HOUSE OF ASSEMBLY

Tuesday 29 May 2007

The SPEAKER (Hon. J.J. Snelling) took the chair at 11 a.m. and read prayers.

CRIMINAL LAW (CLAMPING, IMPOUNDING AND FORFEITURE OF VEHICLES) BILL

Adjourned debate on second reading.
(Continued from 1 May. Page 31.)

Mrs REDMOND (Heysen): I indicate that I will be leading the debate for the opposition in relation to this bill. Indeed, I indicate that, subject to an amendment which we propose to move in the upper house, we will be supporting the passage of this bill. This measure really comes about as a result of some promises made by the government at the 2006 election. In particular, it will do three main things: increase the period for which a vehicle can be impounded from two days to seven days; introduce a regime of wheel clamping to prevent the use of cars (as an alternative to the current regime of simply impounding vehicles); provide for wheel clamping of offenders' vehicles in relation to offences other than simply driving, and particularly hoon driving offences.

I understand from the second reading speech that, in fact, the format of this bill has come about as a result of a working group comprising representatives from the Attorney-General, the police and the Sheriff's Office. This working group met and came up with some proposals but parliamentary counsel felt that, rather than inserting the various aspects of that into what would then become a fairly large series of amendments to the Summary Offences Act (where the hoon driving provision currently appears) it would be better to create a separate piece of legislation.

There is a series of ancillary aspects to the bill which I will mention just briefly but, as I said, the key issues were: increasing the time for which vehicles could be impounded from two days to seven days; introducing wheel clamping; and arranging for wheel clamping or impounding to be available as alternatives for offences other than simply driving offences and, indeed, to be available for offences where a car had not even been involved in the commission of the offence.

There are other ancillary matters, such as allowing a magistrate to give an order for the period of impounding to be extended up to 90 days, and increasing the period in which a magistrate making a decision could consider the matter, so that instead of being able to look back over an offender's history for the past five years, they would be able to look back over it for the past 10 years. Further, police will be given the authority to clamp a vehicle at any time—not simply immediately following upon an offence—between the alleged commission of an offence and finalisation of proceedings.

On reading the second reading speech, I thought that there were a number of issues fairly important to note in relation to this. The first was the issue of the grounds upon which the police can impound or clamp a vehicle. Of course, the idea of clamping is one that the Liberal Party had been suggesting for some time when it became evident soon after the hoon-driving legislation was introduced and commenced that impounding a vehicle had the obvious problem that you needed a space to put vehicles and you needed to have it at a reasonably convenient location, and pretty soon there were so many vehicles being impounded that that was creating difficulties for the police in terms of how they were going to keep the number of vehicles they had, and just the sheer mechanics of doing it. Since we are all agreed that the idea of impounding is simply to stop offenders from using their motor vehicles, it does make sense to clamp them in their own driveways and let them have the nuisance of having a vehicle that they cannot use.

I certainly do support and commend the government for introducing legislation to enable wheel clamping. I do not know whether they are still referred to as Denver boots, but I understand that the name originated in the city of Denver, Colorado—the mile high city. However, it is more properly called wheel clamping. It is one of those funny little differences in our language that make us different from the United States. As an aside, I recently found out that we are the only country in the world that refers to witch's hats: everyone else calls them traffic control devices but we refer to them as witch's hats, because that is what they are. However, we do not refer to these things as Denver boots: we refer to them as wheel clamping, and I fully approve of the idea that we use wheel clamping rather than having to create potentially vast stretches of land surrounded by cyclone wire fences on which to impound vehicles. That is the first important issue as to what we are going to do.

The proposed regime, of course, differs from the present in terms of what the police have to suspect. Under the present regime the police must have reasonable grounds to suspect that the vehicle to be impounded or clamped was used to commit a relevant offence, whereas under the proposed regime the police must have reasonable grounds to suspect that a relevant offence has been committed, whether or not a vehicle was used in the commission of that offence. The second issue is which vehicle will be impounded or clamped. This bill proposes that any motor vehicle owned by the person alleged to have committed a prescribed offence may be clamped or impounded. Again, I see some sense in having that degree of flexibility because it is conceivable, for instance, that a hoon driver might go out in his battered old wreck and create havoc in our streets but have a brand new Monaro or some other flash vehicle at home, and I think it will have a far more deterrent effect on that hoon driver, in terms of preventing that behaviour, if the Monaro at home is clamped instead of the old wreck that they might be doing their hoon driving in.

I have no difficulty about the issue involving the extension of the period of clamping. The original period at present is up to 48 hours, and this bill with authorise the police to initially impound or clamp for up to seven days, but then further to apply to a magistrate for an extension from the seven days of anything up to 90 days. As I read the second reading explanation, that is not to say that the only order that can then be given is 90 days; they might apply for a month or some other period, which can be up to and including 90 days by way of extension.

In order to make a decision about that, of course, the magistrate must consider previous relevant offending, the seriousness of the current allegations and the likely effect of extending the period, and that includes not only the effect on the offender's behaviour but also whether someone else might suffer financial or physical hardship as a result of the impounding. Of course, I guess that has always been the most

difficult aspect of this whole regime. On balance, I am minded to support it, and the Liberal Party has agreed to support it; however, the most difficult aspect has been: what if the offender is someone whose family is relatively poor and without other means of transport, and what will be the impact of impounding a vehicle in those circumstances?

I guess that the short answer is: 'Well, the hoon driver should have thought of that before they committed the offences.' I am hopeful (and I am sure that, in due course, the Attorney will be happy to oblige me in his response) that there is intended to be sufficient discretion so that, in cases of real hardship to innocent members of the community who happen to be related and living in the same household as an alleged offender, appropriate measures could be taken other than depriving that family of their means of transport.

Extension of the period of clamping is the third issue. The fourth issue (and this is where the Liberal Party has some difficulty and, as I said, does propose to introduce an amendment, although probably not until we reach the other place) concerns which offences are covered by this regime. At the moment, the offences that are covered in the impounding legislation are listed in the Summary Offences Act. What this new regime under this bill proposes is to allow the minister to prescribe by regulation which offences can be subject to this penalty.

I have already mentioned, of course, that these offences do not have to be offences involving a car or in any way related to the use of a vehicle. Indeed, it is anticipated that, for instance, graffiti offences could be the subject of the use of this legislation to impound or clamp a vehicle. That is of concern to me for two reasons: first, it allows the government (or, more particularly, the Attorney-General) simply to introduce into the regime new offences—and it could be any number of offences—without the appropriate scrutiny of the parliament.

It seems to me not to be an appropriate use of the regulation-making power simply to be able to make a regulation that says, 'Well, from now on we will just make regulations and say that this offence is now one which is covered by the impounding and clamping of motor vehicles legislation and that can be one of the things that is the subject of an allegation.' That gives rise to the second aspect of my concern, that is, this bill has the effect of imposing a punishment on an alleged offender before there has been due process of a trial and conviction, and therein lies the other aspect of my difficulty with this.

Because it is a punishment which is preceding the hearing of the trial and the making of a determination by an independent court, it has the effect of punishing someone for a crime with which they are charged but for which they have not been found guilty. For that reason and the earlier bit I mentioned (the fact that the government is planning to do it by regulation and simply to extend as it sees fit the number of offences that can be subject to wheel clamping or impounding), the Liberal Party indicates its intention to introduce an amendment to at least make this apply only to offences that we will list in the bill rather than doing it by regulation. We believe that the offences should be listed in the bill.

Interestingly, when we had a briefing on this particular matter, the deputy leader asked a question about whether there were other examples of legislation in which a whole regime such as this was introduced in terms of the penalty and the discretion was left as to which offences would be subject to that penalty by way of introduction through regulation. Whilst we were advised that there were, indeed, other examples of this and there was an undertaking given that we would be supplied with copies of other legislation which had that type of regime, no such further information has been forthcoming.

Another aspect which I think is worth noting about this is the level of discretion which is given to the police, and I note that of course the working party significantly involved the police, so it is no surprise to me that the police would have recommended a fair degree of discretion. Whilst we will not be opposing this aspect, certainly I will be wanting to keep a fairly close eye on how the police exercise that discretion. For the most part, I believe that the South Australian police provide an exemplary service in this state and are really not subject to the sorts of corruption allegations that I have been aware of in other states from time to time. But, wherever you give someone discretion, there is always the possibility for abuse of that discretion, and I have therefore to express some concern about the level of discretion the police will be given.

The police will have a discretion, first of all, as to whether to decide to proceed with clamping or impounding a vehicle in the first place rather than simply issuing an expiation notice for an offence. And, of course, if they have issued an expiation notice, that obviously makes the offence expiable and therefore not subject to clamping or impounding. But, if they exercise their discretion and say, 'We will clamp or impound it', then they have another discretion as to whether it is clamping or impounding, and I have no doubt that that discretion will generally be exercised according to which is the most convenient for the police, and I have no particular difficulty with that.

However, the bill does not set out the criteria that the police will use in making their decisions on these issues. I refer to the second reading, as follows:

> Instead, it expands the regulation-making power so that police can make guidelines for the exercise of their powers to impound and clamp.

I am not sure that that is necessarily the most appropriate regime—I would have thought it is better to be clearer. I would like the Attorney to answer this question in his response in due course, although I note we will go into committee so I can ask it then: where he says, 'Instead, it expands the regulation-making power so that police can make guidelines for the exercise of their powers to impound and clamp', that expression uses both the words 'regulations' and 'guidelines', and I want to know whether it is proposed that the guidelines will actually form part of the regulations, or are the regulations simply going to say that the police can create guidelines and therefore it remains beyond even that level of scrutiny by the parliament? The other aspect of that question is: to what extent is there any check or balance or appeal or mechanism if there is a belief that a discretion has been inappropriately exercised by the police?

The Hon. M.J. Atkinson: The Police Complaints Authority.

Mrs REDMOND: I am not sure that that is workable in the sense that, whilst I have a great deal of time for the police who work in the Police Complaints Authority, it seems to me very hard to imagine that the police can make, within that authority, an appropriate decision independently enough as to whether a discretion has been appropriately exercised, and I urge the minister to think about how best that can be done. As I have mentioned already, police also have a discretion as to the point at which they should apply for impounding and for how long they should seek to have a vehicle impounded

up to a maximum of 90 days. The bill also makes it an offence for any person to attempt to sell their car knowing that it is likely to be impounded.

The Hon. R.B. Such: It's hard to sell with clamps on.

Mrs REDMOND: Again, that makes it a discretionary thing by the police as to when they attempt to put on the clamp. As the member for Fisher says, it is hard to sell a car with the clamps on. The point the bill is trying to address is that, if someone believes their car is likely to be impounded, it will be an offence to try to sell it prior to its being impounded. It is also noteworthy that, when there is an application to extend the period of impounding, the court under the legislation has to consider hardship, but there is no obligation on the police to do so, as I read the bill. I think it would be appropriate for the police to be required to consider hardship.

The sixth area worthy of note in this bill is the attempt to at least acknowledge the interests of credit providers. Often young drivers who acquire vehicles are not able to purchase them outright in the first instance, and they have credit providers providing the money for their vehicle. This bill attempts to give some recognition to the interests of credit providers who may have a financial interest in a vehicle which becomes subject to impounding or clamping. For the most part, I suspect they will not know about it. If a vehicle is subject to wheel clamping in a driveway and the offender continues to make payments on the vehicle, there would be no reason why the credit provider would become aware of any such offence or the clamping or impounding of the vehicle, but it is obviously within everyone's imagination that a credit provider could find that the payments stop and they want to repossess the vehicle.

The bill provides that a credit provider, wishing to repossess and sell a vehicle which has been impounded or clamped, can apply to the Magistrates Court for the release of the vehicle. In addition, if a vehicle is to be forfeited—and I will talk about forfeiting in a moment—credit providers (if known) are to be given notice of any forfeiture and they will have the right to be heard on any application in relation to it. I think they are simply sensible provisions which attempt to acknowledge that other people can have an interest in the vehicle. I want to check how credit providers are defined. My recollection is that, under the bill, they are defined in fairly strict and commercial terms and one wonders where that leaves, for instance, a private lender—whether they will have any rights—and perhaps that is another issue we can discuss in the committee stage.

The last aspect of the bill which is of great note is the allocation of the proceeds of sale of an impounded or forfeited vehicle. Two different regimes apply. There are vehicles which are impounded by the police and then not collected and there are vehicles which are forfeited. In essence, if a vehicle is forfeited to the Crown all other interests in it are automatically extinguished. If a vehicle is simply impounded by the police and the owner decides it is not worth collecting, then its being an impounded but not collected vehicle could be subject to other people's interests, such as those of a credit provider. That is fairly unlikely to arise because, for the most part, where credit providers are providing money for the purchase of a vehicle, the vehicle will be of significant enough value to make it worth while collecting. I would anticipate that the most likely circumstances where people simply fail to collect the vehicle is where they are using an old bomb for their hoon driving and they simply decide that they will just go and get another vehicle rather than collect the one that has been impounded.

The two different regimes that apply say that, where a vehicle is subject to a forfeiture order and is then sold, the proceeds first have to have the costs of sale deducted and then any other order, such as an order in favour of a credit provider (who under the provisions of the bill had the right to be heard in the seeking of that order in the court) must be dealt with, and once any of those costs are paid out the balance, if any, is paid to the Victims of Crime Fund. In the case of a vehicle that is impounded but not collected, again the costs of sale are deducted as are any other costs resulting from a failure to collect. Theoretically the police might not just impound a vehicle in their own yards but impound a vehicle in a commercial yard and pay a fee for doing that, and the cost of so doing would be recoverable from the proceeds of sale. Then, any amount payable pursuant to an order of the courts (to a credit provider or the like), is taken into account, but then the balance, if any, after that is dealt with under the Unclaimed Moneys Act.

I do not understand why we want to distinguish those two. I understand the effect of the Unclaimed Moneys Act, but the first option, where there is the forfeiture of a vehicle and any balance left after the payment of the various expenses and other interests goes to the Victims of Crime Fund, would be preferable to the situation where a vehicle is impounded but not collected, and the moneys left after the deduction of the various other interests are paid to the Unclaimed Moneys Act, which as I understand it simply pays it through into general government revenue ultimately. It seems that, once it has got to the point where it is impounded for a certain time, the relevant notices are given and the vehicle is forfeited and sold, I cannot see why, instead of putting that money into unclaimed moneys, we cannot take that money and pay it into the Victims of Crime Fund. Nevertheless, that is hardly a reason for not supporting the thrust of the legislation.

Our only real problem with the legislation is the idea that we can insert new offences by way of regulation, which effectively will deprive people of their vehicle for offences which are not specified in the legislation itself and which effectively impose a punishment before there has been the due process of a proper hearing and an independent decision by a magistrate or judge. The Liberal Party believes that the thrust of the legislation is correct and putting it into its own bill rather than having it as part of the Summary Offences Act is perfectly acceptable, and most of the stuff dealing with credit providers and so on we have no difficulty with. We have one difficulty, and it is our intention to move an amendment to seek to redress that in due course, but we are still thinking how best that can be achieved. At this stage we will support the second reading, but I put the government on notice of our intention to introduce an amendment, most likely when this bill reaches the other place.

Ms FOX (Bright): I am pleased to rise in support of the latest extension of the Rann government's antihoon strategy. Along with the vast law-abiding majority of the Bright electorate, I have long been a supporter of the Rann government's uncompromising attitude towards hoon drivers. Although hoon-like behaviour is certainly not confined to the southern suburbs, as a member of parliament representing people who live in the southern suburbs of Hallett Cove, Brighton and O'Sullivan Beach, I have seen at first hand the impact that antisocial hoon drivers have on the rest of the community. Indeed, when our government first introduced these laws a couple of years ago, one of the first people

caught by the police was a 30-year old doing a burnout in the drive-through lane of the Reynella KFC.

Mr Pisoni: Shame!

Ms FOX: Shame, indeed. It is completely unfair that a tiny antisocial section of the community should shower the rest of us with these levels of noise and pollution, to say nothing of the safety aspects of the offences. I well remember my own feelings of outrage in September 2005 at being treated to a particularly shameless display of hoon driving as I was peacefully sitting in my parked car on the side of a street at O'Sullivan Beach, talking on my mobile phone. The guy was driving so fast that my car literally shook as he drove past me: 200 metres up the road, he braked and did a burnout—I could see him marking the road—before he turned his car around and screeched past me in the opposite direction. I was so incensed at the hoon's behaviour that I marched into the Christies Beach police station and reported him to the police, along with his car licence plate number. Although I have to admit I felt a bit foolish going to the police, they were really pleased to see me, and I encourage everyone affected by hoon drivers to do the same thing.

I was more than happy to campaign actively with the Attorney for the re-election of the Rann government in February last year at the Hallett Cove Surf Life Saving Club, when the Attorney announced that, if re-elected, Labor would give the police the power to order hoons' cars to have their wheels clamped in their driveways for seven days instead of two, with the added punishment of the louts being forced to pay to get their wheels unclamped. The Labor government moved in February to extend the range of offences for which cars may be wheel clamped to include drug driving and graffiti vandalism. I was very pleased to read that this bill takes Labor's antihoon legislation even further by extending the period of time during which cars may now have their wheels clamped from seven to 90 days.

Of course, back in the bad old days of the Olsen Liberal government, we had the spectacle of desperate residents in Eden Hills—a marvellous kindergarten in Eden Hills, I might add—who were affected by repeat hoon behaviour in their streets, applying to the Mitcham council to have their streets closed off or no parking signs installed in a bid to stop hoon driving. I feel quite angry that, even though places such as Canberra introduced specific laws banning hoon driving as far back as 1999, it took the election of the Rann Labor government before the South Australian parliament passed similar laws. My parliamentary colleague the then member for Elizabeth wrote to the then attorney-general (Hon. Trevor Griffin) in September 2000 on behalf of the Neighbourhood Watch group in her electorate, who had taken her on a tour of local hot spots of hoon driving in Elizabeth.

The then member for Elizabeth suggested that the then Liberal government should 'consider an initiative that is being used in New South Wales where, rather than just fining people found guilty of this very dangerous practice, their cars be impounded'. Obviously, the then member for Elizabeth's pleas for action from the former Olsen state Liberal government fell upon deaf ears, with former police minister Robert Brokenshire telling Leon Byner's FIVEaa program in March 2005 that he had spoken to his fellow police ministers at a conference in 2001 and had been told of logistical problems with hoon driving laws by police from other states which had already introduced legislation associated with where to store the hoons' cars after they had been impounded. I believe that the Attorney referred to some of these concerns during his explanation to the house when he introduced the original antihoon driving legislation.

Instead of diligently working to introduce similar legislation to combat the scourge of hoon driving in the early years of this century, the then Liberal minister Robert Brokenshire kept quiet about South Australia's need for hoon driving laws before somewhat cynically announcing it during the 2002 election campaign. Now, finally, South Australia has not only specific laws designed to contain the hoon problem but also a record number of police, who are—thanks also to the Rann government—out on the beat catching these miscreants.

The Hon. G.M. GUNN (Stuart): I have one or two comments to make in relation to this legislation and one or two questions for the Attorney-General. On reading the document and the interpretation of the described offence, I note that the Attorney has not indicated to the chamber—and I hope he will—exactly what sort of offences will incur the clamping or the impounding of vehicles.

The Hon. M.J. Atkinson: Well, I'll tell you.

The Hon. G.M. GUNN: Well, I would be very pleased if you would, because the role of this parliament is to question ministers when they introduce legislation, not to sit idly by and be a cheer squad; our role is to actually ask questions. I can give the Attorney an example of where I believe the power has been misused—and I will do so in a moment. I have no problem with dealing with hoon drivers who scream around neighbourhood streets late at night. Yesterday morning I was in Stirling North—

The Hon. M.J. Atkinson interjecting:

The Hon. G.M. GUNN: Stirling North—and a person, acting quite irresponsibly, did a burnout, then roared off. He lost control of the vehicle and ended up crashing his car into a Stobie pole. Of course, there was tremendous activity. They had the ETSA people out there to check the Stobie pole, and the police and all sorts of people were there. That person has suffered a very severe penalty, because I do not think the car is of any value to anyone now. The person I was staying with was rather pleased to think that the lout was off the road, because the incident occurred very close to where the school bus stops to pick up children to be taken to the high school. That sort of behaviour is inexcusable.

The Hon. M.J. Atkinson: We will reward the people of Stirling North—good Labor voters that they are—by passing this legislation.

The Hon. G.M. GUNN: Well, for the benefit of the honourable member, he and his colleagues have tried very hard, and they have not succeeded. For the benefit of the honourable member—

The Hon. M.J. Atkinson: We'll be back.

The Hon. G.M. GUNN: Can I say to the honourable member that he has a few hurdles to jump yet, and it will need more than Don Farrell's chequebook.

The Hon. M.J. Atkinson interjecting:

The Hon. G.M. GUNN: Your vote went down in Port Augusta last election, even though you spent hundreds and hundreds of thousands of dollars of taxpayers' money promoting your mate. You should have spent the money on putting more doctors up there. Anyway, I have plenty of time. I will come back to the bill, because we really need to know. I am not easily sidetracked. It was difficult to get me on my feet. It has taken all the morning to work myself up to saying a few words on this legislation.

An honourable member interjecting:

The Hon. G.M. GUNN: I'm just a quiet farmer.

The Hon. M.J. Atkinson: Why does Barry Wakelin get so many more votes than you in the same booths?

The Hon. G.M. GUNN: Because he has not been around for as long, and he lets me be the villain. He is a hail-fellow-well-met sort of person. He is a good bloke, but he is never going to die of stress. He comes into the office with a difficult case and lets me be the villain. Nevertheless, I do not mind carrying that burden.

Members interjecting:

The Hon. G.M. GUNN: What about Lord Homer Nichols? He won by one vote, but he still won. Then Margaret Thatcher made him—

Mr Pengilly: Wind him up, and he will keep talking.

The Hon. G.M. GUNN: Look, I'm happy. I'll keep talking if you want me to; it doesn't worry me a bit. But let's come back to the bill. The Attorney obviously does not want to talk about it. He is more interested in being an agent for Don Farrell. We are entitled to know. In relation to the other provisions, it would appear to me that there are little—

The SPEAKER: Order!

The Hon. G.M. GUNN: There appears to me to be little or no ability for a person to object to the action of the police when they issue one of these orders or seize a vehicle. Under our system, people normally have the right to challenge a decision. I will give the minister an example of a wedding car and a couple of other cars outside a hotel at Stirling North one Saturday. A police officer came along and said that the vehicle had been acting inappropriately and seized the wedding car.

Members interjecting:

The Hon. G.M. GUNN: They did—but let me finish the story: he took one of the wedding cars. All the people at the hotel objected most strongly, and the policeman had to call for back-up because they were so angry. From the inquiries I made, it was an absolutely unreasonable act. If I had known that this debate was coming on, I would have brought the correspondence, but I will read it to the Commissioner during budget estimates. From my discussions with the people involved, it was unreasonable. Present was a former police officer who was one of those who had trained the officer involved, and he was just appalled that, in a democracy, action such as this would be taken. I want to know from the minister what rights people have in those sorts of circumstances, because the police are making a very arbitrary decision on the spot. I have no trouble if someone is acting irresponsibly, but I firmly believe that people have a right to challenge a decision.

We are having a great deal of hassle because of the actions of one arrogant person who is employed by the highway patrol based at Gawler and who is getting stuck into the farming community between Freeling, Eudunda, and so on, and interfering with people who have been carting hay for generations. They are overzealous. I intend to raise a number of these issues; some questions are on the *Notice Paper*, and more are ongoing. I know that I have annoyed a couple of people in the police department, but let me say that I have not lost an ounce of sleep over it. I have not even started my queries yet.

I always believe that, if you treat people reasonably, they will respond reasonably. What has happened in the cases I have raised is that people have acted unreasonably; therefore, they will feel the full force of parliamentary democracy. If I have to put 200 questions on the *Notice Paper* (although I would sooner not do that) because of this attitude, I will. What upset me was that, when my constituent complained, he got the message back, 'Next time, I'll throw the book at him.' That made me determined to make sure that I would give this bloke something to do and that he would spend plenty of time answering questions.

Mr Pengilly: He will be extremely busy.

The Hon. G.M. GUNN: He will be busy—and so will the Assistant Commissioner, because he has to answer them. In the case of the hay industry—the export industry of hay and straw, which is a very important industry—before they acted, no discussion took place—none whatsoever. They reckoned that the hay was blowing off the truck, but what about the straw that blows across the road from the paddock? It is absolute nonsense. Give one of these fellows a bit of power, put a uniform on them, and it goes to their head.

I think it is terribly important that the Attorney-General tells this parliament what rights people have if they believe that they have been badly treated or that the police have acted in an arbitrary fashion. None of us wants hoon drivers, but I put to the member who has just resumed her seat: what will she say to someone whose vehicle has been improperly impounded? What will she say when they come along and say, 'We've done nothing wrong. It was just that the policeman was in a bad mood, got out of bed the wrong side, had an argument with his spouse, or something of that nature, and decided to take it out on people.'?

The average citizen is at a disadvantage when dealing with the police or the government or any of its agencies. We all know that. In many cases, the only recourse they have is to ask their member of parliament to put a question on notice or to contact the police. People are entitled to question these decisions. I entirely agree that, if people act foolishly, disturb the neighbourhood and endanger the community, then action should be taken against them. I can never understand why they do it, because I have always found the wearing out of tyres to be very expensive. Wrecking the differential, the gearbox—I cannot understand why they do it, because it would be expensive—and the more expensive the vehicle the more expensive it is to get it repaired.

If you want to find out who is doing it then just go along to the tyre repair people, because they would know. I will give an example. One morning many years ago, when I had an office at Ceduna, I got up early in the morning and at every cross road between the bitumen where I turn onto my farm and Streaky Bay all the white posts and signs had been flattened, and there were wheel marks. It was a huge cost to the taxpayer. I went to the local police and said, 'Right, these people are endangering the public, spending taxpayers' money, you'd better do something about it.' All they did was they went to the tyre bloke and found out who was getting tyres, and got them.

They deserved to be punished because they acted quite irresponsibly. I have no trouble with that. It is like people who race around the neighbourhood at 3 o'clock in the morning and do all sorts of things like some of my poor constituents at Port Augusta have to put up with. The trouble is, as we all know, that the police cannot be everywhere at once. The other thing that annoys people who live in built-up areas is exhaust brakes on trucks. Motels along those roads do not like them at all.

I support the bill, but I think the minister has to inform the house of exactly what rights people have in relation to these provisions, because they are pretty wide-ranging. If someone's car is taken, what right do they have to object, what right do they have to ensure that they have not been

victimised, and do they have the right to object to the decision and, if so, on what grounds? I think these are matters that the minister should inform the house of so that everyone knows exactly what the rules are. You are giving the police a very wide power but there do not appear to me in this legislation to be any adequate grounds on which to defend yourself. The decision will be made on the spot and, therefore, you can be disadvantaged.

I am very happy to give the Attorney copies of the letters to the editor and the article in relation to the wedding incident at Port Augusta. I have not got them with me today but I can soon get them. The people who spoke to me were very upset about it, and they had every ground to be upset. If the driver was a bit over the top, the policeman should have said, 'You realise that this is a pretty serious matter. Be warned.' To have to call for backup when there was a heap of people very angry and upset actually proves the point that the fellow was over the top, because he never actually saw it, it was on a report from someone else. This has given me an opportunity to raise this issue. I hope the Attorney will respond to the questions that I have put forward.

The Hon. L. STEVENS (Little Para): I have had a long interest in the issue of hoon driving, first, as the member for Elizabeth and now as the member for Little Para. As the member for Bright mentioned just a little while ago in her contribution, it was in the year 2000 that I wrote to the previous government following lengthy discussions that I had with a local Neighbourhood Watch group in Elizabeth Grove in my electorate.

They had been concerned about hoon driving for a long time and, as a result of attending a number of meetings with them, I went out with the then zone commander, Mr Neil Northeast, and I looked pretty thoroughly at the issue in my electorate. Following that, I wrote to the previous government to suggest that it look into what was happening in New South Wales. Just as the member for Bright indicated, my work and my entreaties to the previous Liberal government to do something about this matter in a practical way fell on deaf ears, but I am very happy to say that the current Attorney-General (then shadow attorney-general) was most interested in the matter and he saw that this problem was much more widespread than just involving the electorate of Elizabeth: it was a matter concerning many people in the South Australian community and, of course, the result of that has been the legislation that is now in place.

It is quite interesting to see what has happened with the current legislation and to note the significant number of actions that have taken place under the legislation. Over 2 400 hoon drivers have been charged with hoon-driving offences, including: driving a motor vehicle in a race between vehicles; operating a motor vehicle to produce sustained wheelspin—and I am sure that this is all very familiar to every member in this house; driving a motor vehicle in a public place so as to cause engine or tyre noise; and driving a motor vehicle onto an area of park or garden. I noted with interest that, since the introduction of the laws in question, not only have over 2 400 drivers been charged with a hoon-driving offence, but also police have impounded over 1 400 vehicles. I am also pleased to see that, due to their proactive policing, together with the South-East local service area, the Elizabeth area leads with the most offences recorded. I also noted that the Barossa/Yorke local service area is not far behind. I congratulate Superintendent Ferdi Pitt and all the people at the Elizabeth local service area on their endeavours in this area.

I have to say, though, that it is still an issue in our community, and that is why I am very pleased to see these additional measures being put forward by the Attorney and the government in this piece of legislation. Just a few weeks ago, a community forum was held at the Central District Football Club, which at present is actually situated in the electorate of Napier. I attended, together with my colleague the member for Napier, and I would say that about 200 people from the community attended. Again, people were concerned about the hoon-driving laws, how they should make reports and how we could continue to ensure that, to the greatest extent possible, our communities and our streets are rid of this menace. It was pleasing to be able to say then at that meeting that the government was looking to very shortly—and here we are doing it—strengthening the laws even further. So, I am very pleased to see that the impounding time has been increased in two steps, the first of which is to impound for up to seven days, increasing from the current two days, and then to provide a further opportunity for police to apply to extend the period up to 90 days.

I see that the Attorney has placed in the bill some checks and balances for magistrates to take into account in pinpointing the exact time of impounding, and I am very pleased that this has occurred. The issue of being able to impound in someone's own property is also a very good measure, and I hope that we will see the consequences following these sorts of inappropriate and dangerous actions that occur too many times in our community. Finally, again I would like to congratulate the Attorney for continuing persistently to monitor this piece of legislation and to continue to look at ways of further improving the situation as we find it.

Every one of us knows just how dangerous and disruptive an influence this sort of behaviour is in any community. Not only is it dangerous but it simply drives people to distraction, having this go on constantly. I fully support the bill. I look forward to its passage through the house and certainly look forward to seeing how it plays out. Who knows: we may have to do further things; but this is a very good and important second round of measures.

The Hon. R.B. SUCH (Fisher): I am delighted to see this legislation before the house. As members know, I am a very modest person but I did have a role in the original antihoon law and, to his credit, the Attorney was very supportive and made it happen because, as a humble member, I had only one vote. I have spent a lot of time researching measures in other states, particularly in Queensland. I have been up there and spoken to police on the front line, including motorcycle police, and I have had a look at the New South Wales legislation. In the draft legislation I had drawn up, the Attorney wanted to include boom boxes as a measure that became part of the law. It is fair to say, as the member for Little Para said, that it has worked but, all measures can always be improved. I see this as an additional step forward.

Although the current law has worked pretty well, it has not delivered to the extent that I would have hoped. Members may recall the debate in here where it was suggested that the current antihoon law would be misused by police who would be overzealous, and so on. I have not seen any evidence whatsoever of that, and would be interested if anyone can show me evidence of where the police have misused their powers under the existing law. I do not expect that they will under this law. Individual police officers know that, if they

get into the business of being overzealous and unreasonable, there will be a day of accountability, whether it be fronting the Commissioner or the Police Complaints Authority. So, there is already an overall check in the system. This measure will take the law a step further.

For too long we have allowed people to regard the roads and driving as a licence to behave in the way they want to and, sadly, we still see too many people losing their lives or being injured as a result of inappropriate behaviour on roads. One target of this sort of measure is to reduce the incidence of fatalities and injuries arising from inappropriate behaviour. When people hoon around and drive inappropriately and recklessly, they put themselves and others at risk. This measure is not simply about noise or laying rubber: it is about trying to protect the community and also to protect those who have attempted to engage in inappropriate and silly behaviour.

A key aspect of the bill will be the reporting of offenders. The police themselves will catch people, but it is important that the scheme (which the police have called Traffic Watch) is able to focus on people who offend. I have argued for a long time for the community road watch scheme which operates in New Zealand but, to the credit of the police here, they now have a system called Traffic Watch, which uses the normal police attendance reporting number. I still think that the New Zealand model is preferable. However, I am pleased that the police have gone down the path of a Traffic Watch system. It does not matter what the law is: we can have the most effective clamping or impounding provision in the world but, if we do not catch the offenders and if they are not reported, it is completely ineffective.

This measure deals with a range of inappropriate behaviours, and I thank the Minister for Police (Hon. Paul Holloway) for his prompt responses in relation to questions that I have asked about misuse of vehicles. We know that this measure is not dealing with defective or unroadworthy vehicles but, just to put this whole issue in context, in a reply dated 22 March this year, the Minister for Police said that in 2005 some 19 514 vehicles were defected, and in 2006 that figure rose to 22 136 vehicles, or an average of 425 vehicles a week. The clamping measure obviously cannot deal with that readily, because if someone's vehicle is clamped they cannot have it fixed. However, down the track we may need to look at whether or not, if a person does not have their defected vehicle fixed after a certain time, we need some measure to take that vehicle off the road. It is a staggering figure: 425 vehicles a week defected in South Australia.

More specifically to this bill, the police minister in the same reply instituted a statewide driver's licence check operation called Operation Linebacker (I am not sure who in the police department thinks up these names, but there must be someone in the Flinders Street building who comes up with these ideas—a bit like names for motor cars). Operation Linebacker 2006 specifically targeted unlicensed drivers and, on the one day that it was conducted—17 November 2006—it resulted in seven arrests, 45 reports, 226 expiation notices and 103 cautions for driver's licence offences. In addition, 7 614 vehicles were examined and 85 defect notices were issued. That was just on one day.

The police followed that up with a further operation (also called Operation Linebacker), which extended over the whole month of February of this year (and I have just received in the last few days the answer from the Minister for Police), and these are the figures for February: licences checked, 16 483, and the number of people detected driving unlicensed was 266; disqualified offences detected, 75; driving with inappropriate licence, 38; contravening conditions of licence, 123; failure to produce a licence, 25; and numberplate offences detected, 170. So, a lot of people out there are ignoring the legal requirement in relation to their licence.

That is an issue with which this clamping provision will deal. It is a matter of concern that those figures show that during the month of February 266 people were driving unlicensed and 75 were driving disqualified. That is pretty outrageous behaviour by a number of people. Also, as I said, 123 people were contravening the conditions of their licence—no doubt an inappropriate licence, or something like that. I welcome this measure, and the sooner it is in place the better.

I note that clamping can apply to people who engage in graffiti vandalism, and I am delighted that the Attorney seems to be getting back into top gear again after being, I think, probably unfairly targeted by certain accusations. I would like to see the Attorney take the issue of graffiti vandalism further because, whilst this measure will deal with people who have a vehicle, it will not do anything concerning those who commit graffiti vandalism and do not drive or do not own a motor vehicle. I support this measure in relation to graffiti vandalism but I urge the Attorney to put on his support hat in relation to the wider issue, and he can do that by supporting my bill before the house or by introducing his own—or even amending mine, which was successfully done with the first antihoon law.

The measures in this bill are reasonable; if you cannot behave yourself on the road then you do not deserve to be on the road. Some people say that clamping is inconvenient; it sure is, and it is meant to be. That is one of the arguments I had with the Hon. Robert Brokenshire. The government of the day would not support impounding because it said that it would inconvenience people; well, that is what it is meant to do. I believe that some inconvenience for a minority of irresponsible people is a suitable price to pay to help ensure that the rest of the community enjoys quality of life and is not subject to threats to life and limb.

I support this measure and look forward to it being implemented—the sooner the better. I believe it will add to the already successful antihoon initiative—which, incidentally, has been picked up by Tasmania and Victoria. They have seen how the law has worked here and it did not take them long to realise that the antihoon measure in South Australia was a good one, built on the best experience elsewhere. I am sure that others will also look to the experience here in relation to wheel clamping. I support this bill and urge members to give it a speedy passage.

Mr O'BRIEN (Napier): I rise to support this bill, and I do so because the range of activities that fall under the banner of hoon driving has been a long-held and ongoing concern to the constituents of the electorate of Napier. This bill is a further plank in the raft of legislation this government has put in place to assist police in effectively controlling the problem of hoon driving, and builds on the election pledge this government made last year. The bill also broadens the net to capture other antisocial behaviour that is of equal concern to the residents of Napier—namely, graffiti and vandalism.

Over the years complaints about hoon driving have been one of the major reasons people have made contact with my office, and residents have told me that they are sick and tired of being disturbed at all hours of the day and night by hoons doing burnouts and doughnuts, and of having their streets

graffitied by tyre rubber—and if people are in the Elizabeth area and want to get off Main North Road they will find numerous examples of streets that are blackened with tyre marks. As a new member in 2002, I included in one of my first newsletters a reply-paid form inviting the constituents of Napier to identify hoon-driving black spots. I was overwhelmed by the response, because I received in excess of 200 forms that detailed areas of the electorate that were habitually used by hoon drivers to perform the doughnuts and other forms of burnout.

Hoon driving laws were introduced in February 2005. I flew to Sydney probably 12 months prior to the introduction of this legislation to have discussions with the New South Wales police on the effectiveness of their legislation. Legislation was introduced in February 2005, and I believe that it has been effective to a degree in curbing hoon driving, but more still needs to be done. The existing antihoon driving laws have seen over 2 400 offences reported statewide, including the following activities: driving a motor vehicle in a race between vehicles; operating a motor vehicle to produce sustained wheel spin—and this is of major concern to my constituents; driving a motor vehicle in a public place to cause engine or tyre noise—again, a major concern to residents in the Elizabeth area; and driving a motor vehicle onto an area of park or garden. I know from previous discussions on legislation dealing with hoon drivers that the activities of young fellows in farm areas in taking their utes onto wheat land and causing absolute mayhem with wheat crops is of particular interest to members of parliament with rural constituencies.

There have also been over 1 400 cars impounded for such offences, and I think this has been the real sting in the tail of this legislation to date. In the Elizabeth local police area, drivers were charged with 297 driving offences up until the end of March 2007, and more than 130 vehicles were impounded in the same period. More charges have been laid in the Elizabeth local service area than anywhere else. This indicates both the effectiveness of Elizabeth SAPOL and the unfortunate fact that these offences are particularly prevalent in the Elizabeth area.

Some people have expressed puzzlement at this government's action in putting so much effort into cracking down on what is sometimes considered to be just petty criminal behaviour. Doing a burn out on a suburban street is not a major crime, but it is the sort of behaviour that can ruin the lives of ordinary law-abiding citizens. Since I have been the member for Napier, I have had a number of calls from entire streets that are sick to death on a Friday or Saturday night, generally anywhere between 11 p.m. and 2 o'clock in the morning, when young blokes do doughnuts on particular intersections, waking up the whole street, and terrifying the residents that a vehicle will go through their front wall.

Through this reckless and antisocial behaviour a small minority can terrify entire neighbourhoods. Parents are scared to let their children play in local parks, or even in their front yards, because some people—mainly young men—are using the neighbourhood streets in a manner akin to drag strips. A number of mothers have come to see me, saying that they are terrified for the safety of their young children playing in the front yard. Residents are also having their peace and quiet disturbed by hoons doing burnouts at all hours of the day and night. And, understandably, people are also upset at having the image and appearance of their neighbourhood destroyed by skid marks up and down suburban back streets.

I think the Salisbury council took fairly progressive action in this regard in terms of classifying burnouts that leave rubber on the road as being akin to graffiti, and imposing graffiti fines for the removal of the rubber skid marks on the road. When people cannot sleep at night, are too scared to let their children play in local parks or in their own front yards and, in come cases, feel justifiably that they are in danger when pottering around in their front yards on weekends, it should be a major concern for a responsible government to act.

A responsible government must also consider the safety of the hoon drivers themselves: for the most part, young men who are placing themselves at risk of serious injury and even death. Several officers of SAPOL Elizabeth have put it to me that they believe that one of their major functions is actually keeping young men from the age of 18 to 25 or 26 alive, working on the assumption that, at around age 25 or 26, these young blokes are sufficiently mature to realise that they are endangering both their own lives and the lives of people in their neighbourhood.

A responsible government must, at times, help people to help themselves. We need sufficiently severe punishment for young men to realise that undertaking such dangerous activities is not an acceptable way to let off steam or have fun on a Friday or Saturday night. I believe that action taken by this government to date has been highly effective in combating the blight of hoon driving, but there is always more that can be done. This bill provides the police with yet another weapon in their fight against hoon driving.

This bill will see hoon drivers, drug drivers and graffiti vandals with their vehicles clamped at home, impounded or forfeited. The new laws give police the power to home clamp a car for up to 90 days, compared to the current 48 hours. Wheel clamping a car has several advantages over impounding a vehicle, and the Attorney outlined these in the second reading explanation. First, it alleviates the pressure on police resources in terms of towing and, more importantly, storing cars. I had discussions with the New South Wales police on this very issue—it is demanding of police resources. I believe that the wheel clamping method will, in large part, overcome this issue.

Secondly, it acts as a strong visual deterrent to other would-be hoons. If a young man sees a bright yellow clamp on his mate's car, he will probably think twice before engaging in such activities himself. I think this has been the central thrust of all hoon driving legislation that has been brought into this house: the deterrent effect not only on the individual who has received his first warning or had his vehicle impounded for a short period of time but also the message it sends to his mates who get out on the road with him in their vehicles on a Friday or Saturday night, or whenever, that they too could lose their vehicle for a short to medium period of time through impoundment or, ultimately, through forfeiture.

I have to say that, in the Elizabeth area, motor vehicles are pretty central to the lives of young men. Disabling a young man's pride and joy by wheel clamping is perhaps the most effective punishment and deterrent that we can provide. These new sanctions will give South Australia some of the harshest penalties in the country, and I do not think the government apologises for this at all.

Mr Venning: As long as it is not your son.

Mr O'BRIEN: No, he has a little Vespa-style scooter, so he tootles off to university every day. We continue to crack down on this sort of antisocial behaviour that blights many

neighbourhoods. I was keen to hear the member for Schubert's interjection, because he has been very much the champion of this particular approach. I certainly commend him for the way he has pursued this matter over the years.

I referred a little earlier to the behaviour of some young country blokes with their utes who were actually getting out into wheat paddocks, probably just a couple of weeks short of being ready for harvest, and doing doughnuts and causing damage that must run into thousands and thousands of dollars for hardworking farmers. I really do not want to lose sight of the fact that this is not only a problem that affects my electorate but, I believe, other areas of the state—there is a problem in the South-East and Yorke Peninsula. It is an issue that SAPOL has to contend with outside the metropolitan area.

The new measures also increase the range of offences for which courts can enforce the impounding or forfeiture of a vehicle to include driving an uninsured or unregistered vehicle, drug driving and graffiti vandalism. I think the extension of the legislation to deal with drug drivers and people who commit vandalism is to be commended. It also allows for any vehicle owned by the alleged offender to be home clamped or impounded, not only the vehicle the offence was committed in. This was an issue that we grappled with a couple of years back when the legislation was first introduced and we have decided that we are going to get a little tougher. Mums and dads out there, who know that their son is taking the family car and is making a damn nuisance of himself, now have to intervene and do something about their son's driving behaviour because their vehicle will be in line for clamping or impounding.

That is definitely a tightening of the position, as opposed to what it was a couple of years ago when there was concern about the impact on dad getting to work if the vehicle was impounded. The community has had enough of hoon driving. The legislation has been effective to date and the message is getting out to young people but I think this legislation recognises the fact that mum and dad also have a role in influencing the behaviour of their children.

The new measures also extend from five years to 10 years the period for which the court can take into account a previous offence. The government is sending a strong message to hoon drivers that their actions will not be tolerated. People who choose to endanger the lives of others with their reckless and selfish behaviour, or who destroy public and private property and refuse to respect the rights of others to the quiet enjoyment of their homes, will be held accountable for their actions. I commend this bill to the house.

The Hon. M.J. Atkinson interjecting:

Mr VENNING (Schubert): I heard that interjection and, yes, he is a good member of parliament and he is continuing. I agree with the thrust of this bill because we should embrace anything which stamps out hoon behaviour. I have seen a fair bit of it. As the member just said, you have to be very careful that it does not involve your own family. I ask any male member of this house: did you ever do a doughnut or a wheelie in your younger days? I have to confess that I did.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: That is okay, these things have happened (and they do happen) but you do not do them in public places, you do them out in the paddock where it does not affect anybody else. Some would say that it is good driver training to throw wheelies and doughnuts to learn control of the vehicle.

I have no problem with this legislation, even though, on the surface, it does look to be rather radical because of the physical action that is taken. It does work because the hassles caused to a person by clamping and immobilising the vehicle are immeasurable and affect people in different ways. I do have a concern, though, that this action may take place before the umpire (that is, a court) can actually decide whether or not a person is guilty. That is of concern to me. According to Australian law, a person is innocent until proven guilty but, in this instance, it seems to be flouting that principle. Bang, you are clamped—even if you happen to be in the vicinity—and what rights do you have? I can see a problem with this down the track unless there is some avenue for people to appeal.

The opposition will also be introducing an amendment to list the offences that are involved with this legislation. I do not believe any of us should rely on regulation to bring these offences in, because it is a fairly strong measure. I believe that parliament, via legislation, should clearly name what the offences are and, if the Attorney-General or anybody else wants to change that, a quick amendment in the house should rectify that problem, and not just leave it to regulation. As I said, it seems to be a fairly draconian measure to enforce the law, but, for some, it is probably the only measure that will have the desired effect, and I think that has already been proven.

I am happy that we extend the period from two to seven days. That is introduced as an alternative to impounding. I would like the Attorney-General to spell that out: why is this a good alternative to the impounding provision that is already available?

The Hon. M.J. Atkinson: Your lead speaker did that.

Mr VENNING: Well, I want you to spell it out. I am asking the minister to do that as well. Also, if the car does not belong to the offender, it can be a fairly sticky situation, particularly if it is owned by a finance company, and the driver can walk away from the car, and I have no hassles with that. What if it belongs to a friend who may or may not know that the offender is using his or her car? What if it belongs to mum and dad, particularly if dad needs the car tomorrow to go to work? These are the little things that can—

The Hon. M.J. Atkinson: We are trying to change behaviour.

Mr VENNING: I am not making excuses. Are there any avenues for somebody to appeal and say, 'Look, I know my son or daughter did this, but this is my vehicle'.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: Well, sometimes if mum and dad are away for the weekend and the kids have got the keys, they do not know, do they? All I am asking is whether there be a right of appeal in these unusual circumstances. I am also happy that wheel clamping is to be available for more offences, not just hoon driving. Also, what happens if a vehicle is damaged during clamping? Is that dealt with in the legislation? I have not found it there. If people want to do wheelies—

The Hon. M.J. Atkinson: I doubt it would be damaged during clamping. It might be damaged during unscheduled unclamping.

Mr VENNING: My shadow minister shows me that it is there; that is good. That is right, either way. I am just saying that some people are going to be offended by getting clamped, and they are going to look for any avenue to get back at the system, and I am pleased that it is covered in the

legislation. If people want to do wheelies, doughnuts, burnouts, brake spins, they can, but not in a public place. Facilities are available at racetracks. I have one in my own electorate at the Collingrove hill climb—which we call the burnout pad—in the Barossa, and yes, it is well patronised, and I have to say it is a skill for many to be able to control their cars under these conditions. However, there is excessive noise and visual and odour pollution which people should not have to put up with in public, as it is dangerous in a public place. These pads have cement fences so, if the drivers of the cars lose control, none of the spectators can be hurt. It is a good spectator sport. It is quite spectacular with the noise, the smoke and the screaming exhausts, and a lot of people get a buzz out of it, but it is not for a public place. We have these facilities in certain areas, and I urge people to use them.

I am interested to find out exactly what the other states are doing. As a previous speaker has said, I think we lead the pack in relation to this sort of legislation, but I would like to keep an eye on what the others are doing. I have no problem dealing with hoon drivers who cause terror and nuisance in our streets, and I regularly witness this at West Beach when I am staying in Adelaide. Seaview Road becomes a track for the hoons who scream along it continually and rev their motors and their motorcycles, and create a huge public nuisance.

It ought to be a serious offence to tamper with the brake system of a registered motor vehicle. They actually disconnect the rear brakes of the vehicle—or have a tap so they can switch them off—then they apply the brakes to the front wheels which allows the back wheels to spin madly out of control. So it ought to be a clear offence to mess with a registered motor vehicle in this way, because it is dangerous.

This is an extra power given to our police and, as the member for Stuart said, members of the public must have the right to appeal, because we do get overzealous police officers. The police get it right most of the time but not every time. I think that an aggrieved person must have a way of saying, 'Look, this is not me. It is not fair.' Also, wheel clamping will cause different levels of inconvenience to different people. Not much inconvenience is caused to people living in the city, because they can get a cab and go home. However, what happens if someone is living at Caltowie, Jamestown or somewhere else in the country?

Those people will experience much more inconvenience, and I hope that the police will be more lenient in relation to those matters. Again, I recognise that, if the offence has been committed, some deterrent needs to be put in place, but we must realise that people living in the city will not suffer the same inconvenience with respect to wheel clamping. Also, people who continually and deliberately drive an unregistered vehicle will be picked up by this legislation. I think that is great, because people are so blatant now.

They could not give a fig about driving an unregistered vehicle—in fact, they almost flaunt it. They get detected, and what do they do? They do nothing. They go out and buy another bomb and drive it unregistered; and, usually, they have no licence. At least physically clamping the vehicle is an inconvenience, because they lose the vehicle they were using. Someone mentioned people continually driving defected vehicles; they continue to drive the vehicle after it has been defected. Another honourable member mentioned earlier the figure of 420 cases a week. It is unbelievable that we have that many.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: No, we can do it here. We can quickly put it in here. Obviously, a defected vehicle is pulled off the road for a reason and, if the person goes to drive away, bang on the clamp, and that fixes that. I fully support that, because people take no notice. Does this legislation apply also to trucks? I presume that it does, because we get irresponsible truck drivers, too. We see the irresponsible use of exhaust brakes, which cause excessive noise. We see tailgating and intimidating driving. They are almost as bad as some car drivers, but luckily we have fewer hoon-types driving trucks than driving motor cars. Most truck drivers are much more responsible.

I think that more effort ought to be put into catching offenders, and we can do that by having more police in those trouble spots. You can almost guess when the offences will occur, particularly on weekend nights in certain places in Adelaide. We should have more police in unmarked motor cars (which are a great deterrent) and security cameras, as well as encouraging people to come forward and dob in the people who are continually causing a public nuisance. This legislation should also apply to my favourite subject, drug driving. Persistent drug drivers ought to come under this legislation. We should just take away their vehicle and lock it up.

The Hon. M.J. Atkinson: They do, Ivan.

Mr VENNING: They do? Well, it has been spelt out again, and I am pleased. Graffiti vandals are totally lawless. The cost and hassles they cause people, particularly those who actually scratch glass in shops and public places, is despicable. I think that vandals generally should come under this legislation. It is unusual to be debating an issue such as this, but it is a very physical deterrent against an obvious public nuisance. Let it be a lesson to us all. If these measures work when nothing else has worked, then we support the bill. I hope that our amendment, which spells out exactly what is part of this bill, will be successful and that we do not leave it to regulation. I support the bill.

Mr KENYON (Newland): I rise briefly to speak on this excellent bill. Hoon driving was a bit of an issue in my electorate, especially in the lead-up to the last election. It has quietened down somewhat as a result of the introduction of our previous hoon-driving legislation, but it is still an issue around the place. I believe that this bill will contribute to the solution of that problem. One matter I would like to address with respect to this problem is the issue of council roads and the role they play in hoon driving. Often they play the role of being a shortcut between arterial roads, and a lot of the hoon driving can be ascribed to this. I would like local councils to be particularly aware of this and start taking appropriate measures to reduce it. I met some constituents in Toovis Avenue a couple of weeks ago, and also I have been working with people in Whiting Road, St Agnes who have these problems, and I would very much like to see the local council make an effort to reduce the incidence of shortcuts to arterial roads.

Mr PICCOLO (Light): I rise to strongly support this bill. In my comments, which will not take long, I will not comment about the detail of the bill at this time, because it has been well covered in the Attorney's second reading speech and also by the lead speaker for the opposition, the member for Heysen. My comments will address the concerns of the community regarding the increase in the incidence of hoon behaviour and graffiti. In my opinion the bill sends a

very clear message to offenders that their hoon behaviour and antisocial graffiti activity will not be tolerated and will have serious consequences.

In my electorate, the feedback I get from questionnaires, etc., is that hoon behaviour and dangerous driving would be the No. 2 item in terms of complaints, followed closely by graffiti at No. 3; but, unfortunately, at this point in the race, Light Regional Council still has the guernsey for being the generator of most complaints to my office. Hoon behaviour is viewed by some as a normal behaviour and that 'boys will be boys', but I do not share that view. Hoon behaviour has significant negative impacts—economic, social and environmental—on local communities.

In terms of the economics, I know from my days as mayor and councillor that it necessitates repairs to roads, footpaths and infrastructure. Local councils spend a significant amount of money to repair damage done to local infrastructure by these young hoons. In terms of the social impacts, many people feel (rightly or wrongly) unsafe in their homes, streets and parks when hoons scream around their neighbourhood. Elderly people and people with young children feel particularly vulnerable to the activities of these hoons in our community. In terms of the environmental impact, the burning rubber and other associated pollution and noise have serious impacts on local neighbourhoods.

The two local service areas in terms of policing which cover my electorate (Elizabeth and Barossa Yorke), fortunately and unfortunately, have equally the highest level of apprehensions. We are fortunate because the police are very proactive in these two LSAs, but unfortunately we also obviously have a number of people who are doing the wrong thing. Hoons can change a pleasant, safe and family-friendly neighbourhood and an area where people love to live into a nightmare experience, and we get ongoing complaints in my office regarding hoon behaviour. I acknowledge that the majority of road users do the right thing and that this bill will affect a small minority in our community, but the impact this has is disproportionate to their numbers. These few in our community who cannot respect the rights of their neighbours and others in the community also deserve to have their rights restricted through the proposed new rules in this legislation. If the new impounding and clamping laws cause some inconvenience, so be it: they have chosen to behave in this way.

What I have said about the impact of hoon driving on the community is also true for graffiti. In recent times the local historic Gawler Railway Station has been the subject of an increasing amount of graffiti. It is particularly galling for the community, because the Gawler Railway Station has benefited from a huge amount of community involvement through a restoration program under the guidance of the Gawler Lions Club, and people have seen a lot of their work undone by these senseless acts of graffiti. At this point I would also thank the local police, who have responded very well to complaints regarding hoon behaviour, and they have worked closely with my office and staff to tackle the hot spots when they are brought to my office's attention. I think the proposed laws are a further step in the right direction, and I fully commend them to the house.

Mr BIGNELL (Mawson): I also rise to support this bill. In the southern suburbs we have seen a dramatic reduction in crime during the past five years under the Rann Labor Government. In particular, the first wave of antihoon legislation has meant that these antisocial, undesirable elements in our society have been halted somewhat. It has been very encouraging to see a reduction in those types of offences, but, obviously, more needs to be done. In order to reduce crime we need two things: first, stiff penalties; and, secondly, a high chance that the people doing the wrong thing will be caught. This government has increased penalties and brought in tough new laws. It has also put hundreds of extra police on the beat. In South Australia we now have more police than at any other time in our state's history. When there is a fair chance that people will get caught for doing the wrong thing it acts as a disincentive. This bill will ensure that more hoons are taken off our roads and we will see an even greater reduction in this type of antisocial behaviour.

I regularly attend Neighbourhood Watch meetings in the electorate of Mawson at Hackham West, Willunga, McLaren Vale and Woodcroft, and soon at our new Neighbourhood Watch group at Hackham South, which has had fantastic local support. Graffiti and hoon driving are concerns that most upset people. These are senseless and unnecessary crimes and people would like to see an even greater reduction. When I informed the Neighbourhood Watch groups of the Attorney-General's intention to move to home-clamp, impound or forfeit vehicles of offenders involved in a range of offences (including hoon driving, drug driving and graffiti vandalism), it was welcomed enthusiastically by Neighbourhood Watch groups and their members. This is the sort of legislation that people want to see governments introduce and not put into the 'too hard' basket, as preceding governments have done for many years. It is a simple and effective measure to reduce this type of crime.

I congratulate the police in the South Coast Local Service Area. The police have been very responsive to the concerns of the community. My office liaises closely with them. They are running several operations. One of the problems the community has at present is with mini-bikes and larger motor bikes being ridden through school grounds, public parks and along bike tracks. The police are doing a marvellous job hitting these people who are hard to track down. They have good operations in place and we are seeing a significant reduction in this type of crime. The police are working with the City of Onkaparinga, and I congratulate the council for the way in which it works with the police and state government to curb graffiti and other crime. In some parts of the electorate they have changed the surface of the road in order to make it impossible to do burn-outs without ripping tyres to shreds, so some proactive things are being done by the police and the local council. I support this bill and acknowledge the widespread support of the people of the electorate of Mawson.

The Hon. M.J. ATKINSON (Attorney-General): I am pleased that so many members contributed to this debate. The opposition asked which offences will be prescribed. They are: misuse of a motor vehicle, excessive amplified sound-related offences, excessive speed, driving under the influence of alcohol, driving with more than the prescribed content of alcohol in the blood, driving with a prescribed drug in oral fluid or blood, dangerous driving, dangerous driving causing death or injury, dangerous driving to escape police pursuit, marking graffiti, damage to property if the offence involves graffiti vandalism, a second or subsequent offence of driving uninsured, a second or subsequent offence of driving an unregistered vehicle, a second or subsequent offence of driving whilst licence is suspended, cancelled or disqualified,

and a second or subsequent offence of driving never having held a licence.

For those such as the opposition who would criticise prescribing these offences by regulation, I say that there are two offences in that list which are comparatively recent and, had the parliament dealt with this matter a year ago, it would not have included those offences in the act. They include driving with a prescribed drug in oral fluid or blood and dangerous driving to escape police pursuit, an offence arising from the Kapunda Road Royal Commission. If we had to come to parliament again and again to include new offences as they are created, then human nature and the machinery of government being what it is, these matters would be overlooked. It is just one of the lessons of government, and it surprises me how quickly the parliamentary Liberal Party has forgotten the lessons of government.

For the record, it was not a government bill that introduced the first hoon driving law but indeed a private member's bill introduced by the member for Fisher. It is my practice as Attorney-General that, if the opposition or minor parties have good ideas, good proposals for legislation—

Mr Venning: You steal them.

The Hon. M.J. ATKINSON: No, I don't steal them; that's what the attorney-general of blessed memory did. The Hon. K.T. Griffin used to pretend that government legislation owed nothing to private members' bills. He would shamelessly turn private member's bills into government legislation and then ignore their providence. My practice is to support private member's bills wherever they come from, on merit, and that is why I will support the Hon. Ann Bressington's bill to ban drug paraphernalia, but I will support it as a private member's bill and not co-opt it.

Mr Venning: That's a change.

The Hon. M.J. ATKINSON: It's a change from Trevor Griffin's practice, that's true. The opposition complained that there were no police guidelines for exercising discretion. There are no guidelines now. This bill does not make any difference: police discretion is treated the some way under this bill as it is under every other area of the law. If police discretion is misused, there can be complaints to the Police Complaints Authority and, if a police officer does not act honestly in the exercise of his discretion, he will be liable civilly for any damage caused.

It is true that there are no hardship provisions for 48 hour or seven day impounding or wheel clamping; it would be an administrative morass if there were. I do not think any member of the Liberal opposition with ministerial experience could support that idea. I note that the idea to have hardship provisions for an impoundment that might last 48 hours (or in this case seven days if the bill passes) comes from the member for Schubert, who does not have practical experience in administration.

The member for Schubert asks about a third party who might own the vehicle used by a hoon. Cabinet thought very carefully about this and believed that, if we were going to change behaviour, we had to make the punishment absolute and apply it to the vehicle and, if the owner wants to avoid his or her vehicle being impounded or wheel clamped, then that owner ought to be fussy about to whom he or she lends the car. We want to change behaviour and, if the owner of the car is wont to allow the car to be borrowed, then he or she had better make sure it is not liable to be used for hooning or that it is not being lent to a persistently unregistered, uninsured, unlicensed driver or, in some cases, someone who has never had a licence.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: Owners of vehicles must be choosy about those to whom they lend their vehicle. The member for Schubert asked: why wheel clamping? I think the member for Heysen dealt with that well. We cannot have acres worth of police yards being taken up by impounded vehicles and, indeed, I think it will have a good deterrent effect. I do not think shame is used enough in our criminal law, and to have bright yellow wheel clamps applied to a vehicle in one's home tells the whole neighbourhood what someone in the household has been doing. The member for Heysen asked a good question about the distinction between forfeited vehicles and uncollected impounded vehicles, and queried why the proceeds from one went to the victims of crime fund and the other went into the unclaimed moneys fund.

The answer is: the state does not own an impounded vehicle, although, through a relevant authority, it may exercise a statutory power of sale over it when it is not collected upon ceasing to be liable to be impounded. It is not and should not be the business of the relevant authority to find and pay the owner or owners of the vehicle the balance of the proceeds after such a sale. The owner may be someone other than the driver. He may have been overseas and did not know about the impounding, for example, parents of the hoon driver. That is why the act provides that, after certain deductions and payments, the proceeds of the sale of an uncollected impounded vehicle are to be dealt with, in accordance with section 7A of the Unclaimed Moneys Act 1891, as money the owner of which cannot be found. This means that the proceeds go to the Treasurer. The person who can demonstrate that he or she is entitled to these moneys may claim the proceeds from the Treasurer under section 8 of the Unclaimed Moneys Act.

If the money is not claimed, it goes into general revenue. If there were not such a provision, the overseas owner could not get his or her money back (as the member for Heysen postulated) from the victims of crime fund. In contrast to the status of an impounded vehicle, the state owns a vehicle when it is forfeited under the act: forfeiture extinguishing all other rights to that vehicle. After a forfeited vehicle is sold by a relevant authority, the proceeds of sale would, unless special provision were made by legislation, go into general revenue. The act provides instead that, after some deductions and payments, the balance of proceeds of sale after forfeiture is to go to the victims of crime fund. I thank the opposition and Independent members.

The Hon. G.M. Gunn: What about the matter I brought to your attention? What about the example of the people's wedding car being taken?

The Hon. M.J. ATKINSON: I will look into the wedding car of Stirling North and get back to the member for Stuart about that matter.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

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

Page 3, lines 12 and 13—
Delete the definition of credit provider and substitute:
credit provider means—
(a) a credit provider within the meaning of the Consumer Credit (South Australia) Code; or
(b) a person who, in the course of business, hires out goods under leasing agreements or hires out or agrees to sell goods under hire-purchase agreements;

I move this amendment and will be moving amendment No. 3 to ensure that the interests of all those who finance motor vehicles commercially are protected in the new regime for clamping, impounding and forfeiture of vehicles. The bill already ensures that credit providers, defined to have the same meaning as under the Consumer Credit (South Australia) Code, are notified and may be heard, when necessary, to protect their interests in vehicles. It allows credit providers exercising their rights under the code to repossess vehicles that have been impounded or clamped once they have obtained the permission of the court to do so—remembering, of course, that under this bill a magistrate may order up to 90 days impounding.

Of course, to go back a step, in reference to the member for Schubert, that is when the hardship provision will come in. If a further period of clamping is ordered by a magistrate on top of the police clamping, there is a right for interested parties to make representations to the court. Representatives of credit provider associations have pointed out that, in defining credit providers in this way and limiting rights of repossession to those arising under the code, the bill will not protect the interests of commercial financiers that only offer lease and hire-purchase products to finance motor vehicles and do not also offer loan products in a way that would amount to the provision of credit under the code. They say that this will exclude fleet vehicle lessors. There is no reason in principle to distinguish between the interests of these two kinds of financiers and the protections offered by the bill. Amendment No. 1 includes people who finance vehicles by lease or hire, as well as those who finance a vehicle by the provision of credit within the meaning of the code.

Mrs REDMOND: I acknowledge and accept the indication from the Attorney-General in relation to this change to the definition of 'credit provider' as broadening it. However, I still have a concern about the people who are not in the business of providing this commercially. For instance, if I lent my nephew the money to buy a car, it seems to me that, whilst I agree that there is no reason to differentiate between the credit provider under the code and anyone else commercially providing the finance for a vehicle under hire-purchase or whatever, it would be reasonable to then extend the same thinking to provide similar protections to anyone who has a financial interest in the vehicle, provided they had the necessary paperwork to substantiate that interest; there would have to be, for instance, a formal loan agreement or something like that in order to substantiate it. However, I can see no reason why we are only going to give this protection for another interested party to a formal circumstance of a credit provider either under the credit code or under a commercial hire-purchase or leasing arrangement. I wonder whether the Attorney can comment on what consideration was given to that option.

The Hon. M.J. ATKINSON: This is really a problem of notice rather than the government attempting to exclude anyone from the benefit of the provisions. For magistrate-ordered impounding, any party with a relevant interest can apply to the court, but the problem is going to be getting notice. We know the people with interests in the car under the Goods Securities Act and the Motor Vehicle Act because they are registered but, in the case of an aunt lending a nephew money to buy a car, we do not. However, they do have a relevant interest, and they can be heard both on court-ordered impoundment and on forfeiture.

The Hon. G.M. GUNN: I have a question, and I think this clause, which relates to interpretation, is probably the place to ask it. In relation to the seizure of or putting clamps on a car, what protection does an owner of possibly more than one vehicle have when the police come along and clamp the wrong car? What redress would the person concerned have? That could easily happen if someone owns two or three vehicles. What redress does that person have in relation to what would be, in my view, an illegal or improper act?

The Hon. M.J. ATKINSON: If the police make a mistake and it is drawn to their attention, they will have to act accordingly and reverse the effect of their mistake. However, under this law, police can impound a car owned by the alleged offender other than the car that was used for the hooning, but it has to be that person's car; it cannot be another person's car. So, the police, upon being informed that they have the wrong car and presented with evidence of such, will have to act and take off the clamps.

Progress reported; committee to sit again.

[Sitting suspended from 1 to 2 p.m.]

APPROPRIATION BILL

Her Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

ARRESTER BED

A petition signed by 31 residents of South Australia, requesting the house to urge the government to construct a gravel arrester bed or equally effective infrastructure on the west side of Main South Road, just prior to Seacombe Road, to allow trucks and other large vehicles to stop safely in the event of mechanical difficulty, was presented by the Hon. R.B. Such.

Petition received.

QUESTIONS

The SPEAKER: I direct that the written answers to questions as detailed in the schedule I now table be distributed and printed in *Hansard*.

PUBLIC SECTOR EMPLOYMENT

In reply to **Mr HAMILTON-SMITH** (Estimates Committee A).

The Hon. K.O. FOLEY: I am advised the following:

1. I refer the Honourable Member to the 2006 Auditor-General's Report.

2. The following positions with a TEC of $100,000 or more were abolished or created between 30 June 2005 and 30 June 2006:

Deputy Premier
Positions Abolished:

Department/Agency	Position Title	TEC Cost
South Australian Motor Sport Board	Nil	Nil

Positions Created:

Department/Agency	Position Title	TEC Cost
South Australian Motor Sport Board	Nil	Nil

Treasurer
Positions Abolished:

Department/Agency	Position Title	TEC Cost
Essential Services Commission of South Australia	Nil	Nil
Funds SA	Nil	Nil
Motor Accident Commission	Nil	Nil
Treasury and Finance, Department of	Nil	Nil

Positions Created:

Department/Agency	Position Title	TEC Cost
Essential Services Commission of South Australia	Director Legal, Compliance and Consumer Protection	$127,591
Funds SA	Nil	Nil
Motor Accident Commission	Nil	Nil
Treasury and Finance, Department of	Director Finance, SA Government Financing Authority	$125,000
	Principal Contract Manager, SA Government Financing Authority	$120,000
	Director, Account Management, Finance Branch	$124,712

In reply to **Mr HAMILTON-SMITH** (Estimates Committee B).

The Hon. K.O. FOLEY: As indicated in the tables below, I am advised that no employees for the following agencies/authorities were surplus as at 30 June 2006:

Deputy Premier

Department/Agency	Classification	TEC Cost $
South Australian Motor Sport Board	Nil	Nil

Treasurer

Department/Agency	Classification	TEC Cost
Treasury and Finance, Department of (excluding the former Department of Administrative and Information Services)	Nil	Nil
Essential Services Commission of South Australia	Nil	Nil
Motor Accident Commission	Nil	Nil
Superannuation Funds Management Corporation of South Australia	Nil	Nil

UNDERSPENDING

In reply to various members (Estimates Committee A and B).

The Hon. K.O. FOLEY: All carryovers are subject to Cabinet approval. However, government agencies are not required to seek Cabinet approval to carryover all underspending. This means that there is some underspending that is not considered by Cabinet for possible carryover. It is, however, possible to report all expenditure that was approved by Cabinet for carryover. This information is provided in the following table.

It should be noted that there is not, in all cases, a one to one relationship between Ministers and agencies. The agency data therefore only reflects that part of the agency that reports to the Minister.

2004-05 estimated level of expenditure by Minister

Minister	Agency name	2004-05 Underspend Estimated in 2005-06 $000's	Approved Carryover expenditure into 2005-06 $000's
Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change	Premier and Cabinet, Department of the	4 926	3 351
	Administered Items—Premier and Cabinet	9 393	9 178
	Arts SA	861	150
	Libraries Board of SA	505	280
	State Governor's Establishment	370	370
Deputy Premier, Treasurer, Minister for Industry and Trade	Trade and Economic Development	25 108	696
	Treasury and Finance	1 831	315
	Essential Services Commission of SA	91	65
	Support Services to Parliamentarians	1 271	695
	Independent Gambelieveing Authority	242	-
	Contingency Provisions	4 766	638
Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning	South Australia Police	6 828	3 699
	Administered Items—South Australia Police	250	-
	Primary Industries and Resources, Department of	630	-
	Planning SA	411	411
Minister for Transport, Minister for Infrastructure, Minister for Energy	Transport, Energy and Infrastructure, Department for	16 241	12 725
	Administered Items—Transport, Energy and Infrastructure	5 767	367
Attorney-General	Attorney-General's Department	2 736	721
	Administered Items—Attorney-General's Department	8 660	1 339
Minister for Health, Minister Assisting the Premier in the Arts	Health, Department of	30 335	22 950
	Health Regions & Other Health Entities	15 555	7 511
	South Australian Ambulance Service	6 345	3 791
Minister for Administrative Services & Government Enterprises, Minister for Industrial Relations	Administrative and Information Services, Department for	13 608	6 679
Minister for Education & Children's Services, Minister for Tourism	Education and Children's Services, Department of	20 745	20 695
	Administered Items—Education and Children's Services	476	232
	South Australian Tourism Commission	1 500	1 500
Minister for Families and Communities, Minister for Aboriginal Affairs and Reconciliation, Minister for Housing, Minister for Ageing, Minister for Disability, Minister Assisting the Premier in Cabinet Business and Public Sector Management	Aboriginal Affairs and Reconciliation, Department for	1 656	666
	Administered Items—Aboriginal Affairs and Reconciliation	5 240	5 240
	Families and Communities	24 764	15 427
	Administered Items—Families and Communities	4 104	3 608
	DFC—Incorporated Disability Services	2 664	2 664
Minister for Agriculture, Food & Fisheries, Minister for Forests	Primary Industries and Resources, Department of	3 448	2 668
	Administered Items—Primary Industries and Resources	1 460	748
Minister for the River Murray, Minister for Regional Development, Minister for Small Business, Minister for Science and Information Economy, Minister Assisting the Minister for Industry and Trade	Trade and Economic Development	3 869	-
	Attorney-General's Department	647	-
	Water, Land & Biodiversity Conservation, Department of	13 955	-
	Further Education, Employment, Science and Technology, Department of	2 399	262
Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs	Country Fire Service	585	585
	Emergency Services Administrative Unit	1 000	940
	SA Metropolitan Fire Service	1 433	1 344
	Correctional Services, Department for	1 915	1 645
	South Australian Fire—Emerg Comm—Al	1 018	1 000
Minister for Employment, Training & Further Education	Further Eduction, Employment, Science and Technology, Department of	11 537	9 872
	Bio Innovation	708	708
	Information Industries Development Corporation	31	31
	Playford Centre	117	117
	Attorney-General's Department	721	25

2004-05 estimated level of expenditure by Minister

Minister	Agency name	2004-05 Underspend Estimated in 2005-06 $000's	Approved Carryover expenditure into 2005-06 $000's
Minister for Environment and Conservation, Minister for Mental Health & Substance Abuse, Minister Assisting the Minister for Health	Environment Protection Authority	1 773	-
	Administered Items—Environment Protection Authority	1 279	-
	Water, Land & Biodiversity Conservation, Department of	10 119	5 005
	Administered Items—Water, Land & Biodiversity Conservation	8 277	-
	Zero Waste SA	3 692	2 165
	Northern Adelaide & Barossa Catchment Water Management Board	889	-
	Onkaparinga Catchment Water Management Board	1 514	-
	Patawalonga Catchment Water Management Board	1 465	-
	South East Catchment Water Management Board	377	-
	Torrens Catchment Water Management Board	1 910	-

MINISTERIAL TRAVEL COSTS

In reply to **Mr PISONI** (Estimates Committee A).

The Hon. K.O. FOLEY: The Department of Trade and Economic Development has advised the following:

1. The total cost of the Minister's trip, together with his travelling party, to the US to talk to a number of defence-related companies is $157,890.03. This figure includes airfare costs for AVM Roxley McLennan and Mr Tony Martin returning via the UK to exhibit at the Farnborough Air Show.

2. The names of each officer or adviser who accompanied the Minister on the trip are:

a. Mr Stephen Mullighan,
b. Mr Michael McGuire,
c. AVM (Retd) Roxley McLennan, AO and
d. Mr Tony Martin.

3. The costs of the trip were paid for by the Department of Trade and Economic Development.

4. The names of the organisations and their representatives with whom the Minister met are:

Organisation:
Northrop Grumman
Representatives:
Director, Asia Pacific International Business Development Global Hawk, Fire Scout, Targets
Global Hawk Pacific Rim Capture Team Lead, Unmanned Systems
Representative, Northrop Grumman
Organisation:
General Atomics
Representatives:
Chairman, General Atomics
Representative, General Atomics
President, General Atomics Aeronautical Systems
Business Development Manager, General Atomics Aeronautical Systems
Organisation:
Armor Holdings Aerospace & Defense Group / Stewart & Stevenson
Representatives:
President, Amor Holdings Aerospace & Defense Group
Chief Operating Officer
Vice President & General Manager, Tactical Vehicle Systems
Vice President, Business Development Stewart & Stevenson Tactical Vehicle Systems
Organisation:
L3 Communications Integrated Systems
Representatives:
President, Integrated Systems
Vice President, Surveillance Systems
Business Development Representative
Senior Director, Maritime Surveillance Systems
Program Manager, Maritime Surveillance Systems
Program Manager, Maritime Surveillance Systems
Organisation:
Lockheed Martin Aeronautics Company
Representatives:
Vice President, Joint Strike Fighter International Programs
JSF International Program Australia, Canada
Organisation:
Lockheed Martin Maritime Systems & Sensors
Representatives:
Vice President & GM, Surface-SBMD Systems
Vice President, MS2 Business Development
Director, MS2 Australian Naval Programs
Director, Australian Air Warfare Destroyer
Organisation:
Australian Consulate New York
Representative:
Australian Consul-General
Organisation:
Russell Investment Group
Representative:
Director of Strategic Advice
Organisation:
Federal Reserve Bank of New York
Representatives:
Vice President, Banking Studies Function
Senior Economist Macroeconomic & Monetary Studies Function
Organisation:
Bath Iron Works
Representatives:
President
Executive Vice President, Marine Systems
Vice President Programs
Vice President Strategic Planning, Business Development & Communications
Director of Facilities
Director, DDG Program Management
Director, Production Control
Manager, International Business Development
Organisation:
General Dynamics
Representatives:
Chairman & Chief Executive Officer, General Dynamics Board
Executive Vice President, Marine Systems
Director, International Business Development (Asia Pacific)
Organisation:
DD(X) Collaboration Center (Raytheon Systems Centre)
Representatives:
Program Executive Officer, Ships
USN, DD(X) Program Manager, PMS 500
Director, Future Naval Capability
Director, International Business Development
Organisation:
Gibbs & Cox

Representatives:
Chairman & Chief Executive Officer
Chief Operating Officer
Vice President, Business Development
Organisation:
The Boeing Company
Representatives:
Vice President/General Manager, Airborne ASW & ISR Systems Integrated Defense Systems
Director, Supplier Management & Procurement Airborne ASW & ISR Systems Integrated Defense Systems
Organisation:
Australian Government Department of Defence, Defence Materiel Organisation
Representatives:
Resident Project Team Leader, Project Wedgetail Representative, BAE Systems.

PUBLIC SECTOR EMPLOYMENT

In reply to **Mr HAMILTON-SMITH** (Estimates Committee A).
The Hon. K.O. FOLEY: I am advised the following:
1. I refer the Honourable Member to the 2006 Auditor-General's Report.
2. The following positions with a TEC of $100,000 or more were abolished or created between 30 June 2005 and 30 June 2006:
Minister for Industry and Trade
Positions Abolished:

Department/Agency	Position Title	TEC Cost
Port Adelaide Maritime Corporation	Nil	Nil
Trade and Economic Development, Department of	Business Development Manager, Defence	$ 150,000
Venture Capital Board, Office of the	Nil	Nil

Positions Created:

Department/Agency	Position Title	TEC Cost
Port Adelaide Maritime Corporation	Chief Executive Officer	$350,000 - $390,000
	Director Common User Facility	$280,000 - $289,999
	Director Precinct Development	$180,000 - $189,999
	Director Corporate Affairs and Government Relations	$150,000 - $159,999
	Director Corporate Services	$150,000 - $159,999
	Manager Project Delivery Precinct Development	$120,000 - $129,999
Trade and Economic Development, Department of	Chief Finance Officer	$ 104,917
	Director Case Management	$ 130,000
	Director Population & Migration	$ 130,000
	Director Strategy Division	$ 125,000
	Director Commercial Division	$ 179,283
Venture Capital Board, Office of the	Nil	Nil

MEDICAL STAFFING

In reply to **Ms CHAPMAN** (Estimates Committee B).
The Hon. J.D. Hill: I am advised:
The total number of doctors in the public system for June 2005 and June 2006, were 2,519 and 2,636, respectively. The number of full time equivalent doctors for June 2005 and June 2006 were 1,652.6 and 1,711.2, respectively.
The total number of nurses in the public system for June 2005 and June 2006, were 12,453 and 12,940, respectively. The number of full time equivalent nurses for June 2005 and June 2006 were 9,206.7 and 9,554.3, respectively.
These figures have been produced according to a standard approach for counting doctors and nurses in the public system, and exclude Central Office staff within the Department of Health.

QUARANTINE ROADBLOCKS

In reply to **Hon. R.G. KERIN** (Estimates Committee A).
The Hon R.J. McEWEN: There have been no cut-backs to the Yamba Quarantine Station, or roadblock, as it is regularly referred to. More specifically, there was no cut-back to the Yamba roadblock on the October long weekend.
The Yamba roadblock is vitally important to the quarantine status of the Riverland. It is strategically positioned and operated to provide the most appropriate level of protection to our industries.
Primary Industries and Resources SA (PIRSA) manage the roadblock sites. Each site has a budget, and when preparing budgets the Department takes into account the likely additional resource demands needed during periods of heavy traffic. Whilst every shift at Yamba is maintained by two inspectors, traffic numbers do vary and are obviously more constant during the day, and heavier on the last day of a school holiday period and a long weekend. This is taken into account in the budget process.

PIRSA is currently working with each roadblock site to identify opportunities for continuous improvement. Consideration is being given to knowledge and training in the many biosecurity risks to South Australia, supervision training and site management, process improvements, OHW & S arrangements, knowledge sharing, compliance skills, and data capture.

Part of the continuous improvement process involves reviewing the management of periods of intense traffic, and that was undertaken on the public holiday of the October long weekend. PIRSA's Plant Health Community Liaison Officer worked with roadblock inspectors on the holiday Monday and videoed traffic flow during the period. Not only did the exercise identify that these bursts are relatively short, around two to three hours, but also that the traffic movement over that period can be maintained. I am advised that the traffic flow was constant and no delays were observed.

As I stated during the Estimates Committee meeting, we have a responsibility to strike a balance between spending public money in the most appropriate way whilst providing an appropriate level of protection to our industries. The Department continues to fulfil it's obligation to constantly review operations, consider opportunities for improvement, and to deliver the most appropriate level of service within an allocated budget.

In reply to **Mr VENNING**.

The Hon. R.J. McEWEN: Mr Plowman's response to this issue provided most of the information required.
All that should be added is that PIRSA is half way through a four-year capital works program to upgrade all roadblock sites in terms of traffic management and OHW & S. PIRSA has worked very closely with the Department of Transport Energy and Infrastructure (DTEI) in considering the necessary level of infrastructure required at each site. This is also the case at Ceduna, however a suitable site has had to be identified and confirmed. The safety and adequacy of space to meet traffic management and OHW & S requirements is not negotiable, however PIRSA has advised at the early stages of this development that the relocation of the roadblock is to be at the developer's cost.

In reply to **Mr VENNING**.

The Hon. R.J. McEWEN: In terms of mobile roadblocks, the citrus industry funded a two-day exercise in May 2004. PIRSA has funded all subsequent mobile roadblocks and will continue to do so where activity levels and resources allow. Although it has been difficult to get industry to discuss funding further mobile roadblocks, there is now a clear process through the Horticultural Plant Health Consultative Committee. I am aware that the matter of roadblocks is listed in their strategic plan for action.

EDUCATION DEPARTMENT

In reply to **Dr McFETRIDGE** (Estimates Committee B).

The Hon. J.D. LOMAX-SMITH: The Department of Education and Children's Services has provided the following information:

In 2004-05 there were additional one-off expenses for accounting purposes, including land and building revaluation, changes in accounting practices and other expenses recorded from data in DTF financial systems in relation to the Portfolio Statement.

The $7.552 million in 2004 represents Program 2's allocation of those expenses.

The increase from the 2005-06 budget to 2005-06 estimated result is due to the reclassification of the Emergency Services Levy and auditor remuneration charges from 'Supplies and Services' to 'Other' expenses.

In reply to **Dr McFETRIDGE** (Estimates Committee B).

The Hon. J.D. LOMAX-SMITH: The Department of Education and Children's Services has provided the following information:

In 2004-05 there were additional one-off expenses for accounting purposes, including land revaluation, changes in accounting practices and other expenses recorded from data in DTF financial systems in relation to the Portfolio Statement.

The $24.368 million in 2004-05 represents Program 3's allocation of those expenses.

In reply to **Dr McFETRIDGE** (Estimates Committee B).

The Hon. J. LOMAX-SMITH: The Department of Education and Children's Services has provided the following information:

In 2004-05 there were additional one-off expenses for accounting purposes, including land revaluation, changes in accounting practices and other expenses recorded from data in DTF financial systems in relation to the Portfolio Statement.

The 2005-06 budget for other expenses was $206,000.

WATERPROOFING ADELAIDE

In reply to **Mr GRIFFITHS** (Estimates Committee B).

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

1. To provide a full detailed response on every project initiated by this government since 2002 that fits within the umbrella of the Water Proofing Adelaide strategy would be extremely time consuming, costly and impractical. Some include;

- Enactment of the *Natural Resources Management Act 2004* which provides the framework for an integrated and transparent natural resources management system.
- The Adelaide and Mount Lofty Ranges Natural Resources Management Board, has been established to deliver integrated and transparent management systems to the region.
- On 1 July 2006 it became mandatory in selected areas of South Australia to install a rainwater tank and have it plumbed into the house for new developments (and some extensions or alterations to existing homes). The new regulatory requirements are called up under the South Australian version of the Building Code of Australia 2006.
- On 1 July 2006 the Government introduced rebates to plumb new or existing rainwater tanks into existing homes. The rebate scheme further builds on the mandatory rainwater tank requirements for new homes.
- An Urban Stormwater Policy for South Australia has been approved and the *Local Government (Stormwater Management) Amendment Bill* has been introduced into Parliament to give effect to the Policy.
- The water resources of the Western Mount Lofty Ranges were prescribed on 20 October 2005. A water allocation plan for the region will now be developed with an expected completion date of December 2008.
- A new water allocation plan is being developed for the underground water resources of the Central Northern Adelaide Plains which has involved a review of groundwater trends (water level, salinity and use). In addition, water balances for the two main aquifers have been completed and a numerical groundwater model is being developed which will be used to define a sustainable groundwater yield for the region.
- The South Australian *Water Efficiency Labelling and Standards Act 2006* came into operation on 17 July 2006. The legislation is complementary to the Australian Government's Water Efficiency Labelling and Standards. The labelling of water efficient products assists purchasers in making better, well informed choices about domestic water using fittings and appliances.
- Funding has been received from the National Water Commission and supplemented by funds from the South Australian Government for urban and treated sewage reuse projects including:
- Water Proofing the North (Salisbury, Tea Tree Gully and Playford Councils). This project is expected to replace 12.1 gigalitres of drinking water used for urban irrigation and industrial purposes with treated stormwater drawn from the aquifer each year, reducing the region's demand on drinking water supplies by six per cent. Stressed groundwater areas, such as those in the Penrice, Virginia and Waterloo, will be returned to more sustainable levels through the return of five gigalitres a year to local aquifers. In addition, reuse of stormwater will reduce the ocean outfall at the Barker Inlet by 20 gigalitres a year, reducing the amount of pollutants entering our fragile ocean ecosystems by 40 tonnes per year;
- Metropolitan Adelaide Recycling Project (Grange, Glenelg and Royal Adelaide golf courses). The project will demonstrate the value of water re-use and stormwater recycling through the construction of wetlands. The wetlands will act as filters for urban and polluted stormwater that would otherwise run into the Gulf St Vincent. Stormwater will be diverted to wetlands that will be developed at the Grange, Royal Adelaide and Glenelg golf clubs. This pre-treated water from the wetlands will then be pumped, through bores, back into the underground water supplies beneath Adelaide for use as needed. The reuse project will save 1000 megalitres of water a year by using stormwater to replace water drawn from underground water supplies beneath the city. The Grange Golf Club wetland reuse project was launched on Friday 2 February 2007.

In regards to the initiation of the effluent reuse schemes at Virginia and McLaren Vale and the aquifer storage and recovery project at Salisbury, it is noted that they are not initiatives of the Federal Liberal Government

2. The Government has committed to develop a broad *Water Proofing South Australia* strategy for regional and rural South Australia along the lines of the recently released Water Proofing Adelaide strategy.

As the portfolio statement indicates that the work of finalising the scope of the Water Proofing South Australia initiative and preparing an implementation program is currently being undertaken during the 2006/07 financial year.

3. The program to rehabilitate the Lower Murray Reclaimed Irrigation Area has several objectives, including improving irrigation efficiency, improving water quality in the River Murray and providing a sustainable irrigation industry.

At this stage it is expected that work required to complete the on-ground rehabilitation will be finished in the 2008-09 financial year.

ABORIGINAL RIGHTS

The Hon. M.D. RANN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: The year 2007 marks a number of major anniversaries relating to the past, present and future of indigenous Australians. It marks the 10th anniversary of the release of the Human Rights and Equal Opportunity Commission's historic Bringing Them Home report, the 15th anniversary of the High Court's Mabo decision, the 40th anniversary of the 1967 referendum, and the 50th anniversary of NAIDOC Week. Here in South Australia there have also been a number of landmark decisions.

In 1966, the first Aboriginal land rights in Australia were granted under the Dunstan government with the passing of the Aboriginal Lands Trust Act. In 1981, the South Australian parliament passed the Pitjantjatjara Land Rights Act. In 1984, the parliament also passed the Maralinga Land Rights Act. On 28 May 1997, this parliament, in a bipartisan resolution, was the first in Australia to express its deep and sincere regret to the Stolen Generation for the impact of past governments' removal policies on those who were taken from their families, on the families themselves, on Aboriginal communities and, ultimately, on our nation as a whole.

I pay tribute to members on both sides of the house—including both John Olsen and Dean Brown, who I think was minister for aboriginal affairs at the time—who were prepared in this parliament to say sorry for past wrongs and, of course, to be part of an act of healing. I sincerely hope that the fact that we are prepared to say sorry will soon one day be reflected in the federal parliament in Canberra.

On 27 May 1967, the Australian people overwhelmingly voted yes to a question that should never have had to be asked: to recognise Aboriginal people in our Constitution. Now, 40 years on, it is time to recommit ourselves to the sense of hope and enthusiasm that accompanied that extraordinary 1967 referendum. That vote was, at its heart, an act of inclusion—an act to include the Aboriginal community within the broader Australian community. A common misconception about the referendum is that it granted Aboriginal people citizenship or the right to vote. In fact, in a formal sense, it removed archaic exclusions in the Constitution concerning the counting of Aboriginal people in the census and it provided the capacity to make special laws for Aboriginal people. But it meant much more than that to Aboriginal people, to the broader Australian community and to all people of goodwill. The referendum represented a demand by Australians that Aboriginal people be fully included within the commonwealth. Consequently, the referendum saw the highest yes vote ever recorded in a federal referendum with 90.77 per cent voting for change.

So, the 1967 referendum represented the conclusion of a struggle for Aboriginal Australians to take part in the life of the nation on their own terms. This was the possibility presented by the 1967 referendum for Aboriginal Australians: to be included in the broader Australian community on their own terms. Unfortunately, this has not been fully realised in the 40 years since the referendum, but that is no reason for the cause to be abandoned. In 2007, Reconciliation Week provides a sharp focus on three vital things: recognition, justice and healing. Perhaps most importantly, reconciliation must be practical. The key question is: what are we doing to ensure that the indigenous population has a fair share of the opportunities and resources now available in South Australia? While acknowledging that there is much more work to be done, it is worth noting the tangible improvements being made today:

- South Australia's Strategic Plan, which encapsulates the aspirations of the community for South Australia's future, has a renewed focus on Aboriginal-specific targets. These targets include introducing Aboriginal cultural studies into the school curriculum, improving Aboriginal childhood literacy, and reducing overcrowding and unemployment;
- the South Australian Aboriginal Advisory Council has been established to provide a voice in government for Aboriginal people following the federal government's abolition of the Aboriginal and Torres Strait Islander Commission;
- increased school retention rates on the APY lands and an increase in Aboriginal students completing their South Australian Certificate of Education are positive signs for the younger generation of South Australian Aborigines;
- the 2 million hectare Mamungari Conservation Park has been handed back to the Maralinga Tjarutja Aboriginal people in the biggest land hand-back since the 1980s, something of which all members of this parliament can be proud;
- the state government has launched the Young Indigenous Entrepreneur Program in order to help young Aboriginal people start their own businesses;
- the Nunga Home Loan Scheme has been established to help more indigenous South Australians to own their own home;
- a new power station and distribution network connected to the solar farm and major communities on the APY lands has been built, and I am looking forward to opening the power station next month.

I saw the project during my visit to the lands in October last year, and it was the most modern power plant that I have seen. A joint South Australian and commonwealth swimming pool construction program has started on the APY lands. The first one has opened in Mimili, which has helped improve school attendance through the no-school, no-pool policy. This is more than a swimming pool: it has become a central meeting spot in the town. It is improving health, combating things such as glue ear and tackling skin disorders and bronchial disorders, and it is providing employment for local people. Bush tucker programs are providing a source of traditional food for communities on the land, and I really want to endorse those two South Australians from the South-East who are pioneering in this area of traditional foods and involving Aboriginal communities in their cause.

I am informed that, in 2006, petrol sniffing on the APY lands was reduced by more than 50 per cent. This has been helped by an increase in youth programs and youth workers on the lands. There has been an increase in police numbers on the lands, and a substance abuse mobile outreach service has been established. Harsher penalties for trafficking in petrol and other regulated substances have also been introduced. The South Australian Indigenous Sports Training Academy has been established through the Social Inclusion Board, and the state government is recruiting more Aboriginal people into the South Australian public service. Housing shortages and homelessness are being tackled through a national forum, and recently a town camp was opened in Port Augusta to combat the instances of indigenous people sleeping rough.

There has been positive change amongst Aboriginal people. Anyone who visited the APY lands in the 1990s will

see a stark difference today. Infrastructure such as roads, schools, swimming pools and the power station are all positive signs for the future, yet we must do much, much more. As we continue down a path of healing and reconciliation; as we try to understand the past; as we practically address current concerns and shape the future, we have to confront injustices. Today the state government announced proposed legislation to extend the Children in State Care Commission of Inquiry to inquire into child sexual abuse in some of the most remote communities in South Australia. Undertaken by the Children in State Care Commission but separate from the existing inquiry, this initiative will invite people from communities on the APY lands who were abused as children on the lands to come forward and tell their story.

South Australian communities need to know that abuse is not acceptable and, through the confidential and supportive setting provided by the inquiry, victims are more likely to come forward and speak about their experiences. This inquiry is an opportunity to break from the past: a further chance for current and future generations of South Australian indigenous people to make a fresh start. In addition to the inquiry, the state government will provide more resources. For example, four extra police officers, two social workers and two counsellors will be stationed on the APY lands to improve community safety and wellbeing.

I encourage all members of the house to participate in Reconciliation Week this week and acknowledge the significant anniversary of the 40th year since the 1967 referendum, and for all of us to combine to continue to work with Aboriginal communities in reconciliation and for better outcomes for young indigenous people.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. K.O. Foley)—

Port Adelaide Maritime Corporation—Report 2005-06

By the Attorney-General (Hon. M.J. Atkinson)—

Death in Custody of Neil James Brooks, Report on the—
Department for Correctional Services—May 2007
Summary Offences Act, Dangerous Area Declarations, Statistical Return—1 October 2006 to 31 December 2006
Regulations under the following Act—
Criminal Law (Forensic Procedures)—Forensic Procedures

By the Minister for Health (Hon. J.D. Hill)—

Death in Custody of Neil James Brooks, Coronial Report—Department of Health—May 2007
Death in Custody of Peter Malcholm McLeod, Coronial Report—Department of Health—May 2007
Regulations under the following Acts—
Dental Practice—
General
Elections
Upper South East Dryland Salinity and Flood Management—Project Works Scheme

By the Minister for Industrial Relations (Hon. M.J. Wright)—

Regulations under the following Acts—
Workers Rehabilitation and Compensation—
Scales of Charges
Scales of Medical Charges

By the Minister for State/Local Government Relations (Hon. J.M. Rankine)—

Local Government Grants Commission of South Australia—Report 2005-06

By the Minister for Consumer Affairs (Hon. J.M. Rankine)—

Regulations under the following Acts—
Fair Trading—Consumer Credit Code
Liquor Licensing—Hahndorf

By the Minister for Employment, Training and Further Education (Hon. P. Caica)—

Training and Skills Commission—Report 2006

By the Minister for Gambling (Hon. P Caica)—

Independent Gambling Authority—Regulatory Review 2006.

VISITORS TO PARLIAMENT

The SPEAKER: I draw honourable members' attention the presence in the chamber today of students from Aberfoyle Park High School, who are guests of the member for Fisher; students from Our Lady of the Sacred Heart College, who are guests of the member for Enfield; students from Mount Gambier High School, who are guests of the member for Mount Gambier; students from Modbury High School, who are guests of the member for Florey; and the Italian Consul, Dottore Tommaso Coniglio, and his wife, Mrs Coniglio, who are here today as guests of the member for Light.

QUESTION TIME

PREMIER'S TRAVEL

Mr HAMILTON-SMITH (Leader of the Opposition): My question is to the Premier. I would like to welcome him back and ask him how his sixth taxpayer-funded overseas trip since April last year was and whether, during the most recent trip, he was briefed on the water crisis facing the state.

The Hon. M.D. RANN (Premier): I have been reading some of the reports about the Leader of the Opposition's overseas trips and the things he promised to do when he got home. But, of course, this is all a diversion from the fact that Simon Birmingham, his former chief of staff, has actually blown the whistle on the leader's big policy. We could not work out how he was going to pay for all his promises, but not just privatisation—

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: Point of order, Mr Speaker. We are actually hoping to get a day-by-day, week-by-week description of his trip—

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: —but it sounds like he has other ideas.

The SPEAKER: Order! I presume the Leader of the Opposition's point of order is that the Premier is not answering the substance of the question. I uphold that point of order.

The Hon. M.D. RANN: I am very happy to give the Leader of the Opposition a briefing on my visit, and compare it to his own visit overseas, except that there were visits to defence companies, visits to energy companies, talks with universities, and, of course, a couple of defence companies coming to South Australia. Also, of course, there are a couple of universities from Britain coming to South Australia. There were negotiations about the Tour Down Under going to pro tour status. At the moment we get about five of the 20 top teams in the world. If we can bring this off, we will get all 20

top teams in the world. It will be the only race in the world outside Europe ever to be part of the pro tour circuit, and, of course, there were negotiations about signing up WOMAD for the future, and a range of other things. My trip was quite different from the Leader of the Opposition's trips overseas, and I invite anyone, if they have one or two minutes, to have a read.

Members interjecting:

The SPEAKER: Order!

ROYAL INSTITUTION AUSTRALIA

Mr O'BRIEN (Napier): My question is to the Premier. How will South Australia benefit from being the home of the Royal Institution Australia?

The Hon. M.D. RANN (Premier): This is another benefit from my overseas trip. Britain's Royal Institution, the flagship of science in the United Kingdom for 208 years—and, of course, people know of my own personal interest in proteomics, genomics and X-ray crystallography—

Mr Williams: You tried to cancel the plant functional genomics centre.

The Hon. M.D. RANN: I tried to cancel the plant functional genomics centre? This is another big, big Liberal lie. Who funded the functional genomics centre? Let us talk about the functional genomics centre. Was it approved by the former Liberal government? No, not at all. Is it now one of three in the world in terms of the Max Planck Institute in Germany or the John Innes Centre in Norwich? Anyway, let us get on to the Royal Institution.

I am very pleased to be able to inform the house that the Royal Institution Australia will be housed in the heritage Stock Exchange building which has recently been purchased by the government and is situated behind the Grenfell Centre. The RI Australia, like its London partner, will create a focus for science awareness. Its charter is to provide a forum for everyone, irrespective of background, to engage with groundbreaking scientific information and to discuss the challenges of science and technology in shaping our future.

It will be a dynamic, contemporary and effective centre for science. It will be like a university for all, but without degrees or fees, or even an entry qualification or exams. There will be live video links into lectures and forums being delivered at the RI in London, as well as public forums here in Adelaide. I want it to become a hub of scientific endeavour for scientists, technologists and engineers, as well as for families, students, educators, media, government and industry.

RI Australia's aim is to bring science into the heart of the community and to help foster a scientifically literate community. I believe it is critically important—

Dr McFetridge: Will you listen to the science?

The Hon. M.D. RANN: Will I listen to the science? Well, people would be aware that I have a masters degree in science—political science actually, but that is another matter. I am sure I can extend my honorary doctorate to engross almost everything. It is critically important that, as a society, all of us are given the means to understand the relevance of science, engineering and technology. Let us fact facts: this parliament has had to deal with a whole range of scientific issues, particularly areas such as stem cell research—issues that we, as leaders, have to grapple with. We have to improve our scientific literacy and, obviously, it is important for the community, the media and others in our community to improve their scientific literacy.

A series of science projects will be run from the RI Australia, most of them initiated by Baroness Professor Susan Greenfield during her term as an Adelaide Thinker in Residence. I would like to see the Australian Science Media Centre housed in the new RI Australia, just as Britain's science media centre is based at the RI in London. People opposite seem to be confused about this. They should have a talk to the federal government, which is very pleased about it. The Australian Science Media Centre, currently based at the museum, enables journalists, reporters, newspapers, talkback shows and television programs from around Australia to contact a database of nearly 1 000 scientists. So, when dealing with issues—rather than going to the protagonists on an issue, whether it is climate change, stem cell research or even nuclear power—they can actually go to acknowledged experts. Of course, the expert advisory group includes Nobel Prize winner Peter Doherty, Sir Gustav Nossel and others.

Mr Hamilton-Smith interjecting:

The Hon. M.D. RANN: Pardon?

Mr Hamilton-Smith interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: The Leader of the Opposition asks: can't I come up with something more interesting? There we go—science isn't interesting to the opposition. Why should that surprise anyone! The father and son Nobel Prize winning Braggs link South Australia and the Royal Institution. William Henry Bragg—

Mr Hamilton-Smith interjecting:

The SPEAKER: Order! The Premier will take his seat. I will not tolerate heckling by any honourable member, and that includes the Leader of the Opposition. It is one thing to interject and another to heckle when the Premier is trying to answer his question. I call the Leader of the Opposition to order. I will not show him any more tolerance. The Premier has the call.

The Hon. M.D. RANN: News Limited, Fairfax, the ABC, Robyn Williams the other day and the federal government all strongly support these initiatives but, according to the Leader of the Opposition, it is boring. The father and son Nobel Prize winning Braggs—presumably the Leader of the Opposition does not know who they are—and the Royal Institution are, of course, inextricably linked.

William Henry Bragg was the first professor of physics at Adelaide University, and his son, William Lawrence, was born and educated in South Australia before both returned to the UK. Both were directors of the Royal Institution, a role now held by Baroness Professor Susan Greenfield. The establishment of RI Australia is not only recognition of the Braggs' association with the RI but it also honours their broader work in science along with, of course, people such as Lord Florey, another South Australian.

I am very pleased to be able to inform the house formally that the President of the Royal Institution in London, His Royal Highness the Duke of Kent, will officially launch RI Australia in Adelaide in October this year. I will extend an invitation to the Leader of the Opposition to come along. It will be very interesting to see him in the presence of the Duke of Kent, because I am sure that, on that day, he will be really, really interested in science.

MURRAY RIVER

Mr HAMILTON-SMITH (Leader of the Opposition): Has the Premier conspired with other Labor premiers to

frustrate and block the Prime Minister's $10 billion rescue package for the River Murray for political purposes; and, if not, why is he failing to do everything he can to advance the investment? Everything.

The Hon. M.D. RANN (Premier): I can understand why the Leader of the Opposition is red-faced, because he has put out this press release time and again. I am—

An honourable member interjecting:

The Hon. M.D. RANN: Okay. I am 100 per cent committed—as, I am sure, is John Howard—to getting resolution of this matter. Let us remember the genesis of what happened. We remember that the federal government announced that it wanted a complete constitutional takeover of the River Murray. I then said that I was prepared to sign up on behalf of South Australia only if there was a guarantee that an independent commission—not another group of politicians under the influence of the cotton or rice industries—was established by statute and its independence guaranteed to run the river in the interests of the river.

Also, I said that I was prepared to sign up only if there was a guarantee of environmental flow and a range of other matters. Of course, we remember the comment that I was a shag on a rock who had no chance of achieving this thing and that I was out on a limb. What happened? We spent weeks lobbying, and we got the support of Queensland and Peter Beattie and then New South Wales. Finally, the Prime Minister agreed to the South Australian model of governance, which included an independent commission and a range of things that South Australia insisted upon.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: It seems that someone down the back was having a little emotional moment then. I will sum up in detail. What happened is that South Australia—and this is widely acknowledged—achieved a significant win in terms of getting that commitment. The next process—and the Minister for Water Security will be available to educate members opposite even further, because, they might not be interested in science but, hopefully, they will be interested in water security—was to draft legislation for the commonwealth officials and other officials that would reflect the deal that was done in Canberra between the other premiers, the Prime Minister and me.

Now that is what one would expect. One would expect that the commonwealth would draft legislation because it will require complementary legislation between the federal government and the relevant states. The legislation would have to reflect the agreement we made; otherwise, it would be a matter of dishonesty.

Mr Hamilton-Smith interjecting:

The Hon. M.D. RANN: I agree. The Leader of the Opposition is now critical of the Prime Minister. He said 'four months'. It was the job of the federal government to draft the legislation, which we have just received. In fact, a number of things in that legislation were not included in the agreement that was struck. It is vitally important that South Australia gets that guarantee of the independence of the commission and the other things to which the Prime Minister committed at the meeting in Canberra. I would think there would be bipartisan commitment to that—

Ms Chapman interjecting:

The Hon. M.D. RANN: I sold out South Australia, says the honourable member. It is bizarre. That is the difference. When it was WorkChoices they put the Howard government before the state's interests. In relation to the nuclear waste dump, they put the federal government's party political interests ahead of South Australia. Now, in relation to the River Murray, they are putting party political interests ahead of South Australia—and that is the difference between us.

ABORIGINAL WAR VETERANS

Ms BEDFORD (Florey): My question is to the Minister for Aboriginal Affairs and Reconciliation. What is the significance of this year's memorial service for South Australian Aboriginal war veterans?

The Hon. J.W. WEATHERILL (Minister for Aboriginal Affairs and Reconciliation): I acknowledge the honourable member's longstanding commitment and advocacy on behalf of Aboriginal South Australians. She is a well-known friend of that community and consistently speaks up for them. She is always at all the major events that celebrate their interests.

War veterans, of course, play a special part in the hearts of nations. People who give selflessly for their country are very much woven into the fabric of our history. Like so much of Australia's history, the image is of an Anglo-Saxon male; the image is rarely of an Aboriginal man or woman in service. Despite the constitution discriminating against Aboriginal people until 1967 and many other barriers that made it hard for them to enlist, there are some incredible stories about Aboriginal people denouncing their Aboriginality to serve, pretending they were of another ethnic background so that they could serve this nation.

Aboriginal people have served in virtually every conflict and peacekeeping mission in which Australia has participated since the Boar War. The best estimate is that about 500 Aboriginal Australians served in the First World War and about 3 000 in the Second World War, including men such as Hurtle Muckray, the first Ngarrindjeri to enlist in the AIF in November 1914; Cyril Rigney, who was killed in action in France in 1917; and, someone whom we know today, Uncle George Tongerie, who had to get permission from Canberra to join the Air Force.

The Aboriginal community paid an extraordinarily high price for this service. About one-third of the Aboriginal servicemen who saw action were killed or died of wounds or disease. So Aboriginal people shared in the tragedy of war, yet Aboriginal servicemen and women returned to a country which viewed them with suspicion. There was an event that I attended on Sunday—the memorial service—and, in speaking to some of the veterans afterwards, there were many incredibly moving and beautiful stories of Aboriginal men and women feeling as though there was no discrimination at all in the armed services; feeling for the first time as though they were being treated as equals. There are some wonderful stories of commanders who, sharing stories with their colleagues, said, 'We didn't have any Aboriginal people in our unit, did we?' They were just blind to the fact that there were Aboriginal people serving alongside them. That was a wonderful sense in which colour disappeared for many people and, sadly, it was not the case when they returned home. This service had a double significance because it coincided with the anniversary of the 1967 referendum, and so it was a very important event.

For some time we have recognised Aboriginal war service people. In April 2004, I spoke at a screening of the documentary film *The Forgotten* which documents the forgotten history of the Aboriginal armed service. That same year the Premier laid a wreath at the War Memorial with an

Aboriginal and Torres Strait Islander flag on it; a dedication to those forgotten men and women. I hope that this year is the year that we do not forget either the sacrifice of servicemen and women or the history of our treatment of Aboriginal Australians.

MURRAY-DARLING BASIN

Mr HAMILTON-SMITH (Leader of the Opposition): Did The Premier discuss with Kevin Rudd, or with other Labor premiers, arrangements to oppose and frustrate the Prime Minister's $10 billion rescue package for the Murray-Darling at Labor's national conference in Sydney in April 2007, or at any other time?

The Hon. M.D. RANN (Premier): I have to say there seems to be a little bit of confusion, because in April 2007 I had already signed up to the Prime Minister's deal, so how could I oppose and frustrate it? However, I have some breaking news. The Leader of the Opposition has criticised me for being overseas on the state's behalf. Just a few weeks ago Mr Hamilton-Smith encouraged me to travel with him to China to view a nuclear power reactor which uses South Australian uranium.

The Hon. K.O. Foley: We don't even sell it there.

The Hon. M.D. RANN: And, of course, I actually saw a nuclear reactor for the first time as a child, I think down at Dungeness in England, and then, accompanying Don Dunstan in January 1979, I went to a fast breeder reactor in the south of France. But, of course, as for overseas trips we have seen that the Leader of the Opposition has been on overseas travel with the former premier, John Olsen, in Los Angeles to attend the *G'Day LA* activities. There was Cate Blanchett, Nicole Kidman and Marty. In the lead-up to Christmas 2005 he travelled to Thailand and Brunei, and his official travel report said there were economic opportunities which he intended to follow up with the government.

Members interjecting:

The Hon. M.D. RANN: We are still waiting. Come on!

Mr Hamilton-Smith interjecting:

The Hon. M.D. RANN: Oh, so he said he intended to follow up these economic opportunities from his taxpayer-funded trip to Thailand and Brunei with the government. Please, you have had a year. Sit down and write yourself a letter. Now, a year and a half later, despite an exhaustive search, we can find no record of the Leader of the Opposition ever having written us a single letter outlining these opportunities he uncovered on that journey, or on any of his overseas trips. It seems that, with his appeal for me to go to China, he has got itchy feet; he wants more travel.

During one of his trips in 2004 through the UK, Singapore and Cyprus, the Leader of the Opposition apparently took an interest in the 200 year old issue of the Parthenon marbles—three sets of sculptures taken from the Parthenon in 1802 by Lord Elgin. I guess people would know that I am on the council for the return of the Parthenon marbles but, despite the Leader of the Opposition travelling the world to find out about them, he still refers to them as the Elgin marbles, which is an insult to the Greek community who were wronged by their theft two centuries ago, and who know them as the Parthenon marbles.

On that same tour, according to his study tour report, Mr Hamilton-Smith found out that the UK special constables get to carry handcuffs, truncheons, radios and capsicum spray. Now, I could have actually saved him the travel cost on that. Perhaps I can inform the Leader of the Opposition—who is getting redder and redder by the minute—that, in fact, police in this state can carry those items as well. I am sure that he found this arsenal fascinating. I am looking forward to getting his letter about all those opportunities in Thailand and Brunei. Perhaps we could sit down together and I might even be able to help him write it.

RACING INDUSTRY

Mr KOUTSANTONIS (West Torrens): My question is to the Minister for Recreation, Sport and Racing. What reaction has there been from the racing codes following the release of the report on the study into the future of the SA racing industry?

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): The government initiated an independent study into the future of the South Australian racing industry. Widely respected racing expert, Mr Phillip Bentley, undertook the study for the government. Mr Bentley, who has worked closely with the racing industry, is a former chief executive officer of the Kilmore Racing Club and has undertaken racing consultancies in both Victoria and Western Australia.

The study has resulted in a number of significant recommendations being made, including the creation of a super club to manage the business of the South Australian Jockey Club and the four provincial thoroughbred clubs—Murray Bridge, Gawler, Balaklava and Strathalbyn. This club would be responsible for establishing a new controlling authority for the thoroughbred code, replacing the existing Thoroughbred Racing SA, and comprising seven directors, with five members being independent of the thoroughbred racing industry and suitably qualified.

The report also recommends that the management of greyhound and harness racing operations be merged into a single entity that would run the businesses of both codes of racing. The greyhound code has already formally endorsed the study, giving support to adopting all recommendations affecting its future operation. Similarly, over the weekend, at a meeting of all harness racing clubs, it was agreed to adopt the recommendations of Harness Racing SA to carry out full due diligence on the business case for a merger with greyhound racing. Member clubs also agreed that Harness Racing SA would conduct due diligence into the second recommended option arising from the report involving a major overhaul of its current constitution. With respect to the thoroughbred code, I am aware that a considerable amount of work has been done, and is continuing, in addressing the recommendations of the report.

Over the past week or so, I have met with key representatives of each of the codes, and I have been encouraged by their response to the package of reforms. I have given the codes 30 days in which to respond to these recommendations, and I am satisfied that, in view of the outcomes that have already occurred, the racing industry reform agenda is on target and has great potential to deliver long-term benefits to the state's racing industry.

WATER SECURITY

Mr HAMILTON-SMITH (Leader of the Opposition): Given that water security is a number one concern to South Australians, and given that the Premier was quick to fly off to Canberra to tackle the Prime Minister when the $10 million rescue package was first mooted, why has he not sought an

urgent meeting with Steve Bracks in Victoria to ask him to sign up to the plan?

The Hon. M.D. RANN (Premier): Can I announce to the house (and I have said this, of course, through the media on many occasions) that I did not fly off to tackle the Prime Minister; I went across and made an agreement with him. It was $10 billion, not $10 million. I have spoken to Mr Bracks both at that time and since and in recent days.

Mr HAMILTON-SMITH: As a supplementary question—

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: —what did Mr Bracks have to say?

The Hon. M.D. RANN: He has a different opinion from me in terms of the $10 billion package. So, what he said to me is consistent with what he has said publicly. I understand, however, that there was a proposed meeting between the Prime Minister and Mr Bracks this week. I should also say that there have been many negotiations involving the Minister for Water Security and ministers from other states, including ministers from Victoria.

Mr HAMILTON-SMITH: Can the Premier be honest and frank with South Australians in the house right now by explaining in exact terms his present objections to the legislation which will give effect to the Prime Minister's $10 billion rescue plan for the Murray-Darling Basin? Does the plan still have his genuine full and urgent support? Yesterday, in response to opposition criticism, the Premier claimed in a media release that he 'remained committed' to the plan. But he would not, and did not, specify his precise objections which have held up the drafting of legislation designed to put the $10 billion to work. Last Friday, following the Murray-Darling Basin ministers meeting in Adelaide, his Minister for Water Security told *The Advertiser* that she had objections to the plan, but she would not say what they were. So, what are they in detail?

The Hon. M.D. RANN: It is quite interesting because he is pretending that this is a spontaneous question which he had to then read and, in fact, it spontaneously appeared on a piece of paper in front of him! In answer to the first questions, I detailed the fact that I am 100 per cent committed to the deal that I made with the Prime Minister. All we want is for the legislation to reflect that deal, and I will introduce it personally in this parliament.

WATER ALLOCATIONS

Mr WILLIAMS (MacKillop): Why did the Minister for Water Security announce that the irrigators could carry over unused allocations from the current water season into the new water season, starting on 1 July, when she could not guarantee delivery of that water without dipping into the state's allocation for the next year?

The Hon. K.A. MAYWALD (Minister for Water Security): I thank the member for his question. It obviously shows his misunderstanding of how water allocations work. Quite frankly, the issue of the ability to carry over water into the next year is a new initiative that has been developed as a consequence of major consultation with the irrigation community. The irrigation community—

The Hon. K.O. FOLEY: On a point of order, Mr Speaker: did the leader just refer to the minister as 'Her Royal Highness'?

The SPEAKER: I do not think I can answer that question.

Members interjecting:

The SPEAKER: Order! I do not think there is anything unparliamentary about calling the minister 'Her Royal Highness'.

Members interjecting:

The SPEAKER: Order! I will not call the minister until I have order in the house. The Minister for Water Security.

The Hon. K.A. MAYWALD: The ability to carry over water from this season into next season has been made available at the request of and in consultation with the irrigation community. We have been able to provide for 30 gigalitres of this year's water to be carried over into next year and, if that water is not needed for critical urban use which is the first call on water for next year, it will be made available for carry-over water. It is made very clear to the irrigators from the first announcement right through to the very last announcement and in all of the public meetings that I have been to and all of the meetings that I have visited with the community and the irrigation community that carry-over water is not 100 per cent guaranteed.

WATER DESALINATION

Mr WILLIAMS (MacKillop): My question is to the Minister for Water Security. Does the government dispute the argument in the Infrastructure Partnerships Australia report released yesterday that the cost of providing water through a desalination plant is, in fact, cheaper than the costs associated with level 3 water restrictions? The Infrastructure Partnerships Australia report released yesterday cites a study in Canberra that reveals that level 3 water restrictions were costing that community about $2.50 per kilolitre of water saved compared with the cost to desalinate water at between $1.20 and $2.20 per kilolitre.

The Hon. K.A. MAYWALD (Minister for Water Security): It is very important, when quoting figures in relation to desalination, to actually have the facts that are site-specific to the infrastructure into which you want to deliver that water. If you do not have all the answers to all those questions you are talking in generalities, and generalities are not in the interests of informing the communities. Desalination is incredibly site-specific. There is a range of issues in relation to water off-takes and for brine. I do not dispute average figures in any assessment.

What I say is that, if you are going to do a proper and thorough investigation into the options for the future, you need to know your figures, which is why we have appointed experts to work with the Desalination Working Group; for the Desalination Working Group, with Ian Kowalick (the independent chair), to actually go out and speak to experts about what is the cost of desalination and how it might fit into the Waterproofing Adelaide strategy for the future. It is really important that we not talk in generalities but get the facts on the table and make decisions on facts, not generalities.

WATER ALLOCATIONS

Mr WILLIAMS: I will pass the minister's comments on to Allen Consulting, because I think they got it right. My question again is to the Minister for Water Security. When will South Australians be on level 5 water restrictions and

when will zero allocations for South Australian irrigators commence? In spite of level 3 water restrictions applying to metropolitan Adelaide since 1 January this year, Adelaide has used more water this year than it did in the previous year.

The Hon. K.A. MAYWALD: I really shake my head in disbelief that the shadow spokesperson is only just starting to catch up with what has been out there in the public arena for several months. We have a policy whereby we advise the community in relation to irrigation allocations on or about 15 June each year. We do an April analysis of what it is likely to be. We update that in May and then give them the final decision during the middle of the month. In case the shadow minister was not listening, the Prime Minister recently made an announcement that, unless we receive significant rainfall over the next couple of weeks, all jurisdictions that rely on water from the River Murray will be on level 5 restrictions with no outside watering from 1 July. That is from John Howard.

Mr WILLIAMS: As a supplementary question, whose responsibility is it to set water restrictions in Adelaide: John Howard's or the state government's?

The Hon. K.A. MAYWALD: I presume that question is directed to the Minister for Water Security. Under an agreement that we have with the jurisdictions, New South Wales, Victoria, Queensland, the ACT and the commonwealth—

Members interjecting:

The SPEAKER: Order! Members on my right will come to order. I cannot hear what the minister is saying.

The Hon. K.A. MAYWALD: We have agreed to a process, as a consequence of the drought summit called by the Prime Minister, John Howard, on 7 November last year, when all jurisdictions agreed to set up what we call a senior officials group. The senior officials group is made up of officials from the Prime Minister's office and from each of the jurisdictions involved in managing the drought. That group has been meeting frequently since November last year and has reported twice to the Prime Minister on ways in which we are to manage the dry inflows contingency planning. There are limited resources and it has been agreed that the Murray-Darling Basin agreement can no longer apply with the limited water that is available, so a new water-sharing arrangement needed to be negotiated. That has been facilitated by the Prime Minister, John Howard.

We have been working with the Prime Minister, John Howard. He has received a report that has recommended that all jurisdictions share water in an appropriate way to deliver water in a prioritised way, for human consumption first and foremost, and in that human consumption allocation South Australia will receive 141 gigalitres next water year for all critical human needs; New South Wales will receive 75 gigalitres and Victoria 53 gigalitres. South Australia will also receive system losses of around 333 gigalitres, with a total into South Australia next water year of 474 gigalitres. Because of these low flows, it has been imperative that we work together as a nation to ensure that we can distribute water to meet the high priority need, which is, first and foremost, human consumption.

We have agreed to and are working through that process through the senior officials group, and at this time all jurisdictions have agreed to deal with water on that basis as identified in the second dry inflows contingency report to the Prime Minister.

WATER INFRASTRUCTURE

Mr WILLIAMS (MacKillop): I will try again, since I got everything but the answer to the supplementary question. Again, my question is to the Minister for Water Security. Why is the government continuing to fail to adequately invest in SA Water's pipes at this crucial time? The government is responsible for approximately—

Mr Koutsantonis interjecting:

The SPEAKER: Order! The member for West Torrens will come to order.

Mr WILLIAMS: I will start again, sir. The government, through SA Water, is responsible for approximately 8 500 kilometres of water pipes, but is only spending some $230 000 per year to check 450 kilometres of pipes over the next four years, leaving approximately 6 700 kilometres of pipes unchecked, when last year the government siphoned some $386 million out of SA Water.

The Hon. K.A. MAYWALD (Minister for Water Security): According to the National Performance Report for Urban Water Utilities, which was released by the National Water Commission—a federal government organisation—in conjunction with the Water Services Association Australia, SA Water has the lowest average water loss in the nation; that is 67 litres per connection per day compared to the total average of 91.4, and we are significantly below international standards.

ABORIGINAL AND TORRES STRAIT ISLANDER WOMEN'S NATIONAL GATHERING

Ms BREUER (Giles): Will the Minister for the Status of Women advise the house of plans for the National Aboriginal and Torres Strait Islander Women's Gathering that is being held this week in Adelaide?

The Hon. J.M. RANKINE (Minister for the Status of Women): As the house is aware, this is National Reconciliation Week, and it is also the 40th anniversary of the 1967 referendum. I am delighted to be hosting the National Aboriginal and Torres Strait Islander Women's Gathering over two days this week. The gathering brings together women from across all jurisdictions in Australia to focus on issues important to Aboriginal and Torres Strait Islander women and their communities. The theme of this year's gathering is 'Aboriginal and Torres Strait Islander women and economic status'. This follows previous gatherings which have focused on women's safety and leadership.

It is important to acknowledge that the economic status of Aboriginal and Torres Strait Islander women is critical for family and community well-being, safety and leadership. Issues relating to economic independence, employment and training, business opportunities and participation, education outcomes and home ownership by Aboriginal and Torres Strait Islander women are all on the agenda for this year's gathering. There will be approximately 40 women attending from communities across Australia, and their recommendations will make an important contribution to the formation of policy relating to indigenous women and their economic status across state, territory and federal governments.

A highlight of this year's program is a speaker from Fregon in South Australia, Jeannie Robin. Jeannie will talk to delegates about the economic and socially innovative project designed to protect the flora and fauna life around Fregon and surrounding homelands, including keeping out feral animals and non-native species. The success of this

project has led to Fregon and surrounding homelands becoming an internationally recognised conservation area. I know that she will have some interesting insights to share with those attending the gathering.

The gathering promises to raise some difficult questions, but after attending the meeting last year I am confident that the truly inspiring women who participate will be able to turn these questions into excellent recommendations. I am very proud that South Australia has once again been able to take the lead on what is a very significant event for Aboriginal and Torres Strait Islander women.

WATER SUPPLY

Mr WILLIAMS (MacKillop): Again, my question is to the Minister for Water Security. Has the minister's government calculated the increased amount of water necessary to cater for its South Australian Strategic Plan targeted population growth to two million people by 2050? From where does the government propose to source the additional water?

The Hon. K.A. MAYWALD (Minister for Water Security): It may have escaped the shadow minister's notice, but South Australia has a strategy called Waterproofing Adelaide, which is a plan to 2025. In that plan, there are a number of initiatives that will deliver a greater security of supply to Adelaide in the long term. That plan has the capacity for us to deliver both water management and demand management programs, and also to look at new water initiatives through stormwater and effluent treatment.

In addition to that, the South Australian government has currently established a desalination working group which, I repeat again, is chaired by Ian Kowalick, who is investigating the options for desalination in South Australia. There are a number of initiatives that the South Australian government is now supporting through the Waterproofing Adelaide strategy. There is the Waterproofing the North and Waterproofing the South project. The Minister for Infrastructure has also recently had legislation pass through parliament establishing the stormwater authority, which will deliver more projects for the better use and management of stormwater. We have also reinstated to local government the stormwater funding that was cut in half by the opposition when it was in government. We have put in place a mechanism whereby state government can work with local government on stormwater projects.

DIESEL EXHAUST EMISSIONS

Mr PICCOLO (Light): My question is to the Minister for Employment, Training and Further Education. What training is the government providing to help reduce diesel exhaust emissions in the rapidly expanding transport industry in South Australia?

The Hon. P. CAICA (Minister for Employment, Training and Further Education): I thank the member for Light for his question and his interest in training and, in fact, diesel emissions. Members will be aware of the fundamental importance in reducing greenhouse gas emissions and that diesel exhaust emissions have a direct effect on our environment. I am pleased to inform the house that TAFE SA is training diesel mechanics in exhaust emissions testing, which will assist in the process of reducing the impact of greenhouse gas—

Mr Venning interjecting:

The Hon. P. CAICA: Ivan, I know you are interested in trucks. You will learn something here, and it is very important. Emissions from motor vehicles, particularly those with diesel engines, constitute the most significant source of urban air pollution in Australia. I am advised—and I know the member for Schubert is aware of this—that diesel vehicles are significantly disproportionate contributors of fine particle pollution and oxides of nitrogen.

With the continued growth in kilometres travelled by Australia's diesel fleet, and the corresponding fuel consumption, there is a growing concern about air quality. TAFE SA provided the successful tender to undertake a Transport SA project aimed at emissions reductions through direct training for the transport industry. TAFE SA's O'Halloran Hill campus is a significant provider of heavy vehicle mechanics training in South Australia, and has strong links with industry. I recommend that any member of the house who wishes to go and look at that outstanding facility do so, and I can organise that for them. Again, Ivan, you could check that out.

Last week I had pleasure in viewing the operation of the equipment first hand when I visited the campus to meet students and launch the new training facility. I must acknowledge the support of my colleague the Minister for Transport, as his department has invested around $300 000 towards the latest exhaust emissions testing equipment, while TAFE SA has invested $120 000 in capital infrastructure. These resources have the potential to be shared between TAFE SA institutes, in particular the automotive programs based at the Croydon and Naracoorte campuses.

TAFE SA's training includes the national automotive service and repair training package, which contains engine management emissions testing and reporting, and places TAFE SA at the forefront of technical teaching expertise. The training also includes identifying links between regular servicing, maintenance and improved emissions performance of vehicles, establishing the role of owners and drivers in reducing pollution and fuel consumption, and increasing the skill level of current workers in the industry.

Students undertaking training also have access to research data from UniSA and assist in the dissemination of emissions testing requirements for the transport industry. In addition, there is also significant research and partnership potential with engine designers and fuel engineers. It is expected that Transport SA will provide over 200 personnel to be trained during the current financial year. As of next year, this training program will be embedded into the apprenticeship program as it relates to diesel mechanics. The South Australian environment will very much be the winner as a result of TAFE SA and Transport SA combining their expertise and resources to reduce diesel emissions through industry-focused training.

WATER ALLOCATIONS

Mr PEDERICK (Hammond): My question is to the Minister for Water Security. Will secondary industries along the River Murray, which are extracting water from the river as licensees, be treated as irrigators, or will they be treated like industry in Adelaide with no restrictions?

The Hon. K.A. MAYWALD (Minister for Water Security): The issue of how industry will be treated under the water restrictions, should they apply on 1 July, is currently under negotiation, and that information will be provided once the policy is determined.

FOOD DONATIONS

Ms FOX (Bright): Will the Attorney-General inform the house of proposals that will make it easier for food donations to be made to charity?

The Hon. M.J. ATKINSON (Attorney-General): South Australians have long been concerned at the amount of perfectly good food that is thrown away by our supermarkets and shops. It is a pity that each night at shops the shelves of perishables are swept clean and we see food taken away for disposal in locked bins in secure yards at the rear of shopping centres. Not only is this a waste but, more importantly, the capacity to help needy people through food donation is lost. How to resolve this vexed issue has long exercised the minds of government and charities.

Currently, the law of negligence can be applied to a person who donates food to charity. Therefore, if the consumer of that donated food suffers any harm he or she may have a legal remedy against the donor of the food if the donor has been negligent in providing it. Although there are no known instances in South Australia of a donor being successfully sued over the consumption of unsafe food that was donated, among interested parties it is felt that the lack of certainty about what a donor must do to protect itself from liability is constraining food donations in our state.

I am aware that, in the past, some charities had expressed concerns that changes to the laws may lead to unsafe food being dumped on them, creating a risk to vulnerable people. It appears now that experiences interstate have given them confidence to support a change to the law. Both New South Wales and Victoria have changed their laws in recent years to make clear a donor's liability. The changes do not provide immunity to the donor, but they do specify what a donor must do to be safe. The donor must:

- ensure the food is safe to eat when it leaves the donor's possession;
- make the recipient aware of when the food will no longer be safe to eat; and
- advise recipients of any special handling or storage conditions necessary to ensure that the food remains safe to eat.

I am aware that the changes to legislation in Victoria and New South Wales have encouraged donations of safe food. A Victorian charity, One Umbrella, has reported that the number of meals it was able to produce from donated food increased from 40 000 to 75 000. I intend to bring the proposed legislation to the house for the consideration of members soon. I look forward to the support of this measure to protect decent, caring South Australian businesses and encourage charity for those who need it most.

MURRAY RIVER

Mr PEDERICK (Hammond): Again, my question is to the Minister for Water Security. How does the government propose to maintain the quality of river water held above the proposed weir near Wellington once the weir gate is shut? The opposition has been advised that, once the river's flow is stopped, salinity and toxicity levels upstream of the weir will soar, promoting blue-green algae growth and accumulating 1 000 tonnes of salt, which normally passes Wellington daily, to be disbursed by the Lower Lakes.

The Hon. K.A. MAYWALD (Minister for Water Security): The Wellington weir will be subject to the Environment Protection Biodiversity Act of the commonwealth government. We will be sending the referral to the commonwealth government. It will be putting in place a process for an environmental assessment of the system. The issue we are facing in South Australia next year—and I mean the next water year commencing 1 July—if the drought continues is one of a lack of flow across the border which will create enormous problems for us in relation to water quality, whether or not we have a weir.

Mr PEDERICK: My question is to the Minister for Water Security. Why did the government not plan for the leakage of saltwater through the barrages at the Lower Lakes; and now that the water adjacent to the barrages is unsuitable what is the government doing to help local residents and farmers?

The Hon. K.A. MAYWALD: Because I was not around in 1930 when they built the barrages I do not know why they did not build them for reverse head—which we are currently having with the low flows. Unfortunately, when the barrages were built they were not built for the current situation of no rain. We have an extenuating drought circumstance occurring at present that will result in very low inflows to the state. We have been working with the Lower Lakes communities for a considerable time in relation to alternative water supply mechanisms. We have built standpipes at Meningie on the end of the Narrung Jetty, Hindmarsh Island and Goolwa. We are putting in a pipeline to Clayton. We are doing all we can to assist communities around the lake that will be significantly impacted by the low flows coming into South Australia as a consequence of extreme drought circumstances.

Mr PEDERICK: My question is to the Minister for Water Security. Why has the government declined the offer of experienced advice about the river, its problems and options from one of the most knowledgeable groups along the river? The Murray Skippers Association has over 80 members, whose combined experience on the river exceeds 2 000 years and draws on knowledge accumulated by several generations of river skippers.

The Hon. K.O. Foley interjecting:

Mr PEDERICK: Obviously, the Treasurer is not a riverboat man. This group has provided assistance to other government departments on maritime and navigation matters. It has made numerous offers to contribute to the debate with information about the river and suggestions to improve its flow, holding capacity and condition. None of these offers has been taken up.

The Hon. K.A. MAYWALD: During this time of extreme drought we are seeking advice from a range of different sources, including the community. The community has had the opportunity to participate in many of the different public forums we have held. We are taking a significant amount of advice from across the nation in relation to managing the current drought situation, and we are working collaboratively with the best scientific heads around the nation. We are doing that in conjunction with the federal government. We have established a senior officials group, which includes the Prime Minister's officers and South Australian officers, as well as officers from New South Wales, Queensland, ACT and Victoria. We are seeking advice through the Murray-Darling Basin Commission. I assure members opposite that there are plenty of experts out there providing us with information.

WATER DESALINATION

Mr WILLIAMS (MacKillop): I am not sure whether I should be directing my questions to the Prime Minister. It seems he is responsible for everything in South Australia. However, I will try my luck again. I direct my question to the Minister for Water Security. Has the government's planning for a desalination plant in Adelaide identified a site, a power source and a proposed capacity for the plant; and, if so, will she inform the house?

The Hon. K.A. MAYWALD (Minister for Water Security): As I have previously said in answer to two questions during this question time, we have a desalination working group which has a terms of reference with a requirement to report to government. Once it has reported, after concluding its investigations—

Mr Williams interjecting:

The Hon. K.A. MAYWALD: Not prematurely—we will bring that information to the house. I assure the shadow minister that, if he has any questions he would like me to ask the PM on his behalf, I would be happy to do it.

Mrs PENFOLD (Flinders): My question is also to the Minister for Water Security. Has the government any plans for building smaller, regional desalination plants to supply the state's major coastal country centres and communities to relieve the demand on River Murray and, if so, how many and where?

The Hon. K.A. MAYWALD: At this stage there are a couple of proposals that private investors are looking at for desalination for small coastal communities. We have a desalination plant operating at Kangaroo Island. There are a number of desalination plants that we considered as a consequence of the current drought as potential options for supplying communities around the Lower Lakes. They have since been ruled out and we are now establishing a pipeline to the community of Clayton. We have a desalination working group that is actually looking at desalination for Adelaide, and we also have significant negotiations being undertaken for—just wait for it—the establishment of the largest desalination plant in the Southern Hemisphere with BHP. BHP requires desalinated water for its expansion at Olympic Dam but, of course, there are a number of country communities that will benefit from this desalination plant should it go ahead. We are looking at a pipeline that we have built at a cost of $48 million from Iron Knob to Kimba which will enable the desalinated water to actually be distributed to many, many small country towns on the Eyre Peninsula. So, yes, we have lots of plans in the wind.

Mrs PENFOLD: My question is again to the Minister for Water Security. In light of the minister's response, why then will the government not allow private companies to undertake the building and operation of desalination plants to overcome water quality and supply problems on the Eyre Peninsula?

The Hon. P.F. CONLON (Minister for Transport): Unfortunately the member for Flinders rarely is accurate on these subjects. This government does not prevent any private company operating a desalination plant on the Eyre Peninsula.

An honourable member interjecting:

The Hon. P.F. CONLON: Ah, he said what about third party access assets? We heard a very, very confused Leader of the Opposition this morning on FIVEaa. I am not surprised the Leader of the Opposition was not asking questions on his media release today. It was a very, very confused Leader of the Opposition talking about third party access, and said, 'Why don't we allow third party access to the water that we pump out to sea?' Of course, actually we would if someone asked us for it. The issue is how do they get it where they want it; he's very confused about these issues. Let me say it is absolutely clear that we have not prevented any private sector person building—

Mr Hamilton-Smith interjecting:

The Hon. P.F. CONLON: And, of course, the Leader of the Opposition interjects. It has been fun to watch his leadership so far. It is like watching the most slow-motion car crash in the world. The outcome is inevitable even if it is not travelling at the speed we would like. It is absolutely clear that we do not prevent anyone building a desalination plant. What we do not do is give unfair advantages to anyone over anyone else, and I can say we loved your—

Members interjecting:

The Hon. P.F. CONLON: That's right, we don't give unfair advantages to anyone else. That's right.

ADDRESS IN REPLY

The SPEAKER: I inform the house that Her Excellency the Governor would be prepared to receive the house for the purpose of presenting the Address in Reply at 3.30 p.m. today. I ask the mover and seconder of the address, and such other members as may care to accompany me, to proceed to Government House for the purpose of presenting the address.

[Sitting suspended from 3.19 to 4.08 p.m.]

The SPEAKER: I have to inform the house that, accompanied by the mover and seconder of the Address in Reply to the Governor's speech and by other members, I proceeded to Government House and there presented to Her Excellency the address adopted by the house on 8 May, to which Her Excellency was pleased to make the following reply:

> To the honourable Speaker and members of the House of Assembly: I thank you for the Address in Reply to the speech with which I opened the second session of the Fifty-First Parliament. I am confident that you will give your best consideration to all matters placed before you. I pray for God's blessing upon your deliberations.

GRIEVANCE DEBATE

ITALIAN DIABETES SUPPORT GROUP

Ms PORTOLESI (Hartley): Mr Speaker, I draw to the attention of the house the plight of an important community group currently operating in the eastern suburbs which, of course, draws many of its members from my own electorate of Hartley. I refer to the Italian Diabetes Support Group which, for a long time now, has provided elderly members of the Italian community experiencing chronic illness, such as diabetes, a forum within which they can self-manage their disease by receiving the latest information and medical advice on nutrition, exercise and lifestyle management.

The meetings take place monthly and are facilitated in Italian by a health worker—which, I believe, is the reason behind the success of the group and why members are so devastated at the prospect of its not continuing in its current

form. As we all know, people from a non-English speaking background tend to revert to their mother tongue as they get older. The group has a large membership, and its meetings are well attended. The value of this support group cannot be underestimated. I am sure that the parliament would appreciate that self-management reduces the burden on our hospitals and general practitioners, and it must be encouraged.

Of course, the meetings also give members a reason to get out of their home and catch up with others, thereby relieving a great deal of isolation. The group has been financially supported by the federal government through the Adelaide Central and Eastern Division of General Practice. The Enfield Community Health Service provides refreshments for the group and pays for the hire of the venue, which is located in Payneham. An exercise instructor from the Hampstead Centre also attends the meetings to provide a gentle exercise program, and I commend all these organisations for the support they have provided thus far.

However, some months ago I was approached by a constituent who reported that the group was facing closure; and, although it took a while to get to the bottom of the government's arrangements with the group, I was able to ascertain that the Adelaide Central and Eastern Division of General Practice (which is responsible for the funding) will no longer be able to provide full financial support to the group. Until just recently, the division paid for a session a month, which involved payment for the health worker. However, that has now been reduced to five sessions a year, which makes it unsustainable for the group to continue.

A number of proposals have been put forward for the group to merge with other groups, such as Heart Support Australia, a group which also does a fine job. However, the problem with that option is the language barrier. Heart Support Australia cannot facilitate the meetings in Italian, which is fair enough because a number of other attendees may not speak Italian. As a colleague pointed out, it is quite dangerous to give elderly citizens for whom English is a second language medical information in English if they are not terribly competent in English.

The disturbing thing is that we are not talking about a large amount of money to keep this group afloat. I am reliably informed that the funding shortfall is about $1 000 a year. The members of the Italian Diabetes Support Group and the wider community will pay a significantly higher price in terms of growing dependence on medical services as a result of the withdrawal of this service.

I want to be clear that my grievance is not with the Division of General Practice. In fact, I thank the CE, Nick Prescott, for his intervention in this matter and his patience in trying to come up with a solution. The responsibility for this issue sits fairly and squarely with the federal government for cutting funding. I am raising this matter now because I was holding out hope—as were others—that the situation would be addressed in the budget, but that has not occurred. I wonder how many other groups have had their funding cut, as well.

In the spirit of trying to find a solution for these people, I have drawn this matter to the attention of the federal Minister for the Ageing (Hon. Christopher Pyne) and requested that he consider funding to allow this important community group to continue to serve its members. Strangely, he referred the matter to the Minister for Health and Ageing (Hon. Tony Abbott); so I am a little confused. In closing, I urge the federal government to reconsider this matter and I urge all members to do the same.

GLENELG TRAM

Dr McFETRIDGE (Morphett): On Wednesday 2 May the acting minister for transport accused me of scaremongering, attention grabbing and being incorrect when I raised issues about possible fungal and other air contamination in the new trams. A number of statements are made in his ministerial statement that need to be clarified. He accused me of scaremongering. Well, this issue was raised with me by TransAdelaide employees. An email states:

> . . . I and some of my workmates have concerns over possible health risks from the airconditioning on these new trams. . . Problems may be the cause, safety reps have tried but T/A is too complacent. This is a risk for all tram users, please Duncan this issue needs addressing ASAP.

If I was scaremongering it was because these people were scared. Already, they had a serious issue they were trying to address. I was attention grabbing, he said. I was attention grabbing and I am glad it grabbed his attention because at least something was done. The air was tested and swabs were taken from various areas in a number of trams. TransAdelaide employees were scared and they did bring it to my attention, so I brought it to the attention of the government. Often, the only way in which to do that is through the media.

The acting transport minister also said that I was incorrect about the things I was saying. I was correct in that both bacteria and fungi were cultured from swabs and air samples. I was correct in that the bacteria and fungal samples included potential pathogenic bacteria and fungi. I was correct in that the fungal species collected does produce coloured plaques ranging from greenish-black to yellow and orange. It should be noted that the tests were not accredited by the National Association of Testing Authorities or the Royal College of Pathologists Association—which bothers me. The Minister for Education and Children's Services (who is a trained pathologist) should look at the tests, read the results of the tests and note the range of bacteria and fungi cultured. Her experience will tell her that potentially there are nasty beasts and little bugs there.

If I was incorrect when the airconditioning system was being modified and I said that I understood it was then out of warranty because of the modifications, then let us see why Mooreair is carrying out further modifications on the airconditioning systems. Why is it that Mooreair was asked to do modifications if Bombardier was still looking after the airconditioning units under warranty? Did we buy the most expensive trams in the world in order to have airconditioning systems that were guaranteed for 12 months? If Bombardier is paying for the airconditioning modifications and upgrades, why were TransAdelaide contractors doing it? The need for further modifications is still disturbing.

The need to continually monitor the condensation and the potential bacteria and fungal build-up in the air-conditioning systems is something that is a real concern for me. I know it will be a concern for TransAdelaide employees, and certainly for the people who use the trams, which I do frequently. We bought trams that were meant to last 40 years, yet with an air-conditioning system that did not work from day one. We have serious problems. I warned about this four years ago in my travel report. There are photographs, there is a discussion of the need for extra powerful air-conditioning systems, and I would like to know what the modifications, the monitoring and the testing is costing South Australian taxpayers, or are Bombardier paying for it? Let us find out what is going on.

I will finish by saying that, for their size, we have the most expensive trams in the world. We paid over $5.5 million each for these trams. We piggybacked on the back of a German contract, presumably to keep the price down. We know it was for a delivery date, and I am told that German taxpayers paid about $3 million—$3 million against $5.5 million essentially for the same tram. Why did South Australian taxpayers pay two and a half million more per tram? It is an absolute scandal. I suggest that the Auditor-General should be looking at this because, to me, if this is the way the whole contract and the whole upgrade of the trams is being managed, it is an absolute mess. As I have said before in this place, I am a tram fan, but I weep for the way the tram extension and upgrade have been handled by this government. A series of transport ministers have mishandled it, and it is a continual mess-up.

Time expired.

FOOD ADELAIDE EUROPE

Ms FOX (Bright): I rise today to draw the attention of the house to the excellent work of the Food Adelaide Europe office, which is located in Paris. I had the good fortune to visit this office in the last two weeks, and I would like to point out, before anybody gets overexcited, that this was not a taxpayer-funded event, this was a Fox-funded event, but, as I was going for 12 days, I decided it would be very interesting to visit the bureau.

Food Adelaide represents leading South Australian food and beverage companies, and the group is supported by government funding and infrastructure. Food Adelaide works with importers, wholesalers and retailers to develop overseas market opportunities. In mid-May I met Mrs Litzie Makhotine, who is the manager of the Food Adelaide Europe office. She has an impressive background in the field. She was employed by the South Australian government at the beginning of the year. She is quadrilingual and she has extensive contacts in the European market, which I recognised during the days that I worked with her.

I spent three different days with her. The first meeting was with a group called Sovintex, which is one of France's premier importers of meat. It also has a history of importing so-called exotic meats which, of course, includes kangaroo. Sovintex supply many of the supermarket chains in France, and its CEO, Madam Odile Texier-Thorailler, is also president of the leading national lobby group, le Syndicat National du Commerce Exterieur des Produits Congeles et Surgeles—the National Union for Overseas Commerce and Frozen Products. In a very wide-ranging conversation that I had with her, we had a long talk about some of the issues which French importers have when importing Australian products.

By identifying these concerns, I think that greater opportunities may become available to South Australian suppliers of frozen meats in the future. A positive was that the perception of the quality of Australian products is very high—the lack of foot and mouth disease, the lack of BSE and the perception that South Australia is a place with very clean seas with no pollution—and this plays a very positive role in our product marketing.

However, the importation of kangaroo meat, which has the potential to become a very healthy market in France and in Europe generally, has not really occurred. Even though the French do not have any cultural concern about consuming kangaroo, there are some issues which prevent the market from developing. The first is that some product recently arrived in France and, when tested on arrival, proved to have small traces of salmonella. This has led to concerns about the process—from slaughtering the animals to their eventual processing, freezing, storing and transporting. Many French importers feel that the process carried out here is not reliable enough and that it lacks transparency and cannot be adequately authenticated to end users.

In subsequent discussions with Ms Makhotine from Food Adelaide, she agreed that this is a problem we need to resolve if we are to successfully promote large volumes of South Australian kangaroo to the French market. She also touched upon the sensitive issue of different cultural behaviours of Australian exporters to France. She and her colleagues agree that there is a perception that some Australian exporters do not develop relationships with French importers and companies in the way that the French would expect; that perhaps we have the perception of being in the market for making a short-term buck; and that we do not develop relationships in the long term. I think that this is about different cultural approaches, and it is something I will be very happy to talk about with my more 'agricultural' colleagues in the near future.

I do not really have time to say everything I would like to say. I also visited Picard. We had a very good meeting at the Australian Trade Commission, which is prepared to do some wonderful work on behalf of the South Australian government. Finally, in my opinion, the work carried out by the Food SA Europe office is fantastic and goes beyond the normal nine to five job. It is really promoting SA well, and I urge anybody—whether they be on a taxpayer-funded or a personally-funded trip—to drop in and meet this woman to see just how much she is doing.

Mrs Redmond interjecting:

Ms FOX: I am not funding your trip; I am sure that you can fund your own. I felt really proud of our products and to be South Australian when I was there.

LOWER MURRAY SWAMPS

Mr PEDERICK (Hammond):I wish to speak today on the rehabilitation works on the Lower Murray swamps, which are part of the Lower Murray Reclaimed Irrigation Areas program. The need for such a program was first raised as a possibility in the late nineties and was discussed with the then state Liberal government. It is part of the National Action Plan for Salinity and Water Quality and would bring about the rehabilitation of river swampland that had been affected by decades of intensive farming.

When the current Labor government took over the program, it conducted a desktop review of the proposals from an office in Sydney—quite remote from the Lower Murray swamps in the region upstream and downstream from Murray Bridge. In subsequent consultations, Lower Murray irrigators were told that they could not discuss issues raised in these consultative meetings with fellow irrigators. Later involvement of the Lower Murray Irrigators Group facilitated a manageable cost-sharing arrangement for farmers.

A distinction was drawn between private and government irrigators, and it became apparent that the Labor government wanted to get out of irrigating river flats at all and that this was its main focus, rather than pursuing a sustainable future for this very productive land. Early on, it was minister Hill's portfolio, and there was a great deal of upset and unrest, as many irrigators found his approach more confrontational than consultative.

The program eventually began about 3½ years ago and has had a difficult time progressing. Last week, the minister launched the first successful rehabilitation area at Cowirra (and I am still waiting for my invitation; I guess it is in the mail) and announced that, 'It has been an incredibly long journey and has had significant ups and downs.' As far as many of the irrigators are concerned, the slowness of completion has come about, in part, because of what they see as the department's intransigence and inflexibility in negotiations with landholders who, it must be said, are keen to see the land rehabilitated for the sake of the river's health and for irrigation efficiencies. With the 1 July deadline looming, some irrigators still find themselves at risk of being cut off for a variety of reasons, including finding contractors able to complete the works.

Many other issues have been raised in a review of the program. Mental health concerns were not considered until they became all too obvious. One case involves a dairy farmer who went missing for quite a few days in the region because the mental impact was not assessed at all by the government on this issue. Some levee banks are at risk of collapsing, as the lack of moisture on the adjacent land has allowed drying and cracking, and some of these cracks in this country can extend up to three metres deep. There is quite a risk to this land, which has had a significant hydraulic or continuous wetting effect, that it will not go on and that it will upset the natural landscape.

Some contracts have been paid for but are yet to be signed off. One contractor has not had any of his works signed off by the Environmental Protection Authority. There are also reports of other works that have not been delivered properly. Discrepancies exist in funding amounts, and people are being told that there are not funds to complete works. I have one constituent who has over 150 hectares of works that have not been funded because of the way the government juggles the numbers to get away from funding him for about half a million dollars.

Perhaps most damning of all is the availability of the all-important meters which is making a mockery of the government's declaration on the 30 June deadline: 'No meter, no water'. It will be a huge issue in undeveloped country. Up to 500 hectares are able to be rehabilitated, with unrehabilitated land occurring in random strips throughout the region. People with a genuine interest in rehabilitating land are not been funded and buy-out arrangements have left some land unrehabilitated with no further funds to finish the job. The cost is way beyond the means of farmers alone.

With the guarantee of federal support due to expire in June 2008, a thorough and complete review is urgently required to see this vital program through. The program does not have to be funded as part of the South Australian Murray-Darling Basin Natural Resources Management Board investment strategy.

Time expired.

RECONCILIATION WEEK

Ms CICCARELLO (Norwood): Today, I rise to speak on an important day in Australia's reconciliation calendar which was celebrated last Sunday. I was pleased to participate in many events during the past few days to acknowledge this event, namely, the anniversary of Australia's most successful referendum and a defining event in our nation's history.

Forty years ago, on 27 May 1967, almost 91 per cent of eligible Australians voted to make two changes to the Australian Constitution. These changes enable the commonwealth government to make specific laws in respect of Aboriginal people and also to take account of Aboriginal people in determining the population of Australia. The overwhelming result of the referendum not only represents the first real stage of the reconciliation movement in Australia, but it is also an extraordinary example of all Australians working together, side by side, to achieve an outcome that is fair and beneficial to all.

I am pleased that the significance of this achievement and this celebration seems to be resonating more and more among Aboriginal and non-Aboriginal people alike. As was also seen on the weekend with the 10th anniversary of the handing down of the historic Bringing Them Home report and the marking of National Sorry Day, there is now, indisputably, widespread community support for reconciliation.

However, I am also very conscious that these events, as important as they surely are, must not be mere exercises of indulgence and revelry in past glories achieved. Rather, they must be seen as a step on the road towards full and practical reconciliation and a benchmark against which to judge the progress of future initiatives. They must serve as a reminder—a catalyst—for keeping up the momentum, and I am proud to be a member of a government which is doing just that and which continues to display a strong commitment to dealing with the social and economic disadvantage that many South Australian Aborigines still face today. This is because we are resolute in our determination to bring all South Australians together in forging a better future for our state.

While these anniversaries are important in recognising the advances that we have made in the past, they must also remind us that there is still much for us to do. And we are doing it: our record is strong. Some of our recent achievements include the fact that we have improved opportunities in health, education and economic development for Aboriginal people on the APY lands. We have developed clear targets to improve the retention, attendance and literary skills of Aboriginal children in state schools and preschools, and I am delighted that last year more Aboriginal students than ever before achieved their SACE and that we had record attendances of Aboriginal three and four year olds in preschool. We are aiming to increase the participation of Aboriginal people in the South Australian public sector across all classifications and agencies and, again, we are well on our way to achieving our target of 2 per cent by the year 2010.

We are working hard with our state and territory colleagues at a national level to provide a voice for South Australia in combating violence and abuse within Aboriginal communities. Achievements are great, but we must also always keep our eyes firmly focused on the future, and nowhere is our continuing commitment to a better future more evident than in our updated version of South Australia's Strategic Plan, which we released in January this year. Taking into account the positive contribution that Aboriginal people make to South Australia, the plan has increased the number of Aboriginal-specific targets from two to nine.

New targets include increasing yearly the proportion of Aboriginal children reading at age-appropriate levels at the end of year 1; including Aboriginal cultural studies in the school curriculum by 2014; reducing overcrowding in Aboriginal households by 10 per cent by 2014; resolving 75 per cent of all native title claims by 2014; reducing the gap between Aboriginal and non-Aboriginal unemployment rates each year; lowering the morbidity and mortality rates of Aboriginal South Australians; and increasing the number of

Aboriginal South Australians participating in community leadership and community leadership development programs. These are ambitious targets, but they underscore the real meaning of reconciliation, that is, recognition, justice and healing.

Our government will never allow these words to become empty rhetoric wrapped in warm and fuzzy motherhood statements. Rather, they will continue to serve as a mantra in inspiring us all to continue working together to provide practical and enduring outcomes that will benefit all South Australians.

NURIOOTPA HIGH SCHOOL

Mr VENNING (Schubert): I rise on a very serious matter, and what I am about to do I have only done once before in this house in my 17-year career—and I am pleased that the minister is here—and that is to take issue with the management of a school very close to my heart. Ever since being elected to represent the Barossa Valley in 1993, I have sung the praises and adorations of a school that I have been very proud of, the best public school in South Australia, Nuriootpa High School.

The Hon. J.D. Lomax-Smith: Don't go there.

Mr VENNING: Members have heard me waxing lyrical about the many successes of this fine school—and I hear the minister's interjection—especially about the diverse courses that it offers. Included in these were the first wine course taught in a secondary school in Australia, aquaculture (barramundi), agriculture, and a horse husbandry course that had the blessing of the late Colin Hayes. Members have had the opportunity and have attended three receptions held here in Parliament House, where they could and did sample the fine hospitality of Nuriootpa High School students, their world-class wines, recognised by the international *Wine Examiner* magazine, and also tried the barramundi.

The architect of all this is one Kevin Hoskin, who was recognised by being made the Barossa winemaker of the year in 2005. Mr Hoskin is not currently employed or, at least, is not attending classes at school. I know that Mr Hoskin is not your stereotype teacher and, yes, he has tried the boundaries of the government school system, but to what result. He has put Nuriootpa High School and the public school generally here in South Australia up there with the best in Australia: an Australian leader in wine education in this land. Mr Hoskin has been accused of some transgression and has been asked to leave the school and work at Eudunda, leaving his beloved course to others.

Mr Hoskin has since taken stress leave and not gone to Eudunda. We do not know what the accusation is. The community of Barossa Valley is in shock. What is this man accused of? The police Fraud Squad was called in to investigate, and I understand that they have found no case to answer. The other teachers at the school are very supportive of Mr Hoskin, and many have contacted me, visited me, and written to me. I have a letter right in front of me here which is extremely emotional. Very prominent members of the community have contacted me. How can a man of this calibre be so judged without knowing what his so-called offence is? Nor has he been found guilty of anything apart from disregarding the rule book—and he did disregard the rule book, but, for the good of the school.

The Hon. M.J. ATKINSON: Madam Deputy Speaker, I am not one for strict enforcement of the sub judice rule, but—

Mr VENNING: It's not before the court.

The Hon. M.J. ATKINSON: Okay. I just wanted to know that there was not a criminal matter before the courts.

Mr VENNING: The police walked away saying that there is no case to answer. But, he did test the rule book—there is no doubt about that; we all know that—but to what result? Now the police have said that there is no case. Now DECS will implement its own internal investigation. 'The only barrier to Mr Hoskin returning to the school is the ongoing vague and unsatisfactory process being followed by DECS.' That is a quote straight out of a letter from a teacher, a person who knows.

Forty teachers have publicly shown their support for Mr Hoskin. Morale at the school has been seriously affected by the whole concerning incident. This follows a similar accusation against a female teacher 2½ years ago. Police were called in, and, after 2½ years, nothing—no result. This person was removed from the school 2½ years ago and nothing has ever happened about that. I have raised that matter with the minister's staff, and they did not know about it.

I raised my concerns several times with the minister's officers, the district superintendent, and various stakeholders, both inside and outside the school. It is dangerous to do things like this under privilege, but the support for Mr Hoskin has been totally overwhelming in the community I work with. I am happy that the minister is back with me. I am happy to hear from her. I rang her office. I did not want to contact her directly. I spoke to her chief of staff. I call on the minister now to immediately recall Mr Hoskin to the school, to call for a full independent inquiry on this matter, and to give all teachers and staff the opportunity to give evidence to that inquiry anonymously.

I know that there have been funding shortfalls for the ag course, but there are wine stocks. It is all about the audit process and who is in charge of what. I apologise for using privilege this way, Madam Deputy Speaker, but I have spent nearly a month on this whole issue and it has caused me a lot of grief. I have had contact with genuine people who asked how it can be that a man who is not charged or found guilty has been sentenced. My support for the school is total.

Time expired.

Mrs GERAGHTY: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

STANDING ORDERS SUSPENSION

The Hon. M.J. ATKINSON (Attorney-General): I move:

> That standing orders be so far suspended as to enable me to move a motion without notice for the adoption of sessional orders in relation to private members' business.

The SPEAKER: I have counted the house and, there being an absolute majority of members present, I accept the motion.

Motion carried.

SITTINGS AND BUSINESS

The Hon. M.J. ATKINSON (Attorney-General): I move:

> That for the remainder of the session standing orders be, and remain, so far suspended as to enable private members' business to have precedence in accordance with the draft sessional orders that have been distributed to members.

The SPEAKER: Does the Attorney wish to speak to the motion?

The Hon. M.J. ATKINSON: No, sir.

The SPEAKER: Are there any other speakers to the motion? The member for Mitchell.

Mr HANNA (Mitchell): I support the motion as it is, but I know that the member for Fisher and myself have been promoting this sort of change for some time. There are some quibbles we could have about the specific proposal. For example, I have long held the view that there should be more time for discussion of private members' legislation than motions, as we have traditionally had on Thursday mornings. Although there are usually more motions than bills on the non-government *Notice Paper*, usually the bills are of more substance than most of the motions. I know a lot of members agree with that. So I would have preferred to see 1½ hours for non-government legislation and one hour for non-government motions but, having said that, the arrangement that is put forward by the government at least guarantees there will be that hour for non-government legislation. It is not as good a position as we had in the last parliament, when it was a hung parliament and obviously non-government and non major party members had more of a say, but it does go back to the days before we had that hung parliament. It takes us back to the same position in respect of private members' time as we had 10 years ago, or thereabouts, I believe. So, it is an improvement from what we have experienced so far in this parliament. On that basis, I support the change.

Ms CHAPMAN (Deputy Leader of the Opposition): I thank the committee for consideration of the report in this matter. I indicate that the opposition supports the motion that has been put. I thank them for their consideration, and I also thank you, sir, for your consideration of this matter.

Mrs GERAGHTY (Torrens): I would just like to put on the record that, if we go back some years ago when I first came into this house, and at that stage I was a member of the opposition, I think these standing orders are actually better than was the case when I first came in here. I think the government has been very considerate in relation to opposition members, and government members as well.

Motion carried.

CRIMINAL LAW (CLAMPING, IMPOUNDING AND FORFEITURE OF VEHICLES) BILL

In committee (resumed on motion).

(Continued from page 173.)

Clause 3.

The Hon. G.M. GUNN: This clause does contain a definition in relation to the police and the Commissioner of Police. Obviously, the Commissioner of Police will give guidelines to the officers as to how this should be administered and what procedures they should follow.

The Hon. M.J. Atkinson interjecting:

The Hon. G.M. GUNN: Well, I am sure he would. Is the Attorney prepared to table in the house for the benefit of all members (and, in particular, the people of this state) those guidelines, instructions or standing orders, because we should live in an open society. I am sure that my friend the member for Mitchell would agree that we should know what they are. Knowledge is one of the hallmarks of a democracy. We just should know what they are. Will the Attorney take steps to have this information provided to the house?

The Hon. M.J. ATKINSON: I refer the honourable member to clause 24(5) where he will find his answer, and the answer is yes.

The Hon. G.M. GUNN: The Attorney would be aware that I provided him with some information in relation to what I consider to be a misuse of a power, which attracted considerable public controversy in my constituency. Will the Attorney give an assurance about this really bad decision making by a police officer and advise people as to what steps they can take if any of our constituents are placed in a similar situation? That is what we want to know. If a police officer acts inappropriately or in a petulant manner what rights are available? I am quite happy to tell the parliament who the copper is. I know who it is. I have had very angry people in my office, and rightly so. I have had discussions with senior police officers, and I am still very unhappy because I think it was an unreasonable action. I want to know what rights people can take on the spot.

The Hon. M.J. ATKINSON: Well, it is not intimately related to this bill but, if a police officer does not act honestly, the police officer will be in trouble. He will be in trouble with the Police Complaints Authority and he will be in trouble with his superiors. If the member for Stuart believes that this was a decision of a police officer at Stirling North that was not made honestly and in accordance with the circumstances as they presented themselves to the police officer, the people affected, aggrieved, should have taken the matter to the Police Complaints Authority. I trust that their local member has provided them with one of the pink complaint forms and that they have acted on it.

Mrs REDMOND: In furtherance of the question asked by the member for Stuart, clause 19 deals with the liability of the Crown, and subsection (2) provides:

> This section does not protect—
> (a) a relevant authority—

which presumably in that case would be the police—

> from liability in respect of the exercise or purported exercise of powers otherwise than in good faith.

Am I able to confirm with the Attorney-General that, in addition to the opportunity to make a complaint to the Police Complaints Authority were this to be in place now, it would be open to those complainants in the bridal party to seek damages in relation to the disruption to their wedding from SAPOL, should it be found that the officer did not act in good faith?

The Hon. M.J. ATKINSON: I do not want to give legal advice but, if a police officer is acting other than in good faith and damages have resulted, I think the member for Heysen is right.

Mrs REDMOND: Because there has been a motion to amend clause 3, I take it we are dealing with all aspects of clause 3 before dealing with the amendment—because I have a question on one of the other definitions, not that which is the subject of the proposed amendment. In relation to the definition of 'registered owner' I want clarity. The definition

simply states that 'the registered owner of a motor vehicle' means a person recorded in a register under the Motor Vehicles Act or the equivalent interstate legislation. I have a few questions in relation to how it will work in practice. Presumably, more than one person could be registered as the owner. I wonder whether the term 'a person' by virtue of the Acts Interpretation Act will be broad enough to include, for instance, a corporation in the event that a hire-purchase agreement resulted in the registered owner being the provider of the finance to purchase the vehicle. I know the Attorney-General has made the amendment above, but has that sort of ownership been taken into account all the way through the bill in terms of interpreting the issue of 'registered owner'?

I note that in clause 5(6) there is an obligation on the Commissioner to ensure that reasonable attempts are made to contact all current registered owners of the motor vehicle. Clause 14(1) is about the Commissioner giving the owner of the vehicle notice prohibiting the sale of the vehicle, and it refers to one or more of the owners of the motor vehicle. That clause does not require them to deal with all the registered owners. I want to be sure that the complications that arise from there being more than one owner and potentially the finance provider being the registered owner have been thought through in terms of the drafting of the bill.

The Hon. M.J. ATKINSON: The answer to the question is that 'person' and 'registered owner' do cover a corporate person. The reason that only one owner is contacted in the sale provision is that it requires the agreement of all owners to sell a vehicle, and contacting one is enough to put that person on notice and to veto an attempted sale. Of course, in fairness to those who have put the law together, motor vehicles generally are not owned like syndicated racehorses are, so it is not a common problem.

Amendment carried; clause as amended passed.

Clause 4.

Mrs REDMOND: The clause is quite straightforward, obviously, and provides that a power exercisable under this act is exercisable in addition to any other penalty that may be imposed on a person in relation to a prescribed offence, and I have no difficulty with that. But, as I mentioned in my second reading speech, one of the hesitations I have about this bill—notwithstanding that we are supporting it—is the potential for someone to have a significant penalty imposed on them prior to a trial and a finding of guilt. Theoretically, you could have someone's car impounded or clamped for 90 days, and they are under charge with it all that time. They then have their matter dealt with, they are found not guilty, and they have already had a significant penalty. What I want to know is this: as well as having the power exercisable in addition to any other penalty, is there a capacity in the court, and is it mentioned anywhere specifically, to say, 'Well, in setting the penalty, if there is going to be one, we are now going to take into account the 90 days you have already had your car impounded'?

The Hon. M.J. ATKINSON: My experience of magistrates is that they take into account the full range of matters, and I do not think wild horses could stop the magistrates taking into account a pre-conviction suffering of the accused person.

Mrs REDMOND: I do not have the act in front of me but my recollection is that section 10 of the Criminal Law (Sentencing) Act does not list that as one of the 120 different items that they are allowed to take into account; it is not quite that many—I think it goes from about (a) to (l) in section 10 of the act, and it does mention a range of other things, but I do not think it necessarily mentions that. I do not want to hold up the house unnecessarily, but it may be an idea, when we propose our amendment in the other house, to include an amendment to the sentencing provisions of the Criminal Law (Sentencing) Act to make it clear that that can be taken into account.

The Hon. M.J. ATKINSON: The Rann government is always open to constructive suggestions by members of the opposition and Independents, as we have proved, and I am open to this suggestion also.

Clause passed.

Clause 5.

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

Page 4, line 15—
Delete 'used by the person in the commission of the alleged offence' and substitute:
allegedly used by the person in the commission of the offence

The bill allows police to clamp or impound two categories of vehicle. The first category is a vehicle that was used by a person who has been charged, arrested or reported for a prescribed offence in committing that alleged offence. The second category is any vehicle of which the person charged, arrested or reported for the prescribed offence is a registered owner, this being the category that is appropriate when the person so charged committed a prescribed offence that does not involve the use of a motor vehicle, or when the vehicle used to commit the prescribed offence belongs to someone else but the person reported, charged or arrested for it is the registered owner of another vehicle.

This amendment is a drafting adjustment to the first category of vehicle to clarify that the use of the vehicle by the person in the commission of the prescribed offence is at this stage alleged but not proved. Whereas the bill as introduced referred to a motor vehicle used by the person in the commission of the alleged offence, the amendment will refer to a motor vehicle allegedly used by the person in the commission of the offence, the offence being the prescribed offence for which the person has been reported, charged or arrested.

Mrs REDMOND: I was a bit concerned by the wording as it appeared at first. I was very pleased to see the proposed amendment, because I think that is more technically correct, that what we are going to have is 'allegedly used by the person in the commission of the offence'. The offence certainly occurred, and 'allegedly' which appeared in the first draft made it so that the offence was what was alleged rather than the person being involved in it was what was alleged, so I welcome and support the amendment.

The Hon. M.J. ATKINSON: I know that it is out of order, Madam Chair, but, just answering the previous question from the member for Heysen, if we look at section 10 of the Criminal Law (Sentencing) Act, the catch-all provision is 'any other relevant matter', and pre-conviction, impounding or wheel clamping I would have thought is a relevant matter.

Amendment carried; clause as amended passed.

Clause 6.

Mrs REDMOND: I think that I misunderstood the way this was structured, and I want to clarify that the Attorney indicated that I was correct in my understanding that the new period of impounding, when there is an application to the court after an initial period, can be anything up to 90 days. However, as I read clause 6, the original clamping is to be for a period of seven days, so there will no longer be a discretion-

ary two days, three days or four days. However, clause 8(3) provides:

> Nothing in this section—
> (a) prevents the relevant authority from removing clamps from a motor vehicle or releasing a motor vehicle before the end of the clamping or impounding.

Is it the case that, for the 90 days, we are saying that we will make an application for whatever up to that period; whereas, for the original clamping or impounding, we will start out with a prima facie seven days with a discretion to move it downwards? Am I correct in my reading of the legislation?

The Hon. M.J. ATKINSON: No is the answer. Clause 6 states 'liable to be impounded or clamped'. To my way of thinking, that means that the police have a discretion to impound or to wheel clamp for less than seven days.

Mrs REDMOND: Can I ask further to that: why the difference in the wording? We have clearly stated 'up to 90 days', so why would it not be appropriate in this clause to state 'liable to be impounded or clamped for a period of up to seven days' to make it consistent? It seems to me that, if you do not use consistent terminology, but you intend the same effect, a magistrate or judge looking at that clause would wonder why there is a difference in terminology and assume that there was a reason for it. To me, the obvious reason would be that, in fact, it was intended to be a seven-day period.

The Hon. M.J. ATKINSON: I thank the member for Heysen for her assistance, but we think that we have made ourselves plain. We use the expression 'liable to' throughout that clause and the following clause, and we would not want to upset the drafting style we have used. I am confident that it is clear and that the intention of parliament will be borne out in the application of this bill by the magistrates.

Clause passed.

Clause 7.

Mrs REDMOND: I refer to clause 7(5) and, in particular, the substance of clause 7(5)(d). The clause deals with extending the clamping period and so on, and subclause (5) states:

> In determining whether to make an order in relation to a motor vehicle under this section, the Court must have regard to the following matters. . . (d) whether the motor vehicle is owned by the alleged offender;

I thought that the whole thrust of this legislation was that the motor vehicle had to be owned by the alleged offender and I do not understand why that clause is even in there.

The Hon. M.J. ATKINSON: The thrust of the member for Heysen's question is at odds with the interrogation I was under from the members for Schubert and Stuart. I can well remember the Hon. Mark Brindal, the member for Hayward, saying when I was first member of this house that it is the prerogative of the opposition to have two bob each way. The draconian provisions that allow the police to impound or clamp a car other than the car owned by the offender applies for the seven-day pre-conviction impounding or clamping. When it comes to court ordered clamping of up to 90 days, the court can take into account that the car is not owned by the alleged offender, and I think that is a relevant matter to take into account. That is not to say that the court will not order a further period of impounding another person's car, but it is a factor that can be taken into account, and I think that is just.

Mrs REDMOND: I now refer to clause 7(5)(a) where one of the considerations of the court is whether the person whose alleged offending forms the basis for the exercise of powers has previously been found guilty of, or expiated, any prescribed offences. Further on in the bill there is a reference to checking back for what was five years, and by this bill that will be extended to 10 years, but there does not appear to be any time limit on this particular period. For example, there could be an offence from 20 years ago that would still come into play. Is that the intention or is it intended that it be, again, consistently through the legislation, a reference to looking back for 10 years?

The Hon. M.J. ATKINSON: We do not think stipulating a time limit is necessary here. We are happy to rely on judicial discretion; that is the nature of this government. We are great supporters of judicial discretion and the independence of the judiciary, so we are happy to leave it to the magistrate what weight he or she chooses to give to that previous conviction, even though it may be a generation ago.

Mrs REDMOND: Clause 7(5)(e) again deals with the matters that the court must have regard to in making a determination, and provides:

> If the motor vehicle is used by persons other than the alleged offender, the extent to which any extension of the period of clamping would affect the alleged offender as opposed to other users of the motor vehicle. . .

I do not understand why the words 'the alleged offender as opposed to' are in there. If you are looking at deciding to extend the period, it would seem to me that it is appropriate for us to say that we want the court to think, if someone else uses the motor vehicle regularly, what will be the effect of this further clamping or impounding on those other people, but the way that is worded seems to give precedence to the interests of the alleged offender, who seems to me to be the person who should be at the bottom of the list as far as the considerations that should be in the court's mind when the court is making a determination as to whether to extend the period of the clamping or impounding.

The Hon. M.J. ATKINSON: The subclause is not framed that way for the purpose of considering the effect on people other than the alleged offender. The extension by the court of impounding or clamping for up to 90 days is focused on the alleged offender. That is the person the court should be focused on, therefore the clause focuses on the alleged offender and it is not necessarily mitigation that we are looking for here. The government would say that we are focusing on the alleged offender for punitive purposes.

The Hon. G.M. GUNN: I take it that if the vehicle is owned by other people and the vehicle is essential, for example, to take children to catch a school bus, that is a matter that would be given very serious consideration before impounding the vehicle for any lengthy period. The offender may not own the vehicle and may, unfortunately, just be using it and, therefore, those sorts of circumstances, and I could outline a number of others, should be taken into consideration. The other matter that needs to be taken into consideration is this: if the vehicle is clamped for seven days and it is in an isolated community, do the police officers give a clear undertaking that at the end of that period, on that particular day, they will be there and cannot say, 'Look: we're too busy, we'll come a week later'?

The Hon. M.J. Atkinson: Gunny, turn over the page.

The Hon. G.M. GUNN: I want these things put on the public record, because the act itself is not in *Hansard*. We debated all this gobbledygook and that is not in *Hansard*. I have already given the Attorney a disgraceful example of where the powers are being misused, and when people come to me I want to be able to show them that these matters were

raised. I also say to the Attorney-General that I am still considering what I will do in this parliament in relation to that disgraceful act. I have plenty of witnesses. The minimum is to raise it with the Commissioner and name the copper, but I am considering whether I move a motion of censure on the copper.

I have a very strong view, Attorney, that, when you pass draconian laws to deal with villains, you also have to be aware of the flow-on effects where innocent people who do not have the ability to defend themselves become victims themselves. That is why I raise the matter. I am aware of what is in it. People expect their members of parliament to test this legislation; that is why we are here. We are not here to rubber stamp; we are here to test it.

The Hon. M.J. Atkinson: Well, get in your V8 and test it.

The Hon. G.M. GUNN: I don't have a V8 vehicle. If you drove as far as I do in the course of a year, you would understand some things.

The Hon. M.J. ATKINSON: Subclause (5)(e) is focused on the offender; (5)(f) preserves the rights of parties other than the offender or alleged offender. If the member for Stuart had turned the page he would have seen that. I note that the member for Heysen offered it to him; that is a good thing. I think the section is well-crafted and will stand the test of time.

Clause passed.

Clause 8 passed.

Clause 9.

Mrs REDMOND: I have just one question. It relates to a comment that I made in my second reading speech in which I think indicated a misunderstanding because I was talking about the disposal of the money when a vehicle is actually disposed of. I suggested that, perhaps, the costs of impounding would be incurred only where the Commissioner for Police, for example, paid a private yard or someone to hold the vehicle. On reading clause 9 and, in particular, the definition at the end of it, it appears that the intention is that the police will normally prescribe fees that they will charge for impounding. So the intention of the legislation as I now read clause 9 is that, once someone's vehicle is impounded, in addition to the inconvenience created for them by having it impounded, there will almost certainly be fees imposed, which are then recoverable as a debt. I just wanted to clarify that that is the case.

The Hon. M.J. ATKINSON: The member for Heysen has been in knots arguing with herself, and she reaches the right conclusion.

Clause passed.

Clauses 10 to 12 passed.

Clause 13.

Mrs REDMOND: This clause concerns when a court may decline to make an order. Subclause (2) provides:

> If—
> (a) a court declines to make an order under this part on the ground that the making of the order would cause severe financial or physical hardship to the convicted person; and
> (b) the court is satisfied that it would be reasonably practicable for the convicted person to instead perform community service. . .

Why does physical or financial hardship have to be only to the convicted person? Why is it not reasonable to provide that if the making of an order was going to cause severe financial or physical hardship to someone else—whether it be an invalid mother, someone who needed to have the car to get to work, or whatever, but not the convicted person? Why would it not be reasonable to simply say 'to any person' rather than just the convicted person and allow the ordering of community service in lieu in those circumstances?

The Hon. M.J. ATKINSON: It is an interesting point that the member for Heyson raises, but we are focused on punishing the offender or mitigating the penalty against the offender because of the offender's circumstances. We are not so much focused on third parties. We have picked up this clause from other legislation. If the member for Heysen would like to make it more complicated, she is welcome to draft an amendment.

Mrs REDMOND: Whilst I appreciate the Attorney's comments about focusing on the offender, it seems to me that it is not an unreasonable thing to say that, if we have a convicted offender but we know that imposing the further penalty of impounding or clamping the vehicle for whatever period is going to cause financial or physical hardship to someone else, and if they could just as easily do community service in lieu, then that would be a reasonable thing. So, I indicate that I may well arrange for an amendment along those lines to simply remove the words 'convicted person' and replace them with 'any person' so that there would be a broader discretion in the court to allow community service in lieu.

The Hon. M.J. ATKINSON: I am reluctant to go along with the Liberal Party introducing a loophole into this legislation. It is a matter for them before the upper house. The argument here is that if a third party would be prejudiced—therefore, no wheel clamping or impoundment—instead the offender does community service. I can see the argument, but it is not one I really want to open up.

Clause passed.

Clause 14.

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

> Page 10, line 41—
> Delete 'under the Consumer Credit (South Australia) Code'.

This amendment removes reference to the Consumer Credit (South Australia) Code from a provision exempting a credit provider who repossesses a motor vehicle that is subject to a notice prohibiting its sale or disposal from liability for contravention of that notice. Taken with amendment No. 1, the effect of this amendment is that the exemption will now not only cover repossession by a credit provider exercising his or her entitlements under the Consumer Credit (South Australia) Code but will also cover repossession by any person who finances a vehicle by other means. That, by dint of amendment No. 1, will now bring that person within the definition of credit provider for the purposes of the bill—for example, a commercial fleet lessor. The amendment means that not only vehicles financed for consumer purposes and covered by the code but also vehicles financed for a commercial purpose by way of a lease may be repossessed by the financier after they have been impounded or clamped under the bill.

Mrs REDMOND: I just read this amendment as being consequential to the original amendment and necessary because of the original amendment in the definitions clause. We support the change, given the earlier change.

Amendment carried; clause as amended passed.

Clauses 15 and 16 passed.

Clause 17.

Mrs REDMOND: The clause reads to me as though warrants for seizure will be an entirely ex parte application

with no obligation to serve or to hear from anyone else. Is that the intention of the clause?

The Hon. M.J. ATKINSON: Yes.

Clause passed.

Clause 18.

The Hon. G.M. GUNN: This clause indicates that a person must not hinder or obstruct a relevant authority in exercising powers under this act. I asked the minister earlier about what right a person has to object to a course of action which an inspector or overzealous person, exercising authority under these provisions, may take against someone. I take it that this clause does not prevent a person from objecting to the action taken by the police. I further ask the minister: where in this bill does it say that a person has a right to object to a course of action; and which particular person, exercising authority under these provisions, can a person approach to say that the law has been enforced in a harsh and unreasonable manner?

The hallmark of our democratic system is that people do have a right to object, do have a right to challenge authority, and long may it stand. In my limited time here I have tried to stick up for people who do not have the ability to defend themselves, because bureaucracy is insensitive. One of the great threats to democracy is blatant bureaucracy with little understanding of the average person. I have no time whatsoever for hoons and things, but I am concerned that, in a decent society (not a Mugabe society), people do have a right to challenge the police officer or whoever else may be exercising authority.

What rights do they have to say, 'This is unfair, unreasonable and I object most strongly'? If they stick up for themselves they could be charged with hindering.

The Hon. M.J. ATKINSON: They have every right. In our rule of law society, if the police violate the rule of law they can be sued in Her Majesty's courts for damages. If Her Majesty's subjects are treated badly by the police, if the police do not act in good faith, people can approach the Police Complaints Authority in addition to suing police. Indeed, people exercise this right because, as Attorney-General, I can tell the committee that I am always being approached by the Police Association to get the Crown Solicitor's Office to represent South Australia Police members who are being sued.

There are South Australia Police officers before the Coroner's Court right now. I know that the member for Stuart has always been a Bolshevik about police powers, and long may he continue to defend our liberties. However, I point out to the honourable member that the general law, the constitution of our country, provides these rights, and they are not being taken away just because there is a hindering clause in the bill. 'Hindering police' has a specific meaning, and it has been interpreted many times in our courts. The member for Stuart is not right to try to argue that this is something extraordinary that overrides normal constitutional safeguards.

The Hon. G.M. GUNN: Obviously, the Attorney-General wants to have a bit of a fight about this and, obviously, he wants to stay for a while—although I would rather not. I object to having any association with Bolsheviks. That is right over the top. I would think someone who has been fortunate enough to be given the office of Attorney-General would know better.

The Hon. M.J. ATKINSON: I withdraw the comparison of the member for Stuart with a Bolshevik and apologise.

The Hon. G.M. GUNN: Well, that has got us over that bit, but to indicate I am unsympathetic towards the police is not correct. I am very familiar with the views of the police and the Police Association. A former secretary of the Police Association spends time helping my family. I think the overwhelming majority of police officers do a really good job but notwithstanding that—

The Hon. M.J. Atkinson interjecting:

The Hon. G.M. GUNN: And that was a very wise decision he took because you were disruptive and very naughty.

The Hon. M.J. ATKINSON: And terrible things have ensued from that naming, all the way to the High Court.

The CHAIR: Order! The member for Stuart has a point to make; a question to ask perhaps?

The Hon. G.M. GUNN: I have been sidetracked, Madam Chair, and you know how difficult it is for me to get to my feet.

The CHAIR: I urge you to focus.

The Hon. G.M. GUNN: The Attorney-General seems to want to skirt around the issue. He talks about the right to go to court. He knows as well as I do that is an expensive option.

The Hon. M.J. Atkinson interjecting:

The Hon. G.M. GUNN: How many people have that benefit? I say not too many. I support there being a Public Advocate for the average citizen because we are passing many laws and people are being dragged before the courts when they do not have the financial ability to defend themselves. We can talk about all these rights and they do exist in some courts, but unless one has the ability to fund them and can afford to lose, one cannot go there.

The Hon. M.J. Atkinson: Indeed, as the member for Florey found out.

The Hon. G.M. GUNN: Well, the member for Florey was badly treated by the courts, and before I leave this place I will put the whole story on the record and all about Mary Goodwood and the judges. I know the whole story.

The CHAIR: Could we just deal with clause 18, please?

The Hon. G.M. GUNN: I want to know from the Attorney-General what right the average citizen has if he is stopped and does not believe he is doing anything wrong—like the poor people who had their car taken on their wedding day. If they want to object to whom do they go on the spot? That officer was full of his own importance and arrogance and upset a large number of people. They should have shunted him down the street; that is what they should have done in a decent society. One unreasonable act normally generates another. I want to know in relation to those sorts of occasions where they go and what rights they have. It is a simple question. If the Attorney-General does not know we can adjourn the committee until he finds out. We want a simple answer: tell me how they go about objecting, and I will keep quiet.

The Hon. M.J. ATKINSON: That question has been asked and answered, but I am surprised to hear the member for Stuart proposing direct action by disgruntled citizens against Her Majesty's police officers. He is behaving like the leaders of the Vietnam moratorium in the early 1970s. I have previously outlined the redress that a citizen has against a police officer exceeding his authority or not acting in good faith, and the resort is to the Police Complaints Authority or the civil courts.

The Hon. G.M. Gunn: That's down the track.

The Hon. M.J. ATKINSON: The member for Stuart seems to think there is some short cut whereby he can avoid the courts in bringing down a police officer, and I note that

when the estimates committee sits, apparently he is going to roast the Police Commissioner based on—

The Hon. G.M. Gunn interjecting:

The Hon. M.J. ATKINSON: Well, you mentioned the Commissioner's name.

The Hon. G.M. Gunn interjecting:

The Hon. M.J. ATKINSON: You mentioned the Commissioner's office. You said you would be waiting for the Commissioner at the estimates committee. The record will show that I am correct.

The Hon. G.M. Gunn: If it does, it will be the first time.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: No, the member for Heysen has experience of the record being as I predicted. The member for Stuart should not try to short-circuit Her Majesty's courts or the Police Complaints Authority.

The Hon. G.M. GUNN: It is a very simple matter, and I have read the regulation (part 5, section 24). That refers to the code, and I am happy about that. But, when this action takes place, when someone says, 'I am going to impound your car on the spot,' it will be weeks before they get to court; it could be months before they can get to the Police Complaints-

The Hon. M.J. ATKINSON: Not that long—it will be held for seven days.

The Hon. G.M. GUNN: That is right. I understand all that, but surely someone has the right to say, 'I believe you are acting inappropriately. I have not committed any offence, and I am going to object. Who do I talk to?' It is a very simple matter, and I would just like to know. I guarantee that people will be coming into your office when this happens with the very complaint I have. That is why I am asking these questions here today.

The Hon. M.J. ATKINSON: Madam Chair, it is Sandra Kanck in Gunny's clothing! In the first instance, my advice to the member for Stuart would be that, if a constituent approaches him claiming that the police have acted with malice or in bad faith or wrongly in impounding his vehicle for hooning, the member for Stuart will write a polite and reasoned letter to the Minister for Police or to the Police Commissioner. By the time that is done, seven days will be up and, if the constituent thinks that they have been hard done by, they will go to the Magistrates Court, plead not guilty, put all the facts before the magistrate, and if they are found not guilty then the police have a problem.

The Hon. G.M. GUNN: One ought to keep it going because the minister has decided that he does not want to address the real substance of the issue. The car is impounded, the person is left standing on the road; what rights does he have? So he stands there for seven days until he gets his car back!

Mrs Redmond interjecting:

The Hon. G.M. GUNN: Well, he is in his driveway. They impounded the car at the wedding on a public road. They got the tow-truck, they impounded it there, so it can be. They impounded it, and they were left stranded. I have the evidence; the evidence is there.

The Hon. M.J. ATKINSON: You say.

The Hon. G.M. GUNN: The Attorney is not going to answer it. Obviously I will talk to my colleague. I think that an amendment should be put in to say that a senior officer on duty must be prepared, if the aggrieved person wishes, to review the decision. That is all I want, so that the person has some rights. If people are burning out their cars, in 98 per cent of the cases there will be no problem, but there is going to be one or two, and I have given you really good examples here today.

The Hon. M.J. ATKINSON: You have given us one.

The Hon. G.M. Gunn: It's a pretty good one, isn't it?

The CHAIR: Order!

The Hon. M.J. ATKINSON: I do not want to prolong proceedings, but the member for Stuart deserves an answer, and I refer him to clause 8(2)(b): if the Police Commissioner decides that grounds did not exist to clamp or impound, the clamping or impounding will be taken to have ended. So, you approach the Police Commissioner—namely, the copper's boss.

Clause passed.

Clauses 19 to 23 passed.

Clause 24.

Mrs REDMOND: I have a couple of questions relating to the regulation-making power. I was puzzled by subclause (2), which provides:

> Without limiting the generality of subsection (1)—

and I recognise, therefore, that it is without limiting it, it specifies that the regulations may:

> (a) prescribe fees for the purposes of this act;
> (b) provide for the remission of fees in specified circumstances; and
> (c) specify procedures or prescribe guidelines to be followed. . .

However, it does not list the most fundamental thing that these regulations will do, that is, the very thing we are having a bit of an argument about—the issue of the offences that are to be included. It seems to me that, if you are to do it by way of regulation, it would at least be appropriate to spell it out in the regulation-making clause.

The Hon. M.J. ATKINSON: I refer the member for Heysen to clause 3, the definitions section, where 'prescribed offences' is defined as 'an offence of a kind prescribed by regulation'. So, we have set out what is necessary to be set out. I would have hoped that the member for Heysen is not so fond of tautology and prolixity that she would want the same thing set out in clause 24 after it has been set out in clause 3.

Mrs REDMOND: I will let that one go through to the keeper on the basis that I still think that it is appropriate that it be spelt out under the regulation-making clause. However, that said, my other question relates to clause 24(3)(b), which provides that the regulations may:

> . . . provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Commissioner or the Sheriff.

That seems to me to take regulation-making power to a whole new level. As I read it, we are not even going to have the ability to really assess what will be delegated under the delegation of the regulation-making power to the Commissioner or the Sheriff. I would like the Attorney to explain how he envisages that that clause would work and how the parliament would have any overview of things delegated to the Commissioner or the Sheriff.

The Hon. M.J. ATKINSON: In trying to avoid the rule against subdelegation by setting out an explicit delegation to the Police Commissioner or the Sheriff, there is certain detail with which parliament would not want to concern itself. So, remission of fees, prescription of fees delegated to the Police Commissioner or the Sheriff; if you do not like it, you can always move to disallow.

Mrs REDMOND: I am still trying to get my head around how it is intended to operate in that if we delegate—and it

looks to me like a subdelegation—to the sheriff or the Commissioner of Police the authority to set the fees or whatever, at what point is the fee that is set from time to time then going to come back to the parliament for consideration and possible disallowance?

The Hon. M.J. ATKINSON: One disallows a regulation setting the fee or allowing the Police Commissioner or the sheriff the discretion. That is the way parliament regulates it.

Mrs REDMOND: The problem is that usually the fees themselves would come back before the relevant committee of the parliament for consideration and, if all your regulation deals with is the delegation to the person who is going to set the fees, as those fees change from time to time, they are not coming back for consideration before the parliament, and that is the very issue that is concerning me.

The Hon. M.J. ATKINSON: I apologise to the committee because one of my examples was not a good one, and that is the fees; I withdraw that. Let us just stick with remissions for individuals.

Mrs REDMOND: I want to put on the record some disquiet about the wording of that particular clause, and I will have a further think about it in light of the Attorney's answers, but it still looks to me like a subdelegation that is concerning.

Clause passed.

Schedule and title passed.

Bill reported with amendment.

Bill read a third time and passed.

ADJOURNMENT

At 5.48 p.m. the house adjourned until Wednesday 30 May at 11 a.m.