not a good reason it is really not good enough and the public, I am sure, would be disappointed to hear that we have to rush through legislation because of parliamentarians cutting short their week.

Mr VENNING (Schubert): I support this bill because it affects my electorate of Schubert, particularly those living at or near Concordia. Of course, this is a large project and it involves many councils, and we have heard which ones they are—Barossa, Adelaide Hills and Light (which are all wholly or partly in my electorate), Gawler, the District Council of Mallala and the City of Playford. This project is under the control of the Northern Adelaide and Barossa Catchment Water Management Board and its CEO, Mr Kym Good, who is well known to me and a person whom I regularly contact.

As we know, approximately every 10 years we have a flood event where the North and South Para Rivers flood at their junction with the Gawler River, and of course the river does not cope. The last flood was in 1992 so, purely on probabilities, we have to expect another one very shortly—even this year, so as we enter the winter there is some urgency. I note the comments of the member for Mitchell, because what he said was dead right. This Gawler River area would not be as fertile as it is if it was not for the regular flooding, and it is a very fertile area and is South Australia's fruit and vegetable basket.

But, the concern is that we have built on the land and people are living there, and of course this also affects the city of Gawler. We have built in these areas and when nature has its way we get wet. So we have to put in this structure to assist those living there. In hindsight, we probably should not have built there and ought to have let nature take its course, but it is too late for that. We have to address this now. I only hope that in the long term we do not control these floods to such an extent that the area loses its natural fertility, because every 10 years it gets a new coating of the best fertiliser, totally free and totally natural. So, the member for Mitchell was technically correct, but I am afraid we cannot have grandiose ideas. We have no choice but to address this matter and to address it urgently and quickly.

However, in projects such as this there are winners and losers. The winners are those who will be saved from the ravages of a flood and the losers are those who live in areas that were not prone to flooding before this mitigation dam was built. My problem, sir (and you guessed it in one), is that most of those losers in the back side of the dam are in or near the electorate of Schubert. But I support the legislation because it will enable the Gawler River flood retention dam to proceed, and it is to the overall good of most people.

As we know, there has been some opposition to this proposal, and I personally think it is a concern that is mainly linked to misunderstanding and ignorance. I think people will be much more positive about this project when we see the plans, but of course to draw up the plans the designers need to allow their surveyors, etc., onto the land, and there has been a suggestion that some owners could refuse access. Negotiation plans are in place irrespective of this legislation, but the Northern Adelaide and Barossa Catchment Water Management Board, and in particular its CEO, Kym Good, sought legal advice. The answer was that it is a bit unclear whether under the current legislation they could do it with immunity, hence this legislation.

Some big players were involved, and I do not think people were aware what was going on. There were some objectors, and soon I will mention whom one of them was; then members will see why they were a little nervous. The surveyors need to be able to enter any of the land in question and to carry out surveys for engineering and environmental reasons. Several owners have refused access—at least, they have expressed some concern and threatened to refuse access. The minister may know, but he has not said anything (of course, he has not had the opportunity yet), that one of the chief objectors was Channel 9, because this area in an around the lovely home of Kingsford is where *McLeod's Daughters* is filmed, and they were concerned that this might affect their filming. Because Channel 9 is a big player, I can understand why the North Adelaide and Barossa Catchment Water Management Board sought to tidy this up before there was any threat of a problem with Channel 9.

There was concern by others whether this additional legislation would create a precedent for other projects or any other potential conflict. Maybe the minister can give an assurance, but there is an area of trust in a matter such as this, and I am not going to stand on the plank to ask about that. That has been raised but I do not see a conflict.

The original concept plans included a road over the top of this dam. The minister shakes his head but it was on the original conceptual plans, and it had much merit because it would have served as a vital part of a future Gawler by-pass, and we certainly need one of those. Apparently this idea has not been included because it was judged not to be the best option.

The Hon. R.J. McEwen interjecting:

Mr VENNING: Of course, as the minister says, it is very expensive. I am not aware of the rights and wrongs of it, but on the surface it did have much merit. We would have solved two problems with the one solution and at least we would at last have got a Gawler by-pass. That proposition has been hanging around for a long time. The Gawler street situation is a real mess—almost as bad as flooding, but you get flooding of cars rather than water. I am sad to say that it is not going ahead, because it would have been an option. I know it would have added to the cost but, when the time comes to put in the by-pass (and there is no doubt that we will have to do it one day), it will not come cheaply. It will be a huge project and will be expensive. It will be just a matter of when you spend it and how.

But the most important thing, of course, is the flood control. We know of the damage that has been highlighted tonight in previous speeches. The work of the farmers in sowing their crops today could all be ruined in an evening or a weekend if they get flooded out. Of course, this dam will be welcomed by them and I hope we have it in place before the next flood.

I also commend the three levels of government that have been involved—not just the local board but also the five local councils that have been named, the state government through the current minister and also the federal government. We have delayed enough, and I appreciate the effort made, on behalf of the locals, by the member for Light, who has given his people very strong leadership in this matter—stronger than some people realise. The problem is that the member for Light is of a quiet nature, but he has battled hard, and all of us commend him for his strong advocacy in regard to this project. I am pleased that the ministry has listened to him at long last and that we have some action. So, I commend the member for Light, Long may he be the member for Light.

I also commend the member for Morphett, the new shadow minister, who has taken on this role. I congratulate him on his appointment and also the job he is doing. We have delayed enough. We must pass this bill and get on with it.

Mr BRINDAL (Unley): I commend the minister for introducing this bill. The member for Light has been a champion of this cause both around the cabinet table when we were in government and, since that time, in our party room and, whenever people have asked for his counsel on the matter, he has said this is an important initiative for that part of the world. But it is important to note as well that the minister comes here seeking to change the Local Government Act, and he does not seek to do so just for the area in question: he seeks to change the Local Government Act of South Australia so that by these changes every local government area in South Australia will be affected, and affected equally.

That is as it should be because, when we were talking about this, one of the questions I asked the shadow minister was whether these changes are just for the Light or for the local government sector. I told him that if this parliament makes specific changes for an area without good reason explained to the house one has to worry, because if a measure is not good enough to be the law for all the people of South Australia in all local government areas, you have to question why it is needed in a particular area. If, on the other hand, it is good for a particular area, such as the area of the Light, it should be good for every other local government area.

As I read this—and I hope that the minister will correct me if I am wrong—this is a general provision applicable to all local government areas, the electorates of the minister and the member for MacKillop included. That is a measure for which I commend him because, as I said to the member for Light and the shadow minister, the member for West Torrens and I may well have people along creek lines who are just as reticent to allow a surveyor in to ascertain flood levels as are people in the electorates of the members for Light or Schubert. It is as important that Unley, West Torrens and Glenelg do not flood as it is for the Light area.

I think this is a good initiative. I am a little disappointed that it has taken this long to get here because it has been in the pipeline—and I make no criticism of the minister—for

quite a while. It was around when I was minister, but whether it came to the minister when he became minister I am not sure The fact is that there seems to have been some dragging of the chain with this. I cannot see why it has taken quite so long.

I raise two matters. I will not necessarily ask this in committee but I would appreciate it if the minister, in his summing up, could address this. Section 295(2)(a) provides:

> the construction, maintenance, repair or replacement of infrastructure, equipment, connections, structures, works or other facilities (including dams or other structures or facilities associated with stormwater management or flood mitigation);

While it appears to be self-explanatory and while I think that one could include works constructed for water conservation purposes within that definition, I would ask the minister to consider—if not now at least between the houses—whether the additional words 'or for water conservation purposes' might enhance or detract from the purpose of the act. I can see, maybe, a case in other parts of the state where what you want to do is construct something—not manage the stormwater as is meant by us tonight in the course of this debate in the course of this river but manage the water run-off in a way that is not meant to manage the stormwater so much as it is meant to conserve the water resource.

A case in question is the work of the Salisbury council at the bottom of the plains near Parafield—all those extensive wetlands. They are not really a flood water mitigation management scheme: they are a collection and conservation scheme to put water underground. I merely try to add to the debate by asking the minister whether he could consider the definitional issue and, if it enhances the ability of local government within the area, could it be altered between now and the next house, or is there some reason for not doing it?

The second matter I would like the minister to address in his summing up is section 295(2)(b), which provides:

> the provision of services or facilities that benefit the area of a relevant council; or
> the carrying out of any other function or responsibility of the relevant council.

I do not necessarily object to those definitions, but I would at least like from the minister an explanation as to whether they are to do with the proposition for the management of water on the Light or other things, or whether they are an expansion of the definition that will help local government generally. It could well be, but I just cannot see how paragraphs (b) and (c) fit in with water management works necessarily. However, it might be a very additional adjunct for local government to have in terms of definitions of works so that they can do them generally.

This is a very good project, which needs doing. It may not be the minister's direct responsibility, this being a catchment management board responsibility and, perhaps, at least coincidentally, the responsibility of the minister responsible for water, land and biodiversity. Maybe the issue needs looking at, not now but long term. The minister will be aware, I am sure, that the problem with this water is that it tends to be more saline and therefore less suitable for some of the purposes for which we would like to use it, vis-a-vis the water from the Torrens, the Sturt or the other catchments.

Notwithstanding that, one of the great dilemmas we have, as pointed out by the member for Light, is that, because of the report that exists, we invite the consequence that, as the government of the day, we might be sued if we do not do this work. The great irony of the fact is that the river system about which we are talking is a system which nature has designed to spill across the plains and, on occasions of periodic flooding, to disperse water naturally across the plain; and, in fact, the ecological sustainability long term of that region relies on water coursing out of the hills, flooding across the plain and flooding it on mass.

That is important to the ecology of the area, but by this device we say, 'No, we have settled this claim. We are responsible if the river does what the river has done for eons and floods, so we will manipulate the environment in a way which minimises the liabilities of the Crown towards the people of South Australia.' However, I would say that, in the decades to come, there will be a problem for this parliament, that is, that while we fulfil our obligations to the people of South Australia there are those of our younger generations who are already saying, 'What about our obligations to the environment?', and, 'What about the long term sustainable management of the environment?'

Certainly, the Minister for Environment and Conservation espouses that view now. I simply point out to the house that, by this device, which I do not criticise and which I know is absolutely necessary for this government to undertake in order to fulfil obligations in respect of citizens in South Australia and to protect other citizens of South Australia as part of the commonwealth from legal responsibility, we are in fact modifying an environmental system. We may well be harming that environmental system. I say that in the context only of this: that in decades to come we might conceive methodologies or systems whereby, perhaps, we can get the best of both worlds.

We may be able somehow to use some of this water for purposes that we do not yet envisage. I would hope that whatever this does as an instrument in law, and whatever we then do as matters of public policy through the minister's various departments and officers and through the work of the catchment board, what we leave open at all times is opportunities for the future. I am a great believer that as legislators we should, as far as possible, create legislation which does not bind and constrict us but which rather gives us maximum opportunity to pursue any advantage that we may find in the future.

That is a bit theoretical. I am not expecting the minister to come up with an answer to say that this does it. But I put on the table for this house that, while this law is necessary and while I commend it and commend the work of the member for Light, there are some aspects to it that create a potential dilemma for our children and grandchildren. I think in passing this law we should be mindful of that.

In closing, could I say that one of the great regrets of the last two years—and it is just called politics—is that I no longer have responsibility for the department of water resources. It is a matter of the will of the electors of South Australia. That is fine. I have long since accepted that. But it is a very great privilege, as the minister will know, for however brief a period, to be in charge of a government department and to work with people who are dedicated to a particular cause.

In the case of the catchment management boards and the people I worked with, many of whom from the department of water resources are now in the Department of Water, Land and Biodiversity Conservation, there was an exceptional group of talented, highly dedicated, often much maligned people, not least by some of the ignorance of members in this chamber—but they are very good people. I think the minister might know what I am talking about. They are very good people who make a sterling effort.

In conclusion, I congratulate them on this. I am sorry that I am not still leading that particular ship, but I do not think that for whoever is minister it matters: they will keep doing the job for South Australia. This is one of the fruits of their work. They and the government are to be commended for it. I wish the bill expeditious passage through both houses because the sooner we build the dam, the better.

The Hon. R.J. McEWEN (Minister for State/Local Government Relations): I need to take a few minutes to respond to each member who has contributed to the debate. I start first with the last contribution, that of the member for Unley. I reassure the member for Unley that it is the family of the Local Government Act which we are amending tonight. We are not intending in any way to extend any powers beyond the powers he believed at the time were in the act—what is more, to extend the powers beyond what the crown advice believes are actually in this act. As the member for Morphett said—and I will come back to his contribution in a minute—taking another set of legal advice and therefore alluding to ambiguity, all we are doing tonight is trying to reaffirm what we and the minister at the time believed was in the act in the first place.

Equally, the minister for local government at the time, who is the father of the Local Government Act 1999, was also the minister for water resources and negotiated with the federal government in terms of this particular flood mitigation strategy, sitting underneath the Local Government Act, and had carriage of it in his second ministry.

I need to make two other observations in terms of the comments of the member for Unley. Unfortunately, the bill has come from another place and will not be coming back. So there is a good reason why I will not have an opportunity to consider his suggestions between the two houses. Equally, it would not be appropriate for me to consider his suggestions about water conservation at this time because this dam is quite purposely not a dam that holds water for water conservation purposes. On the contrary, this dam is there to manage flood mitigation, and, as quickly as possible after a flood event, we must get the water out of this dam or we will not have the dam ready for a future flood event. Although he made some valuable comments about water conservation, I need to point out to the honourable member that this particular dam is not being built for that purpose; and, hopefully, no-one would hope to use the dam for that purpose because, in so doing, it would detract from its construction. This dam is for flood mitigation purposes. Obviously, that means, also, that water can be released from that dam in a way that does allow the flood plain below it to gain from that water, without putting at risk the built environment beyond it.

Again, in terms of the comments of the member for Schubert, we will be holding some water here, and obviously a lot of sediment would settle out of that. However, at least the water can be released from the dam in a managed way, but, equally, as quickly as possible. The last thing we want is a full dam and a storm event and therefore a flood the impact of which this dam did not serve to lessen the impact.

Having made those comments in relation to the valuable remarks of the member for Unley, I reaffirm the fact that I do not believe we are doing anything in this bill beyond what he believes was in the bill originally. I move back to the contribution of the member for Morphett. I congratulate him on being elevated to the position of shadow minister. I might add that already I have enjoyed very much engaging with the shadow minister, who is taking interest in a large range of issues around local government.

I think this house needs to take a bipartisan role in terms of supporting and servicing another sphere of government. The member for Schubert uses the term 'levels of government'. I do not like that term; I do not think it truly reflects the relationship that local, state and federal governments have collectively in serving a common customer. I believe we are independent spheres of government that do have different roles and responsibilities, but 'levels' implies a hierarchy of status which I do not think truly reflects the fact that the roles the three spheres of government play are independent, but collectively add value to the one customer who pays the bills of the three of us and looks for a seamless service from the three of us; and often does not worry much who is providing the service. As much as we think we are important and different, our common customer does not. They just want value for money and a good seamless service. I prefer to describe us as 'three spheres of government working collectively to provide a service'. I do not necessarily like the word 'levels'. I think it brings into it a particular view that I do not think reflects what we are trying to achieve.

The member for Morphett did as good a job as, if not a better job than, I in his second reading contribution in terms of capturing and explaining what we are trying to achieve. I compliment him on the way he captured not only what we are trying to achieve but also the fact that it is only through someone giving a second opinion on the act as it stood that we now need to readdress that. Again, we do not want to take the risk, although it might be very small, of the catchment management authorities finding themselves in litigation because someone has challenged their authority. I thank the shadow minister and member for Morphett for that.

I acknowledge that the member for Light first raised this issue during debate of the Natural Resources Management Bill. Equally, that is a vehicle to achieve the objective which we are achieving here tonight. The advice we offered to the member for Light at that time was that we believed we could equally and as quickly achieve it for the Local Government Act; and that is why we are now moving this endeavour through the house quickly. Like him, I believe that we must bring some further surety to this matter so that we can move ahead and not put at risk the funding that is in place at the moment, obviously to do early preparatory work. Hopefully, further funding will then be available to enable us to put in place the infrastructure that is required.

Equally, it was good to hear a bit of local geography from the member for Light in terms of the junction of the North Para River and South Para River into the Gawler River; and why we have this particular area that is at high risk of flooding unless we build a retention dam. I think that is the key word here: this is a retention dam to hold flood waters for as short a term as possible.

The member for Mitchell made a couple of valid points. I need to apologise to the member for Mitchell in terms of the way in which this matter is being moved quickly through the house. I understand that he would have liked another day to have the opportunity to gather from his constituency any advice that he would then bring to the house. I do understand that he did give his constituency the opportunity to do that until close of business today. If there were significant matters I hope they were brought to his attention. Notwithstanding that, we indicated that we would not be dealing with this bill until tomorrow, but we have had to bring it forward tonight. It is important that a message go back to the other place

before 3 o'clock tomorrow so that we can proclaim this bill and get on with it. The mechanisms between the two houses to some degree have denied the member for Mitchell the right to do further work. In fairness to the member for Mitchell, I need to defend the fact that it was on the *Notice Paper* earlier in the week for Thursday. He planned around that. We have changed it and I need to be respectful of that.

Other than that, the honourable member did make a couple of points about definitions. I think they have been captured in the contribution of the shadow minister and members opposite who have contributed. We are not trying to extend any of those definitions. We are trying to put further clarification in them in order to achieve the original principles.

The member for Schubert went beyond what we are trying to achieve in this bill and did reflect on broader issues around floods and natural fertility. I thank the member for Schubert for offering his support to this mechanism.

In making those brief comments, I have duly covered the questions that were asked by members opposite, so in closing I need to again thank them for their support and thank the member for Light for bringing this matter to our attention. I also thank my colleagues on this side of the house who have allowed this to move through as quickly and professionally as it has. In closing, I thank the shadow minister for his support and the way in which he has dealt with this matter amongst his troops. Thank you all concerned. I congratulate the house on the way they have dealt with the bill to this stage.

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

SUPPLY BILL

Adjourned debate on the question:

That the house note grievances.

(Continued from 4 May. Page 2026.)

Dr McFETRIDGE (Morphett): I take this opportunity to raise a very serious issue in this place, one that has been thrown about in this chamber for many years, namely, the Aboriginal affairs of this state, more particularly the handling of the Anangu Pitjantjatjara and Yankunytjatjara lands.

I am on the Aboriginal Lands Parliamentary Standing Committee, which is a joint committee of this house. We have members from the Labor Party, Liberal Party, Greens, and Democrats, and we have the minister as our presiding member. Yet this committee, including the minister, has been sidelined by this parliament, sidelined by the Treasurer and sidelined by the Premier, and the committee has been working very hard to try to regain some ground having been left totally out of the picture of what is happening up in the Aboriginal lands of the Far North of this state.

The last thing I want to do is politicise in any partisan way the Aboriginal Affairs of this state. We need to recognise that we as a chamber, the governing house of this state, must recognise that the Aboriginal people of this state, all 23 000 of them—about 14 000 or 15 000 of them, perhaps up to 18 000—living in urban areas, the rest in the lands, need the absolute undivided attention of this place, with no more stalling, no more buck passing, no more committees, no more reviews, no more getting in specialists, and no more saying we need to do this, do that, without actually doing something.

We need to sit down with the people themselves and let them advise us on how we can be there to assist them. That is what the Aboriginal Lands Parliamentary Standing Committee has been about. We have been out there talking to people in Port Augusta, and we were up at Oodnadatta last Friday. We were talking to the people at the coal face, finding out what was going on in these communities, and we are going up to the APY lands in three or four weeks' time to spend not just six hours up there, not just a photo opportunity, but days up there with the communities.

I have learnt to speak some Pitjantjatjara. Unfortunately I am not as fluent as I would like to be, because I think it is very important that we have some credibility in going and speaking to members of the communities, not just the advisers, not just the people that we fly in there and get to look at the situation and give us another report—although they may be very worthy people and of high repute. We need, as a parliament, to do this. In fact, I would recommend that every member in this place takes some time to either come with the committee or speak to the minister (Hon. Terry Roberts), who is a fine gentleman. He is a reasonable man who has been sidelined by his Premier and I would say most of his cabinet colleagues. So, go and speak to the Hon. Terry Roberts and come up to the lands, have a look at what is going on up there and see where approximately $60 million a year is spent on about 3 000 people.

It is an absolute crying shame that we have allowed this situation to go on for as long as it has. The Premier cannot hide from this in any way, and I will have a go at the Premier here. He was the minister for Aboriginal affairs from 1989 to 1992. He did get a report from Don Dunstan on governance in the land. A number of other reports have been done since then, but they have all just been gathering dust.

One particular report about which I am very concerned was that compiled in Port Augusta in August last year. A number of issues were raised then. I should say who was at this social gathering up there. There were representatives from the Attorney-General's Department, from the Department of Human Services—particularly the Aboriginal Services Division—people from the Department of Aboriginal Affairs and Reconciliation; and there were certainly people from all over the state from Aboriginal communities.

They were there in good faith to try to work out what was going on with the Aboriginal communities, particularly with the summer influx into Port Augusta. One of the issues that was raised there was solvent abuse. That was noted back then. Recommendations were put forward back then, in August last year. I will give you the dates, because I can look them up. The recommendation was there to combat solvent abuse in the Aboriginal lands.

What happened then? The government knew about it then. The Attorney-General's Department was there; the Department of Human Services (Aboriginal Services Division) was there; and representatives of the Department of Aboriginal Affairs and Reconciliation were there. And what has happened? Absolutely nothing, until there was a photo opportunity, and it is absolutely disgraceful that the Premier has used it that way, because this is a far more important thing before us than just a photo opportunity.

Out of the Port Augusta meeting, there was an issue regarding the Far North drug rehabilitation team. However, it is not a team: there is only one police officer who covers 73 per cent of this state—one police officer! There is no team work there. That police officer is working very hard by himself, and he should be commended for the work he is doing and should be given as much assistance as possible.

I had an opportunity to go to Oodnadatta last Friday with the Aboriginal Lands Parliamentary Standing Committee. We

had a brief meeting with the police officer at Oodnadatta who is an honourable man. He is working very hard. He has been at the community there for a number of years. He was over at Yalata for a number of years and at Ceduna for a number of years. He knows how the Aboriginal communities work. He is working with them for the betterment of the whole of their Aboriginal society.

I am hesitant to talk about the discussions we had with that officer, because I do not want him in any way reprimanded for speaking openly, because this particular chap did. Other officers had come in from Coober Pedy and they spoke to us. These guys were giving us first-hand information, and that is what the committee is about: getting the coal face, first-hand information so that we can go ahead and inform government departments and the parliament of what needs to be done up there.

This police officer said that it was not money that was holding back police going to our Far North. It is not the money. Okay, they get regional allowances and they get a significant amount (I think up to $15 000) in extra allowances, but then they lose money because of the particular postings they get. There was a real quandary as to what was going on with payments. As police officers have said to us, 'It is not money, it is the conditions.'

The Far North of South Australia is one of the most beautiful parts of this state. I encourage people to go there and look at this countryside. Look at the communities that are there. They are so dysfunctional, though. The police when they go there are faced with enormous problems. It is unfair for one police officer to be sent hundreds of kilometres out into the lands. It might be beautiful country, but the communities there have some significant problems.

I should say that we are hearing about petrol sniffing being a significant problem and it is, but my information coming from the communities up there is that the marijuana use and abuse and some hard drug abuse up there is absolutely out of control. Petrol sniffing is a problem, but it is the hard drugs and it is marijuana which are seriously out of control. This government should not just focus on the high profile photographs of kids walking around with petrol: it should focus on all the issues up there. The police have to be given as much backup as possible. They need to be given as many resources as possible. They need to be given a regime where they can go in and be given support so that they are not out there by themselves. We do not have one police officer covering 73 per cent of the state like the northern drug force area team. One police officer covering 73 per cent of the state: we need more than that; and the police need more than that; the people in the AP lands need more than that. You cannot send police officers, no matter how dedicated, out there so that they are there by themselves having to be got up out of their beds seven days a week 24 hours a day. They need support. They need special conditions: fly them in and out on a routine basis if you need to. Make sure they are given conditions where they can work and retain their sanity, where they are not being worked to death out there. That way, you will help the police and the communities.

That is what this government needs to be about. It is a bipartisan approach and we will all do everything we possibly can to help the Aboriginal people to go forward. It is not just money—it is about caring, real sharing, real working forward. I commend the members of the Aboriginal Lands Standing Committee, because that is what we are trying to do in every possible way. It is an issue that will not go away unless we continue to work at it. I do not want to be back here in five, 10 or 15 years time talking about the same thing again. I would be absolutely devastated if we cannot move forward on this issue.

Mr VENNING (Schubert): Before I start my contribution tonight, I wish to, on the record, express our condolences to the member for Colton on the recent passing of his father. Certainly, we appreciate your representation in this area, Mr Acting Speaker, and also we know that, irrespective of what we do in this place, our families come first and that certainly should be the case, sir. I want to continue on with the debate that I was undertaking yesterday during the Supply Bill. I want to talk about firstly how concerned I am about the prospects of the government's Generational Health Review: what it will do to country hospitals or what it has threatened to do and how it affects us as rural people. We are seeing it every day and a lot of people are very suspicious of what is happening.

It affects country people, particularly the hospitals of country people. In most cases they built them themselves. We are now seeing a channelling of resources to central hospitals and some hospitals are missing out. I cannot understand why, as I said today and yesterday, how in the Kapunda Homes instance, you have an instance where the community has its own money. The money was raised by the local community and they had their local contractors. They had their planning done by recognised architects—Brown Falconer in this case. Everything was ready to go over a year ago. The money was given to the community by bequests, donations and other matters, but the government says, 'Well, you had better put it through the right channels before you lay the first brick.' Of course, they did and what are we seeing?

Now a year has passed and we get this to and fro. I have been to the Minister for Health and she told me it was delayed with the Treasurer. I went to the Treasurer, but it is still with the Minister for Health. So, this has gone on for over a year—a disgrace. Is there another agenda? Does the government not want this money to be spent at Kapunda because it is not in their plan? In our region there are two hospitals: Clare (a regional hospital in the north) and, of course, Gawler. I believe that Gawler's case is for no other reason than it is in a marginal seat. That is a very cynical view, but I have difficulty disbelieving that because of what we are seeing. What else?

Can a government stand in the way of a community that has six federally licensed beds promised to them if they can get the thing up and operating before 25 January next year which is eight months away. It was all paid, everything is ready to go and yet here we still dither and dilly-dally around. I think that this is bureaucracy of the worst kind that I have seen in the 10 years that I have been here, because there is no government money in it. This delay has caused the original contracts to expire. They had to call for new tenders and, of course, guess what? It is dearer. The tender has gone from $1.6 million to $2.1 million—a blowout of $500 000. The minister, to her credit, has offered to meet half of that. The community will meet the other half, but what are we seeing? We still do not have the approval. I cannot believe this.

I want the minister to give the commitment that firstly this project will go ahead. I do not know how she can guarantee that the federal beds will still be available after 25 January next year. She says so. I do not know how she can say that. I want her commitment that she will support this project uncut, because I do not want to see it cut down. Is this the

government's Generational Health Review being brought in by stealth? They do not want to spend the money at Kapunda Hospital because it is not part of their grand plan. Why, then, has the Barossa Hospital been delayed?

The Barossa Hospital was on the way under the previous government. Why are we seeing absolutely nothing happening? The land was purchased, the initial planning was there, and also the public consultation process was completed and the next thing was that we were looking at the plans, but when this government came to power over two years ago, the whole thing stalled. We are seeing a massive increase in aged care and senior citizens moving to this area. One particular developer was going to build 120 new aged residents' units. Where are they going to get their meidcal care from? Are they going to get it from the old aged Angaston Hospital? I challenge any member to come up and have a look at this hospital. As a member of the Public Works Committee, we tour around the state to Murray Bridge and Millicent, for example. None of these hospitals are as bad as Angaston—none of them. Here we have the premium Barossa Valley, which is the cream on the economy in South Australia, that has to put up with these second-rate facilities.

I pay credit to the people working at this hospital because Angaston Hospital is a fully accredited hospital. When you see the facilities that these people work in, all I can say is all power to them, because they do a fantastic job. It is like putting a T-Ford in the grand prix and winning.

Dr McFetridge interjecting:

Mr VENNING: Or a Hupmobile, as the shadow minister reminds me. Hupmobiles are very good cars. I am very concerned that the Barossa Hospital has been another victim of this Generational Health Review. I do not believe that it is the minister who is controlling it here, I believe it is the bureaucrats (I will not name them) but I believe that people outside of this house have got an agenda here. I think that the ministers are being conned or that they are not aware of what is going on, but I am very conscious of that being the result of what is going on. Of course, the next thing we see and hear about is threats to our local hospital boards themselves. The review says that we should sack all of our local hospital boards; pardon the pun, but over my dead body. No way. That is a disgrace. Mine is some body I can tell you, but no way should that ever happen.

The bureaucrats put these things together in these reports and, bit by bit, they sneak all these movements in—all these acts that seem to happen by stealth. I can assure you that I am going to hammer you. You are going to get sick of hearing about it. You got sick of hearing about Gomersal Road, well we have got it. You are going to get sick of hearing about a new Barossa Hospital because the land is there and you are going to cop it until you do it, because I believe that it is the only responsible and fair thing to do.

I also want to get to road funding. Road funding in our state is generally very poor as a subject. I have, in a true apolitical way, been putting it up to my federal Liberal party colleagues, who are members of the federal government criticising them for the federal government formula that we use to allocate road funding here in South Australia. The formula in the past has worked against South Australia as the Treasurer would know. It has worked against us. The first thing they say to me is why should allocations to South Australia be increased? Your government, the current state Rann Labor government, is now the lowest funding per capita in Australia. When you look at the other states, Queensland allocates $60 million for road funding.

Anyway, I am very pleased to relay, and the Treasurer would know, that the federal government has solved this problem. I am pleased about that. There is a direct grant to local government over three years; I think it is $60 million over three years. They are also promising to modify and change this formula so at least we can solve that. Now, we must turn our attention to the state Labor government.

These are very important road assets and, if they are run down to such a level, so many thousands of kilometres of road cannot be fixed up in one year: there has to be a 10 or 15-year program. The way we are going is very poor. We have severe dust problems at Kapunda and, at the recent cabinet meeting there, I was pleased to show the Minister for Transport's Chief of Staff and CEO the problems experienced by the people on the eastern side of the town. Mantina Quarries has hundreds of truck movements each week, and these roads are just bulldust. The dust that blows over the town of Kapunda from East Terrace is disgraceful. You could not live or work in it, sir. Imagine trying to hang out your washing with dust wafting across the town, and that does not include the dust from the trucks coming down the main street loaded with hay. The hay is a good thing but, as the trucks leave the town, there is a residue that ends up in the main street.

There is an urgent need to bituminise the bypass around Kapunda, and East Terrace needs to be bituminised. That should become the bypass, and then all these trucks could use that road and come into Kapunda on Perry Road. It is safe, and there are no mines underneath it, because we have checked. That would solve the problem for these people and would give them a reasonable standard of living, without this choking dust and without the hay in the main street. Johnsons is very welcome in Kapunda, and we welcome the hay, but this is a very unfortunate by-product of the trucks driving out of the town. They are not cleaned off properly, and the hay ends up in the main street. The trucks need to go straight out of the town. These are my concerns.

The Hon. M.R. BUCKBY (Light): In a grievance debate a few days ago, I spoke about the occupational therapy driver access service. I want to add a few more comments and information for the house with regard to that service and the meeting I had with Susan Gilbert from the Occupational Therapy Association. This service is currently at risk. It has been supported by the University of South Australia and the RAA, with funding of $120 000 from the RAA over three years and $70 000 from the university over that period of time, but the RAA has now advised the Occupational Therapy Association that it does not wish this money to be seen as funding that continues over a long period of years: it sees it as setting up and helping the program but not as recurrent funding. Of course, universities are particularly tight with respect to money at the moment, so the funds from that source are not guaranteed either, and that is the reason why the association has made approaches to the state government in relation to the upcoming budget about whether it would be able to get some support.

The service sees about four people per week, and they are usually referred from doctors. Parkinson's disease sufferers and those suffering from Alzheimer's disease comprise the majority of their clients. The service assesses whether the clients' skills, given their disease, are suitable for them to drive safely on the road, and it assists them in getting back on the road and being able to drive. Ms Gilbert had a discussion with Transport SA, and it has advised that it is

sympathetic about funding but wants it to be integrated with Transport SA offices. It believes that it may be included in the Fitness to Drive task force, but it is worried that it may take some 12 months to report on that issue.

As I said the other day, there are some 70 to 80 occupational therapists in Victoria, as opposed to six in South Australia. However, I have checked recently, and some 13 people have now started the course in South Australia this year, and that will deliver additional occupational therapists to undertake this task once they have completed their qualifications. This is a particularly important community service, the demand for which will not diminish, as I said the other night. Because the service cannot cope with the demand at the moment, it has to refer some people, particularly those in the South-East, to its Victorian counterpart for them to access help, as they cannot be assessed here in South Australia purely because of the numbers demanding their service. Only those clients with sufficient funds are able to access the service by the alternative route. In other words, it is a user pays system and, if they are able to afford it, they can access the service in Victoria.

The government should look at supporting this service, and we are not talking about a large amount of money. I know that the Treasurer will say that every little bit adds up, and that is true: it does. However, the fact is that more and more people in this category will require the support of an occupational therapist to assess their driving ability. In terms of road safety (which is certainly a driver of this government and one that we support on this side of the house), it is an issue that needs to be looked at. The occupational therapy practice is client centred; that is, the person is encouraged to be an equal and expert partner in their knowledge of both themselves and the needs and conditions that they require. The work that is undertaken has a wide range of inclusions, such as leisure, play, voluntary work, education, care of others, habits and roles and functional and community mobility of their clients. This work is particularly important to the individual, and it enhances their health and wellbeing within the community. Driving and mobility are core occupations that underpin much of our social expectations and structural surroundings, and they also support each other in occupational roles and habits.

As we said earlier, when we debated the medical issues relating to the restriction of drivers and their licences, this likewise supports that area. This body particularly delivers the very good service to our community of assessing people who are suffering from a debilitating disease or recovering from an accident and who require occupational therapy to help them through that period. It was originally set up to meet community needs, and it sees the most complex and high need clients. Others are managed by Transport SA. The service adds value to the current system and, as I said, it is not an issue that will go away.

One issue is that Transport SA would see the service subsumed into Transport SA, and I believe that that would not be the right model. There is an advantage in the service standing aside from Transport SA, because I could see its being swallowed. In times of reassessment, it would perhaps suffer in a larger bureaucracy, and it is particularly important that, as professionals, the occupational therapists are able to operate as a stand-alone facility, supported and accountable to Transport SA but certainly not subsumed within the bureaucracy.

It would be a good idea to have an officer either from the association or from Transport SA, which would ensure that the undertakings given and the service delivered is of the highest standard and is meeting the requirements of Transport SA and of the minister, but I do think that there is a big advantage in their being set aside from within the department. That is a particular area that is very important and one that I would ask the government to consider in its deliberations on the upcoming budget.

Mrs PENFOLD (Flinders): The Labor government has talked at length about consulting the people, about listening to the people and about being a responsive and caring government. The Minister for Agriculture, Food and Fisheries, when he was the Minister for Regional Development, announced that a regional impact assessment statement would be undertaken for significant government decisions. He announced that these statements would be 'publicly available to the community for consideration and input' by 'ensuring that South Australia's regional areas are given the profile they need and deserve in state government decision making and resource allocation determinations'.

The Seafood Council called one minister's regional statements laughable back in June 2003, so there must be some statements. The simple fact is that it is another example of the government's rhetoric: all bombast with less substance than fairy floss. I bring to the attention of the house a concerning example of where this government announces with fanfare how consultative it is but then does the opposite with the people who will be most adversely affected, those who live in the country.

When the former Minister for Transport announced the proposed road safety reforms, I wrote to him on 22 July 2002 (this letter has been acknowledged twice but not answered) and on 19 December 2003 (this letter has been acknowledged once but not answered), asking that regional impact assessment statements be undertaken prior to the implementation of the road safety reforms. It was amazing to me that the government was introducing a raft of tougher penalties as part of an overhaul of road safety laws but at the same time significantly reducing road funding in regional areas. I am sure that a regional impact assessment statement would have confirmed that more money spent on safer roads would have a greater impact on improving road safety and reducing the number of accidents than more restrictive laws.

In both letters I reminded the minister of his government's commitment to undertake regional impact assessment statements as part of the process prior to introducing legislation or regulations that particularly affected those living in rural and regional South Australia. However, the former minister announced the Road Safety Advisory Council's 25 recommendations for the second phase of road safety reform. He said that the council took into account interstate and overseas road safety experience, the work of various task forces and community input. I questioned the community input. Who asked regional people for input, particularly the young? The minister also advised that the council had identified another 13 key road safety issues that it will be investigating during the rest of this year.

In June 2003 the Minister for Industry, Trade and Regional Development advised that the government's objective is to ensure greater transparency of government administration in relation to the regions by undertaking regional impact assessment statements and that the government would publish the outcome of these consultations. He reassured the public of South Australia that this new model would:

. . . ensure deliberations of cabinet and senior levels of government would be more attuned to the concerns and priorities of regional areas.

He said that this transparent consultation would:

. . . improve government responsiveness and lift its capacity to take into account regional needs, not only when government decisions are made but also when proposals are at the initial stages of being framed.

Yet none of this was evident when changes were made to the road safety laws. Even the implementation of the learner drivers' requirements was inequitable for country people and created considerable confusion. People on learners' permits under the old rules were not given sufficient notice of the changes, throwing into disorder their plans for employment and casual jobs during the school holidays. At the very least, a transition period should have been put in place. A number of young people and their parents protested the inequity of the new laws. Some politically aware young people from my electorate signed a petition requesting the minister to exempt them from having to wait the now required six months. They just wanted to be able to get on with their lives as planned.

Many of these country learner drivers do not have the advantage of having a Department of Transport officer or a qualified training person in their town, thus requiring them to make complicated arrangements to undertake driver training, sometimes necessitating a number of special round trips of up to 300 or more kilometres to fit in lessons and tests. This is at great expense and inconvenience to family members, who often have to take time off work to get the person wanting a licence to the nearest town with the facilities. Motor vehicles are often the only mode of transport available for accessing government departments, school, work, social and sporting functions. Country people do not have the luxury, in the majority of cases, of taxis, buses, trains or trams, so driving licences are a necessity, not a luxury. Travelling significant distances is a fact of life for the majority of people living in regional communities.

While parents are concerned about their children driving, they find that the quality of life for their children is lifted when they are able to drive themselves to sport practice, extra study periods at exam time in year 12, and to social functions. Inexperience and the novelty of driving are two major factors in reckless driving, something that a regional impact assessment statement surely would have identified. Education could be the key. Defensive driving courses would be more effective in combating the road toll, in particular, and road accidents in general. I certainly do not condone drink driving. However, penalising a first-time offender by disqualifying them from driving for long periods adds to the discrimination against those living in rural and regional South Australia.

This may result in higher unemployment, health problems associated with isolation and a lack of the means to socialise, and could well be significant in increasing our already high regional youth suicides and poor mental health. It is sobering to note that the government's much vaunted road safety reforms have not reduced the road toll. However, I wonder what the effect has been on our already high youth suicide rate in country areas. A regional impact assessment statement should have identified what advantages and possible disadvantages, if any, the reforms would have in these matters. I understand that changes implemented in Victoria have not reduced the incidence of drink driving, nor reduced accidents. Again, a regional impact assessment statement would have brought out this point.

The restrictive changes to road rules are impacting negatively on farming business and trucking companies. What are the implications of country young adults having to be provisional drivers until they are 20 years of age? Most young people assist at harvest time by driving headers, trucks or other farm equipment, and I am concerned about the effect that these initiatives will have on these activities. Will someone be 22 years of age before they can even apply for a heavy vehicle licence? Trucking companies are having trouble enlisting young people to become drivers without the impost of having to wait until a later age, by which time these young people will have found other career options, probably in the cities. These things would have been picked up in a regional impact assessment statement and perhaps adjustments made.

A driving instructor commented in *The Advertiser* of 9 February 2004:

I think they are already making it too hard to get a learner's permit and it's putting some kids out of the reach of getting their learner's.

Surely the aim should be to have drivers who are qualified, safe to themselves and other road users. Consideration should be given to how the unfair impacts of these laws can be reduced for our country kids and their families, before more restrictions are put in place. I ask that a regional impact assessment statement be undertaken to reduce the potential impact of the rules already in place, and of others that are being considered.

The Hon. W.A. MATTHEW (Bright): With the time that is available to me this evening, I rise to state in part the case for the South Australian Ambulance Service. Last week, the Labor government made a decision which I believe will have severe and far reaching ramifications for the employees of the South Australian Ambulance Service, for its volunteers and for this vital emergency service that is provided to the South Australian community. Last week, the government decided through its cabinet to move the Ambulance Service into the administration of the Health Department.

It is well known that there are some managerial problems within the South Australian Ambulance Service. I am not about to dispute that and those problems are detailed by the consultancy (that has the rather unusual name of Lizard Drinking) that undertook the work to expose the problems that are within that service's management. To undertake such a retrograde step of amalgamating the management of the ambulance service into the Health Commission is a decision that reeks of sheer idiocy. It is incompetent, it is foolish to the extreme, and this government will bear the full brunt of the consequences.

When the Liberal Government came into power in 1993 the ambulance service was a troubled organisation. Its volunteers had been battered by the Labor Government, as they have battered many volunteers in our community, and that ambulance service was at breaking point. We had to take some fairly fast and serious steps. I was the then minister charged with that responsibility. I found appalling examples of financial mismanagement within the service to the extent that a chief executive officer had departed with a payout of some $800 000-plus. I had that payout investigated by Crown Law and they found that, at the most, $150 000 should have been paid. On that basis I demanded the resignation of the members of the Ambulance Board and those resignations were then forthcoming. I retained four board members whom

I believed to be professional and not involved with the decision and the others got their deserved marching orders.

What then occurred were some significant changes to the service. We provided certainty for the volunteers. We provided a change to the service that made it one of which the state could be proud. We introduced the professional paramedics into the ambulance service. We introduced a Diploma in Applied Science (Ambulance Studies) through Flinders University to enable officers to be professionally trained, and introduced a new patient transfer service for non-elective carry which improved the efficiency of that ambulance transport, and cut the costs in one hit of that type of ambulance carry by more than 25 per cent.

We introduced a more professional management and reporting structure within the organisation and a more professional and informed Ambulance Board. We changed the livery of the ambulance service progressively to the universal colour of dark green so it would be easily recognised whether in city or in country, whether volunteer or paid ambulance employee, and we ensured that they were well equipped, well trained and well financed.

It disappoints me that in the time that this government has been in power the management of that service has fallen into disarray, and I am conscious of the fact that the very professional chief executive officer, the respected Ian Pickering, has departed from that service and I dare say his departure in no small way has resulted in the lapse that has occurred. Be that as it may, that does not justify the retrograde step of putting the ambulance service back where it was when the problems occurred before. The Liberal government took it out of the health bureaucracy because the health bureaucracy was destroying the ambulance service by cut after cut—a death of a thousand cuts. Indeed I owe my election to this parliament in part to ambulance volunteers. In 1989, when being belted by the then Bannon Labor Government, St John Ambulance volunteers, without request from me, handed out their own St John how to vote cards right through my electorate, saying to vote for Wayne Matthew to try to help save Ambulance Service volunteers. They knew me to be someone who is committed to the survival of their service, to the survival of volunteers and to their dedication, and I retain that commitment and respect to this day. I for one will not sit by and see this government foolhardily send the Ambulance Service back further.

There is no doubt that the service has management problems and that they have to be addressed, and that is what I and the opposition expected of the emergency services minister. As so often seems to happen in this government, when a particular portfolio gets difficult, particularly for that minister—the Minister for Emergency Services, the Minister for Infrastructure, who was once minister for police until there were a few problems there—the portfolio is moved. Now he has shed the Ambulance Service because decisions have to be made about its future. When will this minister take responsible decisions about things that matter in this state?

In its wisdom, cabinet has decided to move the portfolio from the Minister for Emergency Services to the hapless Minister for Health. That minister has had enormous trouble grasping her portfolio. The health portfolio is in absolute shambles. The department is equally in shambles. Our public hospitals are in shambles; yet now this minister, who has demonstrated herself to be incapable—

The Hon. S.W. KEY: I rise on a point of order. I cannot see what this has to do with the debate and I ask you, Madam Acting Speaker, to direct the member for Bright to come back to the substance of the debate.

The ACTING SPEAKER (Ms Bedford): The honourable member may keep going.

The Hon. W.A. MATTHEW: Thank you, Madam Acting Speaker. Before the sensitivities of the minister were exposed, I was saying that the government is moving a portfolio to a minister who clearly cannot cope with the mess that she has around her now. What hope is there for the Ambulance Service if it is to be thrust under that minister?

The Hon. S.W. Key interjecting:

The Hon. W.A. MATTHEW: The minister may interject, but she has been here long enough to know the rules of debate in the 10 minute grievance on the Supply Bill. That gives me the latitude to talk on this topic, and talk on this topic I will, and this minister standing up taking points of order will not stop me from talking on this topic. It is absolutely vital that this service be given the opportunity to resolve its problems and move forward.

One thing that this government has not taken into account is that the ambulance officers do not want to move into the department of health. The Ambulance Service volunteers do not want to move into the department of health, but the department of health wants them. Why? Because more staff means more budget means more control. That is what this is about: more control and derision of the Ambulance Service volunteers who have been belted so heavily at the hands of this government. Why? Because they are not unionised labour. Why? Because they are not part of a union that is filling the coffers of the Labor Party come the next state election.

One has only to look to the fire service to see how much money was poured from the United Firefighters Union into the Labor Party for the last state election campaign to know what this mob is really about. They do not give a damn about what happens to our Ambulance Service. They do not give a damn about what happens to country volunteers in our Ambulance Service, and they clearly do not give a damn about the delivery of a professional emergency service. The Ambulance Service is far more an emergency service than a health service. The officers have to work closely with other emergency services—the State Emergency Service, the Country Fire Service and the Metropolitan Fire Service—because it is those other three services that are often first at an accident scene using equipment to cut victims out of a vehicle wreck.

This is a disgraceful move against the service, and for this government to use a report that highlights management problems as a reason for moving this troubled service into an even more troubled department is absolutely scandalous. Every cabinet minister without exception must bear the responsibility for what will follow if this foolishness is not reversed posthaste, and I call on the government to reverse this decision. In fairness to the members of the Labor caucus, this probably did not go to the vote, so I call on them to use their influence over their ministerial colleagues, who have made a decision without consulting them, to reverse that decision in the best interests of the delivery of a professional emergency service in this state.

Time expired.

Mr SCALZI (Hartley): Tonight I wish to go back to the grievance speech that I began on Monday when I was rudely interrupted by the member for West Torrens and I was not able to finish my grieve. The member for West Torrens called

a point of order on my talking about the O-Bahn incident and security on the O-Bahn. That was a bit strange because, just before my grieve, in question time the member for Torrens asked the Minister for Transport about the same thing and the member for West Torrens did not take a point of order on the minister or the member for Torrens with regard to the incident that took place on the O-Bahn.

Mrs Geraghty: I asked a question and the minister answered it.

Mr SCALZI: Yes.

The ACTING SPEAKER: Does the member for Hartley need protection?

Mr SCALZI: No, madam, thank you. I mentioned the rock-throwing incident on the O-Bahn, wanting to link that to the local crime prevention strategies which, sadly, have been cut down in my area. I believe that the crime prevention programs that were in place prior to the Rann government coming into office were working. Norwood, Payneham, St Peters and Campbelltown had the best graffiti result in the metropolitan area. In fact, they got some awards for it, so much so that the Burnside council took it on. I agree with the minister and I commend her and local government for taking action as a result of the incident because bus drivers and the public must be protected; there is no question of that.

I commend bus drivers who carry heavy responsibility for the safety of their passengers and too often are called upon to deal with difficult, dangerous situations. As I said the other day, it is estimated that on weekdays 35 000 passengers use the O-Bahn, and I also commend the authorities for acting quickly. There is no question that the opposition supports the minister in the action that she has taken. In answer to the question asked by the member for Torrens, the minister said:

> We will also be speaking with local councils along the route of the O-Bahn to see whether improvements can be made in terms of visibility along the route for the drivers, so that they can anticipate any such mischief.

She also said:

> It is really unfortunate that we have to go to these sorts of lengths. The measures that I have just talked about come at a cost of some $250 000 to guard against this sort of mischief. Of prime importance to the state government is the safety of our drivers and our passengers.

Ms CICCARELLO: I rise on a point of order. The member for Hartley appears to be reading from *Hansard*, which is not allowed. He is quoting from *Hansard*.

The ACTING SPEAKER: I am sure that the honourable member is not referring to earlier debates and, if he had been, he will no longer do so.

Mr SCALZI: Madam, I am making the point that the government has taken action at great cost, and I suggest that there are other strategies as well as implementing safety measures to ensure that passengers are protected on the O-Bahn, which is a big part of my electorate, as it is for the member for Torrens.

Mrs Geraghty interjecting:

Mr SCALZI: The member for Torrens reminds me that there were some problems on the O-Bahn, and I commend the former Minister for Transport (Hon. Diana Laidlaw), who listened to me as the local member, as I am sure she listened to the member for Torrens on many occasions. She installed 24-hour security cameras at the Paradise interchange as well as lockers for bicycles, and patrols were put in place to protect parked vehicles. So it is nothing new that we have from time to time had to take measures to address problems but, apart from these very important measures with which we have no difficulty (and, in fact, we support them), I believe we should also look at crime prevention strategies. I lobbied the previous government to ensure that those grants did happen year after year for Norwood, Payneham and St Peters, as well as Campbelltown, and I remember the meetings with all the stakeholders, chaired by Andrew Patterson, who is still involved in that area, which put in place crime prevention strategies. There were young people from the schools, Housing Trust representatives and Neighbourhood Watch representatives. All the stakeholders sat around the table and took measures to ensure that the community provided an environment to reduce the incidence of crime—for example, car theft and so on.

In regard to the cost of that, the past government provided approximately $70 000 to two councils and, as I said, it worked very well. The same amount must now be spread between five councils, so programs are limited. Government funding has been confirmed until the end of the next financial year, but there is no funding such as the previous government provided for the very successful crime prevention strategies. Spending $70 000 or $80 000 is a lot cheaper than having to continuously pour money into trying to solve the problem once those incidents occur. The government should think very carefully about its strategies for dealing with crime.

As we know, about 90 per cent of young people who come into contact with the law do not reoffend. There should be restorative justice—deal with the offenders and protect the public. Let us put the young people right, but never write them off. This government's strategy is just punishment. In the long run it will not work. It is no use talking about support for young people if we do not recognise the work that they do as volunteers in the CFS, emergency services and community programs that take place in local schools.

The ACTING SPEAKER: The green army!

Mr SCALZI: The green army and conservation groups. Young people are committed. We should remember that recognition is a prerequisite to the next cycle of contribution. If we ignore young people and label them all as not caring about the environment and law and order, we will not have the opportunity to put them right. You cannot put them right if you write them off. I found that out as a teacher over 18 years. You have to recognise when people are doing the right thing. Young people especially want recognition, and this government has the wrong strategy.

Time expired.

Ms CHAPMAN (Bragg): Last week I had visit me a journalist who, in 1974 (30 years ago) when he worked for *The Advertiser*, had written an article about the Brittania roundabout. He told me it was a problem then and I told him that it is still a problem. Indeed, he wants to write another article about it. Because we are two weeks away from the 2004 state budget which will cover the government's expenditure over the next financial year, I wish to highlight to the house the importance of this issue. Since I have been the member for Bragg over the last two years I have taken up this issue on almost a monthly basis with the two ministers who have responsibility for this area, and before I leave the seat of Bragg I intend to ensure that something is done about it—and I am not about to go in a hurry!

This is a five road intersection which has been the basis of a number of reports that have recommended, in more recent years, that an underpass is now necessary to deal long term with the issues of the extraordinary saturation of traffic; safety and the accident rate; the increase in traffic issues that

arise out of the Portrush Road upgrade; and the major problem of heavy transport vehicles getting around the roundabout. It is an issue with which I have become familiar.

I wrote regularly to Minister Wright in 2002-03 and he advised me that this project was essentially an unfunded candidate project, whatever that means, and I thought it might sneak into this budget but, of course, we have changed ministers. In March 2003 the minister acknowledged in correspondence the following: 'Brittania roundabout is a strategic improvement priority.' That is rather a good thing given that the next month, when the state transport plan was published by the government, it was identified again by the experts in this area as being important.

Even the RAA has come out recently and described this as the Achilles heel of Adelaide. Why? Because we are now at a stage where 51 000 vehicles go through this intersection per day and 115 motor vehicle accidents occur at this intersection every year (that is more than an average of two a week) from which significant personal and property damage arise. So it is time for this government to act. I appreciate that the Dunstan, Corcoran, Tonkin, Bannon, Arnold, Brown and Olsen administrations have all had goes at it over the years and, in fairness to all of them, may well have dealt with the issues at the time. But this government, the Rann government, has on its lap a very significant proportion of the industry and stakeholders who say it is now time to act, and I urge the new minister to ensure that in this budget her government provides the funds to make a decision on at least the four plans that have been presented to the state government in the document which is the concept status report prepared by Transport SA to deal with at least a 10 year interim proposal.

There is the Swinburne UK option, of which I recently became appraised. For every road that comes in you go around a mini roundabout in a clockwise direction and you then go into the centre of the roundabout and go anticlockwise, which is rather novel, and I bet it is quite a tourist attraction in the United Kingdom. That is possibly a fifth option. I do not care what option the government finally decides on—it has the experts in the department to make that decision—but I at least expect the government to do something about this and do it in this year's budget.

Motion carried.

Bill taken through its remaining stages.

ADJOURNMENT

At 10 p.m. the house adjourned until Thursday 5 May at 10.30 a.m.