

LEGISLATIVE COUNCIL

Monday 16 February 2004

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

JOHNSON, Mr SEAN, DEATH

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): By leave, I move:

That the Legislative Council expresses its deep regret at the recent tragic death of Mr Sean Michael Johnson, a well-respected employee of the staff of the Legislative Council.

On behalf of members and staff of the Legislative Council, I wish to express sincere condolences to the family of Sean Johnson, a messenger in the Legislative Council, who passed away on 29 January 2004. Sean was a much valued member of the Legislative Council staff. His tragic and sudden death at the age of 24 has shocked and saddened members and staff. Sean commenced work in the Legislative Council in 1998 and quickly became an integral part of the close-knit Legislative Council staff. His easygoing nature and calm disposition provided him with the capacity to deal with the unique stresses of parliament and the demands associated with the smooth running of the Legislative Council.

More importantly, Sean was a fine person. He was warm and friendly and always eager to be of assistance. Sean had many friends in parliament, and the deep loss we feel at his passing is a testament to the high regard in which he was held by members and staff alike. At Sean's funeral on 4 February the Deputy Clerk of the Legislative Council, Mr Trevor Blowes, spoke eloquently on behalf of us all at Parliament House in the Clerk's absence. He expressed not only the grief felt by Sean's friends and colleagues at his loss but also the happy memories we all share. As Trevor mentioned, we well remember Sean's worthy victory in the Parliament House footy tipping competition last year. It is fitting that the competition trophy will now be known as the Sean Johnson Trophy.

It is hard to express the loss we all feel at Sean's passing. It was so unexpected that we are still coming to terms with it. There is a strong sense of disbelief but, above all, there is the knowledge that Sean was a true friend and an esteemed colleague who will be greatly missed. Our deepest sympathies are extended to Sean's family, his parents, Trevor and Carol, and his brother Derek. I note that Carol and Derek are in the gallery. We express our deepest sympathies to them at this difficult time.

The Hon. R.I. LUCAS (Leader of the Opposition): I rise on behalf of Liberal members to speak in support of the motion. I endorse wholeheartedly the comments by the Leader of the Government on behalf of government members. I also join him in thanking and congratulating Trevor Blowes (even though, because of his haircut, I thought he had had an accident with a Victor lawnmower beforehand) on his magnificent presentation on behalf of Parliament House members and staff at the funeral service.

As I indicated personally to Trevor, those occasions are always difficult ones on which to find the appropriate words and phrases. Certainly, he did us all proud with his thoughts, thanks and acknowledgments on that occasion. A number of members of parliament and staff were at the funeral service,

which was testimony to the accuracy of the Leader of the Government's speech, that is, that Sean was highly regarded by not only staff but also members in and around Parliament House.

It was a very heart-warming funeral service with the speeches and the friends and family who attended and spoke. For many of us, the group of 20 or so friends, members of the Mooks, who stood around Sean in a final tribute singing Jon Bon Jovi's *Living on a Prayer*, gave Sean a fabulous send-off for his family and a fine tribute to his memory and his contribution not only to work but to his friends and the community in which he lived.

As is often the case, you learn a lot about people at funeral services, which is a little sad. As the Leader of the Government indicated, we knew Sean through his friendliness, his efficiency, his ups and downs and, eventually, his ups in the football tipping and the sorts of things that you tend to talk to people about at Parliament House. However, at the funeral service, I know that I learned much more about Sean, as I am sure my colleagues did, and about his friendships, his family and his contribution. By happenstance, we visited the Golden Grove area only last week and my colleague the Hon. John Dawkins pointed out the baseball oval where Sean had been an active participant.

On behalf of Liberal members, I support the comments by the Leader of the Government. We certainly pass on our heartfelt condolences to his family and friends. I hope that they are fortified by the knowledge that all members and all staff were sad at the news. We are also thankful for the contribution that Sean made to the operations of the Legislative Council.

The Hon. SANDRA KANCK: On the day that Sean died, when we were told that this had happened, my first reaction—and I think the first reaction of everybody in the Democrat office—was, 'No. It can't be true.' Because it was a non-sitting week, there were not huge numbers of people around at the time, but everywhere you went in Parliament House people said, 'Have you heard the news?' There was a sense of disbelief, and the whole temperature of this place dropped. People walked around quietly, and not much was said. I know in the Democrat offices all conversation was at a minimum. It was just something that happened because of knowing Sean and who he was.

On behalf of the Democrats, I pay tribute to Sean and I do so on behalf of my colleagues, who I think will speak for themselves, and also on behalf of all the Democrats staff. Sean was just such a wonderful person, and so easy to get along with. We extend our condolences to his workmates here, who each day have had to turn up and work without him alongside them. It must be difficult for them.

I also extend our condolences to his family. Having read the various tributes in the death notices in the paper, everyone else had obviously the same experience of Sean and it must be difficult for his parents to have such a gap in their lives. Nevertheless, I think probably one of the greatest tributes that you can have paid to you when you are gone is for it to be said that you lit up the lives of other people, and that is what I would say about Sean—that he lit up the lives of other people. For his parents, I think that that must be some consolation.

The Hon. IAN GILFILLAN: I want to make my own personal contribution both in *Hansard* and in the chamber, and also to Sean's parents. It is rare to meet someone with

such ingenuous innocence and natural charm as Sean showed. It is for that reason that I feel in particular that the value of him as a companion and a workmate in this place is to be properly recognised in the ongoing record. I thought the service was enchanting—the anecdotes and the participation were so refreshing. It was a wonderful aftermath that showed that Sean's influence certainly had not stopped with his death. I thought the photograph—that charming photograph on the brochure—was beautiful in its presentation of the man who I came to know, and it will stay for as long as I am in parliament in the glass-fronted cabinet in my room.

The Hon. A.L. EVANS: On behalf of Family First, I would like to express a few comments. I was overseas when I heard the news of Sean's sudden death. I myself was shocked and am still trying to get over it. I would like to express our condolences to his family and friends. He was often in our office and I found him friendly. He had a certain attitude that was exhibited by his willingness to help on all occasions. There is an old saying in the Bible which says, 'He who would be great must be first a servant.' Sean was certainly that. Our love to the family.

The Hon. NICK XENOPHON: With great sadness I support this motion and endorse everything that has been said by my parliamentary colleagues. I still do not quite understand it. I think that all of us cannot quite fathom how someone who was so young and with such a beautiful disposition as a person could suffer what was such a tragedy for him and his family. I extend my condolences to Sean's family: his parents Carol and Trevor, his brother Derek, and his grandmother Joan. I cannot begin to fathom what they are going through. I would like to think that they received some comfort from the show of support by family and friends at the funeral service just two weeks ago.

Members of my office were particularly upset by what occurred. In particular, both Christina and Samantha were good friends of Sean and they took it quite hard. During the eulogy Sean's brother Derek said that Sean wanted to liven up the Blue Room and he was going to approach me about my thoughts on putting a poker machine in there.

I never got the chance to speak to Sean. I like to think that I would have been able to compromise with him, perhaps with a karaoke machine. My relationship with Sean was such that he always managed to laugh at my jokes. I now know that it was more out of a sense of gentle pity on his part than anything else. At the end of his moving eulogy, the Deputy Clerk, Trevor Blowes, made the point that Sean was an exemplary young man. He was very much a credit to his parents and his family. They should always be very proud of him. He was a fine young man and I, along with everyone else, will miss him.

The Hon. KATE REYNOLDS: It is with great sadness that we acknowledge Sean's sudden passing. Even though the three of us were new to Parliament House this time last year, Sean quickly became a good friend to me and my staff, Megan Folland and Lechelle Earl Holland, as we struggled to navigate our way through the strange world of the parliament. He loved to update Megan and Lechelle on the results of the footy tipping competition as well as the work on his beloved car. Sean was well known for his sense of humour. He was always up for a joke and ready with a quick quip or an entertaining tale. Nothing was ever too much trouble for him. We spoke with him every working day, either up in the

messengers' office or down in our dungeon. We enjoyed his jovial visits to our office, where he regularly stopped for a quick chat.

News of Sean's death was met with a feeling of absolute disbelief that such a champion bloke could be taken so suddenly and so young. We still feel an enormous sense of loss and disbelief. Our hearts go out to Sean's family and all of his mates. As Jenny Newton-Farrelly said to me, he was such a sweet bloke. In the blue room he will be remembered as a real gentleman. Glenda Lloyd from the parliamentary committee office told me that she will really miss seeing Sean conduct tours of old Parliament House in his friendly and gracious manner. The building services and building attendants will, like me, particularly miss Sean's smiling and happy face greeting us first thing in the morning as he set out on the paper round. In Sean's honour, our office has adopted the motto of 'life's short: live large', as a tribute to Sean's sense of fun and a reminder that life can be so short that it is important that we make the most of each moment.

Deputy Clerk Trevor Blowes did us all proud when he spoke so warmly and with wonderful humour at Sean's funeral. Those of us who never heard Sean make a speech felt even more intensely that we wished we had had more time with him. Given his balanced and caring view of the world and his gentle nature, Sean was probably on the wrong side of the benches in this chamber. Parliaments the world over need more men and women who, like Sean, are the very best person they can be with their family, friends, workmates and the world at large. We need more people who live, love and work simply and with great integrity. Sean Johnson will be sadly missed but he will be remembered with genuine, deep and lasting fondness.

The PRESIDENT: I thank all honourable members for their contributions.

Motion carried by members standing in their places in silence.

CORCORAN, Hon J.D., DEATH

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): By leave of the council I move:

That the Legislative Council expresses its deep regret at the recent death of the Hon. James Desmond Corcoran, former premier, deputy premier, minister of the Crown and member of the House of Assembly, and places on record its appreciation of his distinguished public service, and that as a mark of respect to his memory the sitting of the council be suspended until the ringing of the bells.

James Desmond Corcoran was born in 1928 in Tantanoola in the state's South-East. The son of Jim Corcoran, former Labor member for Millicent, Des joined the Australian Labor Party at 15, becoming secretary of his local branch at 18. In 1950, Des enlisted in the regular army and fought in the Korean War. In a 1998 article commemorating Anzac Day, Des remembered:

I'd been travelling with my brother Robert when we heard they were enlisting. We flipped a coin to decide whether to sign up. It came up heads, so we went. We figured we would quit working and travel the world for free.

Des served in Korea, Malaya, New Guinea and Japan. He was twice mentioned in despatches for gallantry. Des later remembered:

It was often quite horrific, and I lost a number of close mates. Probably my worst memories are of the refugees, mothers and children. . . and there was nothing we could do.

While in the Army, Des married. He left the Army with the rank of captain and, in 1962, he entered politics, winning the seat formerly held by his father. In his maiden speech, Des recognised that legacy, stating:

I trust that I shall be able to give the same high standard of representation to all the people as was given by my father.

For three years, Des served as a backbencher. In 1965, he was appointed minister for lands, irrigation and repatriation. At 37, he was the youngest member of cabinet. During his time as a minister, Des held many portfolios, including treasurer (while he was premier), works, marine, immigration, environment, and ethnic affairs.

After Labor lost government in 1968 (an election in which Des held the seat of Millicent by just one vote), Des became deputy leader of the opposition. In 1970, when Labor regained government, Des became deputy premier to Don Dunstan. A formidable team, Don Dunstan described Des as 'a tremendous bulwark for the government'. During a period of immense progress, the leadership team worked together to ensure the best results for South Australia, with Don Dunstan asserting, 'Des is one all round solid guy. The Labor government could never have achieved what it has without him.'

Des enjoyed playing up the differences in style between himself and Dunstan, once mischievously remarking to a reporter, 'Everything Don is, I isn't.' However, Des had a real admiration for Dunstan and took his role as deputy premier very seriously. *The Advertiser* editorialised at the time of their partnership:

While Dunstan provides the style and direction of the state government, Des Corcoran provides the backbone and common sense.

As a minister, Des was in a league of his own. He instilled great loyalty in those around him, and his standing was only just below that of the premier.

Known as 'The Colonel', Des was the man sent in to fix a problem and to make the tough decision. A plain speaking man, Des was not afraid to tell people what he thought. He was no nonsense, he shared the credit and he took the blame. As the Premier remembered in his eulogy to Des:

There has been no politician better at the front bar, or in a country town hall. He could mix or mix it with anyone.

In 1975, Des left the seat of Millicent to contest the suburban seat of Coles, partly due to his continued ill health.

In 1979, when Don Dunstan retired, Des became premier of South Australia. He set out immediately to make the position his own, announcing that his first priority would be the state's economy. At the time, Des was described as a solid and stable premier. It was reported that 'He likes a beer or 20; has been known to "take the mickey" out of a public servant or two; is capable when crossed of summoning up what might be described as a barrage of parade ground words, does not like people who put on side, complains about his arthritis (It's a bloody nuisance) but soldiers on.'

After defeat in the 1979 state election, Des was once again a backbencher, as member for Hartley, until his retirement in 1982. At the time, he recalled his years in parliament saying:

Looking back over the 20-odd years I was in parliament, I guess the highlight of my career was in 1968 when I held on to Millicent by one vote and then won with a 4 per cent swing in the by-election a couple of months later.

After he retired from parliament in 1979, Des was active in community life. In 1983, he became the inaugural Deputy

Chair of the Playford Trust, having been invited to the position by premier David Tonkin in 1982.

Des retired in 2002, after serving as deputy for his entire term of 19 years. At the time, the retiring chair, Jennifer Cashmore, described him as a loyal and wise deputy. She said that it was largely due to his efforts that the trust was able to raise more than \$30 000 from local government donors in the South-East for the Playford Centenary Scholarship Appeal. On his retirement, she said:

All trustees will miss his sound advice and the dry humour that has enlivened many a trust meeting.

A Labor Party stalwart and a man of the people, Des Corcoran will be remembered for his significant contribution to the state during a time when South Australia was experiencing a period of great progress.

A humble and humane man, Des was committed to serving his state. Over a lifetime, this commitment was realised in countless ways: as a soldier, as a member of parliament, as a government minister, and as premier, but also as a family man, a committed Catholic, loving husband and father of eight children. Our sincere and deep condolences are extended to Des's wife, Carmel, and his children.

The Hon. R.I. LUCAS (Leader of the Opposition): I second the motion. I rise on behalf of Liberal members to support the motion. We concur with much, if not all, that has been said by the Leader of the Government in response to this condolence motion. Des Corcoran's funeral service some weeks ago now was for many of us an opportunity to catch up with former members and friends and colleagues of many years ago. It was good to see former Liberal and Labor members of parliament together with current serving members as well as many former staff members. I caught up with Peter Baker, who was a ministerial adviser to Des Corcoran. I think they called them press advisers in those days. Peter enjoyed the distinction of having worked for Des Corcoran and then seamlessly moving to the position of ministerial adviser for David Tonkin—a most unusual set of circumstances. Looking at the current range of ministerial advisers, it is hard to envisage that these days someone would move seamlessly from advising a Labor premier one week to advising a Liberal premier the following week. I think it is perhaps an example of the times and the people.

Peter and his family and I have been friends for some time. From a staff viewpoint, Peter indicated that all the personal staff who worked for Des over the years had a great affection for him. The Leader of the Government highlighted how he was seen by the media, the community and other Labor figures, but his staff members had a fierce loyalty for him in terms of their support for his integrity and his honesty and what he was about, and that continued long after he left parliamentary life.

The leader referred to the 1968 election. One year earlier, of course, in 1967, there was a vote within the Labor caucus between Des Corcoran and Don Dunstan. I am not sure whether it came down to just one vote, but it was very close. Des, who was supported by people such as Frank Walsh and others, did not quite make the leadership of the Labor Party. The 1970s might have been different if that vote had gone the other way. Of course, as the leader indicated, one year later, for those of us who come from the South-East—and there are a number of members in this chamber who would have some recollection and knowledge of those times in the South-East—by just one vote, Des Corcoran beat Martin Cameron

who, of course, sat in this chair for a number of years as leader of the opposition.

Martin tells 1 000 stories about those days, and I am sure that at least half of them are true. One that I fondly remember is that he somehow knew—I will not indicate how—that one of the last five votes that were being counted belonged to a close relative of his. As a result of her vote against him and for Des Corcoran, Des won at least the first round of that particular election.

Part of the reason why it went to a by-election—there was a court of disputed returns—was a controversy in the area known as Birdland, for those who know Mount Gambier, in an area not too far from my home. You have a knowing smile on your face, Mr President. There was some controversy there about electoral enrolments and entitlements. At that stage (in 1968) it was a newer and developing part of Mount Gambier. As a result, some months later the by-election was held, at which Des Corcoran was able to achieve a swing to confirm his position. In reading through some of the press clippings provided by staff to some of us speaking this afternoon, there was a very detailed interview in *The Advertiser* called 'The Corcoran Blueprint', soon after Des Corcoran's assumption of the Premiership of South Australia.

It highlighted for me his plain speaking, his statement of where he stood on some issues, and his wonderful use of understatement, which I am sure many Labor colleagues will know he was quite capable of using when he needed to. My attention was drawn to this question, which came from *The Advertiser* journalist at the time:

Last year Mr Dunstan said the government was looking at supporting alternative lifestyles. Will you continue with that policy?

The master of understatement, Mr Corcoran said:

I am not contemplating a great expansion in that area.

I think those who knew him knew that in that handful of words there was a lot left unsaid in terms of Des Corcoran putting his own stamp on what he hoped to be the Corcoran years for the Australian Labor Party. The Leader of the Government has indicated Des's achievements across the board and I do not intend to repeat those. In conclusion, on behalf of Liberal members I pass on my condolences to his family and friends. There were very many death notices, with someone as well-known and much loved as Des was, but my attention was drawn particularly to just a short one that read as follows:

I have always ridden through life on my dad's shoulders. He showed me the power that resides in honesty, integrity and family. Tom.

For any parent to have that sort of acknowledgment from their son is indeed fitting. It is a tribute to Des Corcoran the man and, in particular, the family man. The family to him was important, and on behalf of Liberal members our condolences go out to Des's family.

The Hon. SANDRA KANCK: As we have heard, Des Corcoran began his time in parliament as a country MP, coming from that part of the state that seems almost over-represented in this chamber, the South-East. He took over a seat that was previously held by his father: obviously, politics was in his blood. He seems to have been a person who was willing to play second fiddle, I suppose, having been deputy premier to Don Dunstan for a decade and then on the Playford Trust as deputy chair for 20 years, I think the Hon. Paul Holloway said.

Des became premier for a very short period of time after Don Dunstan stood down, and in doing a bit of a web search I saw one description of him as being 'anti-intellectual.' That is possibly shown by the story that appears in various guises that, when he did take over as premier, one of the first things he did was remove the chardonnay from what was Don Dunstan's fridge and replace it with beer.

The Hon. T.G. Roberts: It didn't say what he did with it, though!

The Hon. SANDRA KANCK: Perhaps the Hon. Mr Roberts might elaborate when he speaks. After Des Corcoran's death, Rex Jory, writing in the *Sunday Mail*, said: 'Privately he despised the refined enjoyment of the arts, theatre, wine and silver service restaurants with which Don Dunstan was very much associated.' I think his preferences were shown in his willingness to serve on the Playford Trust for 20 years, which dealt with what might be regarded by some as being more down-to-earth issues such as primary industries and resource issues. Clearly he served the Labor Party loyally for many years. The Democrats honour Des Corcoran for his many years of public service to South Australia and we extend our condolences to his family.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I rise on this sad occasion, coming back to parliament with two eulogies. I would like to extend my condolences to the family of Sean and his friends, and also to make a contribution in relation to the death of the former premier Des Corcoran, whom I personally knew very well, having lived in the same town as Des, Millicent in the South-East, for some considerable time—and not only with Des but with his relatives and friends as well. I first met Des at a political rally in 1961, I think it was, when he was running for parliament for the first time, and he had only just been demobbed; in fact I think he was wearing part of his uniform on the day he addressed the meeting. He was very robust in what he was saying: he did not need a microphone to speak in a packed packing shed at the Cellulose mill. Everyone sacrificed their three-quarters of an hour lunch break and ate their sandwiches listening to Des—and Des used up his full three-quarters of an hour.

He was a very good off-the-cuff stump speaker, and he certainly had a difficult task in trying to maintain a seat that was gradually becoming what would be regarded as almost a blue-ribbon Liberal seat. In the early 1960s, it was part industrial and part service centre for the rural industries. Des lived in Tantanoola which, in those days, was a considerable way from Mount Gambier: it was not seen as a suburb of Millicent as it is now, but it seemed to be a long way away at that time. He forged a campaign using his contacts within the industrial groups, the paper mills and the timber mills and addressing people directly and taking up their questions as the old-fashioned members did in those days. He was successful in winning the seat and lived in a modest home in Millicent on Millicent Road.

As everyone has made reference to, he did have a large family, all of whom paid due respects to Des in the role that he played as father—in absentia in many cases, as many country members of parliament would know. Living in the country and coming to Adelaide regularly certainly takes you out of your home environment for some considerable time and places a lot of strain on the member of the family who has to take the full-time responsibility for the rest of the family. If you have a large family, you need the support of the community to enable you to do that, and that is what

happened in the case of Des and Carmel. Many of the people in Millicent would assist Carmel with the children almost on a roster basis when Des was away for long periods; and when Des did get home on the weekends and at other times he was very appreciative of the community support, which was genuine; he did not have to muster it, it was just there.

He was an active member of the Catholic Church, and many parishioners would recognise the absences that perhaps would go unnoticed nowadays in some electorates in which you are seen as a leader within a community and you are expected to pay a price for that. That was not the case in those days: people pitched in. He certainly built up a following amongst many conservative voters, as members on the other side would acknowledge, particularly the Hon. Mr Redford whose father knew Des very well and who shared many a drink with him.

He had as many friends on the conservative side of politics as he had on the Labor side of politics. His hallmark—and one of the reasons why he was difficult to shift when the election came in 1967, from memory—was that he was able to get National Party support (when the National Party was relatively strong in those times) and Liberal Party support. Some regular voting members of the Liberal Party always changed their vote when Des's name appeared on a ballot paper.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: As the honourable member said, he had a good technique for winning over uncommitted and committed voters from the other side. In those days that was not an easy quest. People who voted Liberal voted Liberal for life, and people who voted Labor voted Labor for life. Again, that is not the tenor of voting patterns at present. Des was able to shift those votes not just by being a good front bar operator but also by visiting people sometimes at irregular hours at night and in the morning with some messages he carried from his parliamentary duties in Adelaide.

The other way in which he was able to garner support was to anticipate the social needs of Millicent and its district while it was growing. Millicent never would have got the Gladys Smith Child Care Centre in the time frame it did without the support Des gave. Although Des gave the impression that he was anti-intellectual and not the sensitive new age operator that Don was, he was at the forefront of many of those issues that supported the family. It was not easy to convince people that a child-care centre in Millicent was required, because many people believed that the place of a woman was at home; and if you were to have children you should be at home with them.

Des rallied support within the conservative areas of the community and impressed on many of the conservative women within that community that they, too, would be able to take advantage of the respite that might come from having a child-care centre in the town. He was able to get the Millicent council and the whole community behind the Millicent child-care centre, which even now is probably equally one of the best-run, managed and presented child-care/early education centres in the state. Also Millicent was able to get a civic and arts centre. Again, there may have been some of Don's influence in that.

The Hon. Sandra Kanck interjecting:

The Hon. T.G. ROBERTS: Des may have used the chardonnay as a chaser, but it would not have been his preferred drink; beer was his preferred drink and, as other members have reported, large quantities of it, and it did not

matter whether it was draft or bottled. I suspect that Millicent would have been queue jumped to get that civic and arts facility. If it had not been for Des, because of his influence inside government, it probably would not have been built. It was not porkbarrelling but, rather, an anticipatory requirement of most communities; and Des had his finger on the pulse and was half a decade ahead in some instances in relation to servicing the community. The carriage of sewage throughout the area was also an issue that Des put high on his priorities, and he was able to have Millicent sewered in a time frame that was perhaps a little in advance of other communities. He worked hard for the electorate, and he also worked hard within his portfolios. Although some of those coincided with his responsibilities in the region, many were 'metrocentric'. However, he always found time to maximise his visits to Millicent.

At this time, I would like to pay my respects not only to Des on his passing but also to Carmel and his children, who have grown into mature adults with their own needs and requirements. As is the case with many Irish Catholic funerals, many of the eulogies in which they participated made Des's funeral a time not to be sad but to be uplifted and enlightened by some of the aspects of respect and notions of life and death of which people remind us when they pay homage to people such as Des and Sean. I would like to pass on one more story about when Des got things a little bit wrong. This time I was in the Grand Hotel in Millicent—

The Hon. R.I. Lucas: Not the Somerset?

The Hon. T.G. ROBERTS: Not the Somerset, no, but I might have been heading down there later on. I was in the Grand. It was after the one-vote win recount, and Des was electioneering for the second round. I had not voted in the first election because I was overseas and was not contactable; I was at sea. When I told Des this, he almost did not buy me a beer! He thought that I should have found my way to the embassy in Caracas and cast my vote. However, I told him that I was out in the middle of the Pacific and could not do so. He forgave me and bought me a butcher, I think, instead of a schooner. He had to make sure that my vote was going to be cast before I left the shores of Australia, and I was able to do so on an absentee vote and be a part of the victory that took place at the second vote.

At the time, a band called the Strawbs had released a song called *You Can't Get Me, I'm Part of the Union*. Des had heard only half the words. He was not particularly interested in pop music, I am sure, and did not follow the Beatles or the Rolling Stones at that time. However, he said to me that it was pretty rich that this Pommy band could denigrate trade unionists and trade unions. I said, 'Des, I think you should have turned the radio up a little bit louder when you were coming down from Adelaide in the car. You might have heard that the song is celebrating trade unionism and is more a provocative song for organising.' He gave me a promise that he would listen to the words correctly next time. He did so and acknowledged that, yes, it was and did not need to be taken off the airwaves, which is what he had suggested to me the first time he heard it.

With that story, I send my condolences to Carmel, the family and the grandchildren. All my memories of contact with Des, including his writing a reference for me when I went overseas, were all good moments. I would like to mention all those in the Millicent community who could not get to his funeral. They had a ceremony of their own in the local Catholic church to celebrate Des's life. Some of his relatives were not able to get to Adelaide either, but they too

celebrated the life and death of Des Corcoran in their own way.

The Hon. A.L. EVANS: On behalf of Family First, I rise to support the condolence motion. Des Corcoran was a great South Australian who made a vital contribution in the other place and in government for nearly two decades. His life was characterised by dedication to his family, to the ALP, to his constituents and to the common good and advancement of the state. In his political life, he based his work on solidarity and consensus.

His equal share in responsibility for the success and stability of the Labor government in the 1970s was acknowledged by Don Dunstan himself. It was said that he kept the ship afloat during the Dunstan premiership. Throughout his life, his integrity and loyalty to the ALP and to premier Dunstan was undisputed. His honesty, earthly humility, hospitality and outgoing nature have all been remembered fondly in recent months. He was a man of strong principles and vigorously fought against the liberalisation and legalisation of abortion in this state. He applied his considerable political skills and experience to this issue and may well have prevailed but for the lack of one vote.

Des had a strong and thoughtful commitment to what might be called conservative values and firmly and successfully opposed the decriminalisation of marijuana. But he was not a reactionary. He cautiously supported the decriminalisation of homosexuality while allowing his colleagues a conscience vote. The era was characterised by liberality in regard to the allowance of the conscience vote on a range of social and moral issues.

Des Corcoran was a man of prayer. Principles of generosity, hard work and integrity underpinned every aspect of his private and public life. It is safe to say that Des Corcoran saw himself first and foremost as a father and husband. It was obvious to everyone who knew him that he enjoyed immensely the company of his large family.

As the demands of ministerial work increased, he considered quitting politics in order to give his family the time he believed they needed from him. Thankfully for South Australia, he was able to strike a better balance between work and family with a move from Millicent, his first seat. Des Corcoran was convinced that his children needed their father's attention, direction and guidance in their day-to-day lives. I join with the Leader of the Government and acknowledge the contribution that Des Corcoran made to the South Australian community, to the Labor party and to the parliament and offer my condolences to his family and friends.

The Hon. CARMEL ZOLLO: A great deal has already been said by people who probably knew the late Hon. Des Corcoran much better than me, so I will not repeat his history. My earliest contact with Des Corcoran was as a sub-branch member of the party in an electorate adjoining his north-eastern seats, first as the member for Coles and then Hartley. Because we lived in adjoining electorates, and my husband Lou was an honorary sub-branch secretary at the time, there were the usual numerous party fundraisers, where we would all get together. It did not make any difference to his manner and the way he related to members and supporters, whether as a minister or deputy premier and subsequently as premier of South Australia.

The Corcoran family are Catholics and I was pleased to hear Father Paul Mullins, deputy principal of Saint Ignatius' College, mention the family's association with the school at

the Sunday mass after his death. We were asked to remember him in our prayers. From memory, his son James was dux of the college in 1984.

Before taking up residence elsewhere in the last few years he remained in the electorate of Coles, now Morialta. Firstly as a sub-branch secretary myself, and then as a member, we had a few chats, mostly around membership renewal time and the enthusiasm of our offspring in relation to the renewal of their membership. I was also pleased to receive a congratulatory call from him when I was pre-selected for this chamber. In later life, his health meant that he was unable to attend meetings, but one knew that he was always there in spirit as a model for others.

He was someone who was respected for his capacity for hard work, no nonsense and integrity. His commitment to the tenets of the Labor party remained strong to the end. I enjoyed our few brief chats. He always called a spade a spade and was full of commonsense. The Premier described Des Corcoran as one of the most colourful and most loved characters in South Australia's postwar history. I could not agree more. His life was that of a good man and a great South Australian. I join my colleagues on this side of the chamber in expressing my sympathy to the Corcoran family, his relatives and his many friends.

The Hon. R.K. SNEATH: I will be brief because most of it has been said. Des was not only a good and great politician but a fine human being. He was born in Tantanoola. I am sure he would disagree with the Hon. Terry Roberts: he would see Millicent, and perhaps even Mount Gambier, as a suburb of Tantanoola, as I would. Des often found his way back to Tantanoola after he shifted to Adelaide. I would often call into the front bar of the Tiger and Des would sit there and there would be quite a few sitting around him listening to some of his tales. Tantanoola is a funny place like that. I think it is the smallest place I have ever lived in yet it is the only one that seems to draw you back from time to time. It does the same for me as it did for Des. We would often find ourselves back there, sitting in the front bar of the Tiger having a beer.

Des had many friends, elderly friends, in Tantanoola and other friends in the South-East who, because of their age, unfortunately could not make the service. On behalf of them I would like to pass on condolences to the family, especially on behalf of my father, Ted, who would hand out how-to-vote cards for Jim and then for Des when he took over his father's seat. At the time, my father managed a property for Mr Alan Hookings who was a member of the Legislative Council for the Liberal Party. Alan would find it amusing that Dad would hand out how-to-vote cards for the Corcorans when he came in to cast his vote. I can remember some of the debates that they used to have about politics, which would always end in mutual admiration. Des, Jim and Alan had those sorts of debates because they were those sorts of people.

As the Leader of the Opposition said, Des had friendships with some members on the other side. It was not hard to see why they made friends: he was such an easy chap to get along with. He made friends with people from the other side who were similar to himself.

I would like to take the opportunity to congratulate the family members on the wonderful service. It was conducted magnificently and Des would certainly be proud of the way his children spoke at the service. It was a credit to them. Others spoke about Des as a father, a politician, a front bar drinker, a friend or a soldier. In all aspects of his life Des was

a credit to anything that he did. He was obviously a people's man. I pass on my condolences to the family.

The Hon. A.J. REDFORD: To be called a Corcoran in the South-East is to be equated with being a character. I do not think that I have met any member of the Corcoran family, whether they be Des's brothers or cousins, who could not be described as a character. I know that there is a group of three who sit in the corner of the front bar of the Somerset Hotel every Friday evening talking about politics, albeit briefly. One is a Corcoran, the others are a Roberts and a Redford. In some circles they have been described as the equivalent of the old men in the Muppets movie. They make comments about some of the activities that the Hon Terry Roberts and I might get up to in this chamber.

I met Des on a number of occasions. I first recall meeting him in Adelaide when he was still a member for the South-East. When he came to Adelaide for his parliamentary duties he always stayed at the Corcoran hotel, the Earl of Aberdeen. That was well before it was the fine building that it is now. Without being disrespectful, it was a bit of a dive of a hotel. I think the bulk of the patrons in the front bar were Aborigines. Des used to be out in the lounge bar and it was one of the rare occasions that you would see him in a lounge bar. I used to meet him there when dad stayed at the Earl as well.

I acknowledge that Des was a rare Labor politician in the sense that he believed in building things you could see, touch and look at for many years to come, and the Hon. Terry Roberts mentioned the arts centre. It was not just his own electorate that he impacted upon. The Port Mac breakwater was one example of his getting some infrastructure put into the South-East.

I imagine it would have been very difficult for him as a member of cabinet, being one of the few country members in that cabinet, to have been able to get up a project of that magnitude. Another was the boat yard at Beachport that he constructed. The Hon. Terry Roberts talked about the sewerage works he provided in his own electorate. However, that extended beyond his own electorate into areas around Mount Gambier, and I urge members of the current cabinet to have a good hard look at Des's record in relation to delivering services to rural communities.

Des was one of the unfortunate victims of the one vote, one value system we have and aspire to in politics today, in that Des represented a significant number of people in his own electorate and across broader South Australia. With the advent of one vote, one value we have not seen that since and, in some respects, that is to be deprecated.

I will close by recounting one anecdote, although I must concede that I was not present. It is a story my father tells me every time Des's name comes up. It involves the time when Des was campaigning after the Court of Disputed Returns had sent them back for another election in which Martin Cameron was his main opponent. Des eschewed the use of the white car, particularly in his own electorate, and the gaggle of staff he used to have around him. He had an old green Ford, my father tells me, which he used to drive from hotel to hotel and meeting to meeting to catch up with people. On this particular occasion, he called into the Kalangadoo hotel.

Until relatively recently, Kalangadoo was always a Labor booth; it was a strong Labor town. However, there had been a drift in the first election in 1968, so Des felt that he should go back. So, he went into the hotel and did his usual performance. He moved up and down the bar, speaking to every single person and bought the bar. He then said, 'Well, I must

get going,' and he walked out of the bar. He was out of the bar for about five minutes, when he came back in and said, 'Fellas, I can't get my car started.' So, everyone in the bar wandered out. Des got into the car and about 20 of them pushed him up the road. Finally, the car got going, and Des drove off back towards Millicent.

Dad tells me that they all stood around and said, 'You know, Des hasn't changed much. He's always like one of us. He's got a car like us, and he understands us.' I understand that his vote improved quite significantly. Dad still thinks that Des pulled a lead on a spark plug or did something to get the boys out there. I suspect that dad probably voted for him at that election, although he has never told me. So, that was the sort of campaigning genius that Des used to bring. With those few words, and my personal condolences to Des and his very broad and extended family, all of whom respected him, I commend the motion.

Motion carried by members standing in their places in silence.

[Sitting suspended from 3.20 to 3.30 p.m.]

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 59 to 72, 89, 93, 101, 106, 108, 111, 117, 120, 121, 123 and 128.

GOVERNMENT EMPLOYMENT COSTS

162-175. (Second session). 59-72. (current session). **The Hon. R.I. LUCAS:**

1. What was the total number of employees with a total employment cost of \$100 000 or more per employee for all departments and agencies reporting to the minister:

- (a) as at 5 March 2002;
- (b) as at 30 June 2002; and
- (c) what is the estimate for 30 June 2003?

2. Between 5 March 2002 and 30 June 2003:

- (a) Will the Minister list job title and total employment cost of each position (with a total estimated cost of \$100 000 or more) abolished; and
- (b) Each new position created?

The Hon. P. HOLLOWAY: I refer the Member to the information provided in the response to the Question on Notice asked by the Hon. A.J. Redford regarding chief executives, administrative units, printed in the Legislative Council *Hansard* dated 13 October, 2003, page 260.

SPEED CAMERAS

89. **The Hon. T.G. CAMERON:**

1. How many speed camera photographs were issued to motorists caught speeding during 2002-03?

2. How many speeding expiation notices issued during 2002-03 were found to be invalid due to technical or other reasons?

3. During 2002-03, how many motorists caught speeding and issued with expiation notices:

- (a) subsequently took their case to court?
- (b) subsequently were found to be not guilty?

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

1. Speed camera photographs are issued only when specifically requested by the recipient of the associated expiation notice. From 1 July 2002 until 30 June 2003, a total of 209 438 motorists detected by speed cameras were issued expiation notices. The number of those people who subsequently requested and were issued with a photograph is not recorded in a manner that can be electronically extracted. The system can be interrogated against an individual person or expiation notice number, but not against a consolidated category or code of 'photographs issued'.

2. SAPOL is unable to electronically extract the specific information requested regarding the amount of speed camera

expiation notices that were found to be invalid due to technical or other reasons. SAPOL's systems record withdrawn speed camera expiation notices under three broad categories, statutory declaration, prosecution and Miscellaneous. Withdrawn expiation notices recorded under miscellaneous include, but are not limited to, notices withdrawn for technical or other reasons. From 1 July 2002 until 30 June 2003 there were 6806 expiation notices withdrawn recorded under 'miscellaneous'.

3. (a) 142 speed camera expiation notices were withdrawn for prosecution purposes at the request of the motorist.
3. (b) SAPOL systems do not record court outcomes.'

FLEET SA

93. The Hon. R.D. LAWSON:

1. How many motor vehicles were included in the fleet managed on behalf of the State Government on:

- (a) 30 June 1999;
- (b) 30 June 2000;
- (c) 30 June 2001;
- (d) 30 June 2002; and
- (e) 30 June 2003?

2. How many motor vehicles were leased by each department or agency of the State Government on:

- (a) 30 June 1999;
- (b) 30 June 2000;
- (c) 30 June 2001;
- (d) 30 June 2002; and
- (e) 30 June 2003?

3. How many motor vehicles included in the fleet managed by Fleet SA were the subject of salary sacrifice arrangements on:

- (a) 30 June 1999;
- (b) 30 June 2000;
- (c) 30 June 2001;
- (d) 30 June 2002; and
- (e) 30 June 2003?

4. How many motor vehicles were the subject of salary sacrifice arrangements in each department or agency of the State Government on:

- (a) 30 June 1999;

- (b) 30 June 2000;
- (c) 30 June 2001;
- (d) 30 June 2002; and
- (e) 30 June 2003?

5. What was the aggregate cost to the South Australian Government of leasing and operating the vehicles referred to in Question 1 above in respect of each of the said years?

6. What was the aggregate cost to the South Australian Government of leasing and operating the vehicles referred to in question 3 above in respect of each of the said years?

7. What was the aggregate cost incurred by Fleet SA in respect of crash repairs in the years ended:

- (a) 30 June 1999;
- (b) 30 June 2000;
- (c) 30 June 2001;
- (d) 30 June 2002; and
- (e) 30 June 2003?

The Hon. T.G. ROBERTS: The Minister for Administrative Services has advised:

Note 1: In questions 5 and 7 the operating and repair costs exclude the cost of SA Police who manage their own vehicle servicing and repair.

Note 2: Department of Transport and Urban Planning, Transport SA vehicles are included for 2002-03 year only as they were previously managed by AH Plant).

In relation to the government fleet vehicles management by Fleet SA:

1. The following number of motor vehicles were included in the fleet managed on behalf of the State Government on:

- | | |
|-------------------|------|
| (a) 30 June 1999: | 7417 |
| (b) 30 June 2000: | 6887 |
| (c) 30 June 2001: | 6792 |
| (d) 30 June 2002: | 6807 |
| (e) 30 June 2003: | 7246 |

Note: Fleet numbers relate to long-term hire and short-term hire vehicles as at 30 June each year.

2. The following number of motor vehicles were leased by each department or agency of the State Government on:

Note: Fleet numbers relate to the long-term hire vehicles only as at 30 June each year and therefore exclude the short-term hire fleet.

Portfolio	30/6/1999	30/6/2000	30/6/2001	30/6/2002	30/6/2003
Administrative Services	365	340	347	358	378
Education and Children's Services	472	468	494	490	489
Further Education and Employment	247	277	251	269	274
Environment and Heritage	227	226	213	217	225
Environmental Protection Authority	39	36	38	38	35
Human Services	2 175	2 181	2 220	2 248	2 309
Justice	473	503	509	514	510
SA Police	901	927	936	934	919
Premier and Cabinet	107	108	135	127	122
Primary Industries and Resources	38	43	50	51	46
Transport and Urban Planning	163	108	111	117	537
Treasury and Finance	30	33	76	49	45
Government Business	1 421	852	575	558	550
Business, Manufacturing and Trade	24	38	38	51	50
Water, Land and Biodiversity Conservation	79	90	135	140	150
Total	7 190	6 654	6 568	6 584	7 029

3. The following number of motor vehicles included in the fleet managed by Fleet SA were the subject of salary sacrifice arrangements on:

- (a) 30 June 1999: 781
- (b) 30 June 2000: 700
- (c) 30 June 2001: 653

- (d) 30 June 2002: 680
- (e) 30 June 2003: 694

4. The following number of motor vehicles were the subject of salary sacrifice arrangements in each department or agency of the State Government on:

Portfolio	30/6/1999	30/6/2000	30/6/2001	30/6/2002	30/6/2003
Administrative Services	54	46	48	53	54
Education and Children's Services	23	21	25	35	28
Further Education and Employment	33	31	14	20	20
Environment and Heritage	9	8	9	12	14
Environmental Protection Authority	1	2	2	2	3
Human Services	60	62	68	81	92
Justice	159	170	196	177	167
SA Police	8	8	8	9	9
Premier and Cabinet	51	55	80	77	75
Primary Industries and Resources	22	20	24	26	25
Transport and Urban Planning	26	21	20	19	39
Treasury and Finance	25	27	48	47	43
Government Business	249	159	29	29	28
Business, Manufacturing and Trade	38	43	50	51	46
Water, Land and Biodiversity Conservation	23	57	32	42	24
Total	781	700	653	680	694

Note: Direct comparisons year-to-year may need to consider the change in composition of departments.

5. The aggregate cost to the South Australian Government of leasing and operating the vehicles referred to in Question I above in respect of each of the said years is as follows:

- (a) 30 June 1999: \$54 274 393
- (b) 30 June 2000: \$63 331 925
- (c) 30 June 2001: \$71 231 866
- (d) 30 June 2002: \$76 764 361
- (e) 30 June 2003: \$81 007 651

6. To calculate costs of each vehicle recorded as salary remuneration would require each individual vehicle record to be examined which would be prohibitive in terms of time and cost.

7. Aggregate cost incurred by Fleet SA in respect of crash repairs in the years ended:

- (a) 30 June 1999: \$2 172 333
- (b) 30 June 2000: \$1 702 130
- (c) 30 June 2001: \$2 575 855
- (d) 30 June 2002: \$2 485 630
- (e) 30 June 2003: \$2 643 719.

NUCLEAR WASTE STORAGE FACILITY

263. (Second session). 101. (Current session). **The Hon. T.G. CAMERON:** How much is estimated it will cost the State Government in legal fees to oppose the Federal Government's plans to establish a low-level nuclear waste dump in South Australia?

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

1. The State Government is awaiting the outcome of the judicial review of the Commonwealth's compulsory acquisition of State land for its proposed low level radioactive waste repository. However, the costs incurred by the state to date total \$1 722 in court fees. This includes \$574 in filing fees and \$1 148 setting down fee. The cost of staff employed by the Crown Solicitors Office are covered under existing resources.

CRYPTOSPORIDIUM PATHOGEN

106. **The Hon. T.G. CAMERON:**

1. What were the levels of pathogen 'cryptosporidium' found recently by SA Water in the Gumeracha weir?

2. Have there been any other reports of outbreaks of the pathogen 'cryptosporidium' in South Australian water supplies over the last five years?

3. (a) Have there been any other reports of outbreaks of the pathogen 'cryptosporidium' in South Australian water supplies over the last five years; and

(b) If so, how serious were each of these?

4. (a) What levels of 'cryptosporidium' are considered safe for drinking water; and

(b) At what levels should consumers be concerned?

5. (a) How prepared is SA Water to handle a serious outbreak of 'cryptosporidium' in our water supply; and
(b) What steps would be taken to rectify such an outbreak?

The Hon. T.G. ROBERTS: The Minister for Administrative Services has advised:

1. High numbers (in hundreds) are detected at Gumeracha Weir during most winters following rain. This was the case this year following recent storm events in August and September. Detections of between 2 and 2370/10L of confirmed Cryptosporidium were detected over the winter at the Gumeracha Weir this year.

The River Torrens water was diverted via the Gumeracha weir to the Millbrook Reservoir until it was full. The Millbrook Reservoir was kept out of service over this period.

2. Testing to date has shown very low levels of Cryptosporidium (if any) reach the inlets to the WTPs and they are consistently absent in the product water samples.

There have been no outbreaks of Cryptosporidiosis attributed to water supplies in Adelaide. This fact is supported by a recent published case-control study of Cryptosporidiosis in Melbourne and Adelaide between 1998-2001 which concluded, 'the consumption of plain tap water was not found to be associated with disease (Cryptosporidiosis)' (Robertson B et al 2002).

3. The Australian Drinking Water Guidelines Cryptosporidium Fact Sheet #14 provides the following guidance in this regard:

'No guideline value is set for Cryptosporidium due principally to the lack of a method to identify human infectious strains in drinking water.'

3. The Australian Drinking Water Guidelines advocate a preventive risk management approach to prevent Cryptosporidium and all other pathogenic micro-organisms from entering drinking water supplies. This approach is based on a multiple barrier approach of a series of preventive measures including catchment management, reservoir detention, filtration, and disinfection.

Indicators such as the disinfection levels and turbidity of the treated water are monitored continuously. Water Incident Notification Protocols have been developed which define precautionary triggers for key indicators. An important part of this protocol is the immediate notification of the Department of Human Services who will evaluate the risk to public health and the need for consumer notification.

4. SA Water and its contractors have in place documented contingency plans to guide the management of serious water quality incidents such as Cryptosporidium in a water supply system.

For operational incidents, key agencies work cooperatively through the 'Water and Wastewater Incident Notification and Communication Protocol', an agreed protocol between DHS, EPA and SA Water. This ensures the relevant stakeholders are informed and involved with management of incidents impacting across boundaries.

For more serious incidents or emergencies, the SA Water Corporate Emergency Management Plan is used. The level of

escalation depends on the seriousness of the incident and persons at risk. The DHS would be consulted immediately and could issue a boil water advisory if it considered that an event posed a risk to public health. An Emergency Management Team, including representation from the DHS, would be activated to manage a serious incident. This team would determine, advise and implement the actions needed for the specific emergency as appropriate.

RING CYCLE

108. **The Hon. SANDRA KANCK:**

1. Why was not the contract to build the sets for State Opera's 2004 production of the *Ring Cycle* awarded to the Adelaide Festival Centre Trust set construction workshop at Gepps Cross?

2. Why was the Adelaide Festival Centre Trust set construction workshop at Gepps Cross building the sets for the Queen tribute musical *We Will Rock You* between March and May, when the sets for the *Ring Cycle* were being built in other States at the same time?

3. Did State Opera conduct contractual negotiations with the Adelaide Festival Centre Trust to have the sets for State Opera's 2004 production of the *Ring Cycle* built at Gepps Cross?

4. Was a contract entered into between the parties?

5. If so, what were the terms of the contract fulfilled?

6. If not, why not?

7. If not, did the contract contain penalty clauses for failure to honour the contract?

8. What are the projected labour costs in the *Ring Cycle's* 2004 budget?

The Hon. P. HOLLOWAY: The Premier and Minister for the Arts has provided the following information:

1.-7. It was originally intended that the sets for *The Ring* would be built in South Australia, and that the construction work would take place between January and August 2003 in readiness for the first round of stage rehearsals in the Festival Theatre between September and November 2003.

A draft memorandum of understanding between the Adelaide Festival Centre Trust (AFCT) and State Opera was prepared in late 2002, before the comprehensive set design presentation in mid-December 2002.

At this presentation, the AFCT was provided with technical information and a full working model of the designs in order to prepare a detailed costing for building the sets that would form part of the final contract. It was expected that arrangements between the AFCT and the State Opera would be finalised in late January or early February 2003.

State Opera was advised by the AFCT on 18 February 2003 that its workshops would not be available to State Opera prior to July/August 2003 as the workshops had entered into a commercial contract with another organisation to build the sets for a musical to be presented in Sydney. The AFCT could not therefore fulfil the construction schedule required by the State Opera which required completion by September 2003. State Opera therefore placed selective contracts with other scenery workshops in Adelaide and interstate.

No penalty payments were required or paid.

8. It will not be possible to finalise the backstage labour requirements for this production until the theatre stage and technical rehearsals for all four operas have begun in the theatre itself and the time needed to bump in, bump out and store aspects of the scenery between each of the four operas has been accurately gauged. The current estimate for theatre labour costs is \$1.2 million once rehearsals are held in the theatre itself.

TRAVEL CONTRACT, GOVERNMENT

111. **The Hon. A.J. REDFORD:** Can the Minister reveal which selected senior government officials are to receive specialised and prompt travel service from the VIP cell as detailed on page 5 of the Specification for the Provision of Managed Travel Services (RFT No. 231/02)?

The Hon. T.G. ROBERTS: The Minister for Administrative Services has advised:

The State Supply Board's Across Government Travel Contract, awarded to Carlson Wagonlit Travel (CWT), commenced on 1 July 2003. Accordingly, the Minister for Administrative Services has confirmed that the VIP service offered under the new contract arrangement will continue to be limited to the Premier only, as per previous arrangements. This arrangement featured in the first contract signed by the previous government in November 2001.

NORTH WESTERN ADELAIDE HEALTH SERVICE

117. **The Hon. SANDRA KANCK:** In relation to the North Western Adelaide Health Service:

1. In each of the last five years:

(a) what has been the level of absenteeism;

(b) what were the reasons for that absenteeism; and

(c) where stress is given as the reason, what percentage has been caused by work place bullying?

2. (a) Have any staff surveys about work place bullying and harassment been conducted?

(b) If so, when were they conducted and what were the conclusions?

3. Why is an anti-bullying and harassment program, which won a national award, no longer used?

4. (a) Will this program be reintroduced?

(b) If not, why not?

5. Is the Minister confident that bullying is being brought under control?

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

1. (a) Data on absenteeism is not available for the period prior to 1999-00 as the Office of the Commissioner for Public Employment did not require such data to be kept. The average number of unplanned absences, including sick leave, family leave and personal carers leave, at North Western Adelaide Health Service (NWAHS) from 1999-00 to 2002-03 were:

• 7.7 days per FTE in 1999-00

• 7.9 days per FTE in 2000-01

• 8.7 days per FTE in 2001-02

• 8.37 days per FTE in 2002-03.

(b) The reasons for the absenteeism are not known. As per the existing industrial awards, staff are not required to provide a medical certificate for less than three consecutive days of absence. Where staff have been required to provide a medical certificate, the nature of the condition is generally not specified by the general practitioner. Recent enterprise agreements have included the facility for staff to use sick leave credits for the care of sick children and family members.

(c) The Injury Prevention and Management Unit of the Department of Human Services (DHS), has obtained general data from WorkCover's IDEAS database. During the period July 1998 to November 2003 there were 1499 WorkCover claims, 565 at the Lyell McEwin Health Service (LMHS) campus at Elizabeth Vale and 934 at The Queen Elizabeth Hospital (TQEH) campus at Woodville.

A specific provision for bullying is made in the WorkCover claims mental disorders category. This bullying sub-category can encompass several types of bullying in the workplace including manager to staff, staff to other staff, and clients to staff. Where a person lodges a WorkCover claim for compensation, they may state that the claim is in relation to stress from bullying, allowing for useful data collection. However, in interpreting the WorkCover data it should be noted that the WorkCover scheme is a no-fault system and the success of a worker's claim is based on their perception of bullying or harassment. There is no requirement for the allegation to be proven.

For the period July 1998 to November 2003 across TQEH and LMHS hospital sites there were 66 accepted WorkCover claims relating to mental disorders. This represented 4 per cent of all WorkCover claims for these two hospitals for this period. Of these 66 accepted WorkCover claims, 20 were due to some form of bullying; 11 of these were manager/supervisor bullying of other staff and 9 were staff bullying of other staff. These 20 bullying related WorkCover claims represented 1.3 per cent of the total WorkCover claims for these two sites during this period.

2 (a), (b)

A survey about workplace bullying and harassment was conducted in 2002, but this survey was not authorised to be conducted by the hospital Executive. The survey results cannot be substantiated due to the lack of appropriate statistical and methodological process.

3. The award won by the anti-bullying and harassment program was a Certificate of Merit at the Australian Institute of Criminology's 2002 Crime and Violence Prevention Awards.

NWAHS has not discarded the anti-bullying and harassment program. The program is being maintained and enhanced through the continuing commitment of management and the assistance of OCAR Workplace Consulting, who provide a range of counselling, consultancy, assessment, mediation, training and development services.

OCAR is one of the leading employee assistance providers in this State. It has over 15 specialist counsellors whom staff of NWAHS can access either on-site or in four other locations throughout the metropolitan area.

4 (a) and (b) See above.

5. NWAHS is committed to maintaining a safe and healthy environment for both staff and clients.

OCAR Workplace Consulting provide not only a comprehensive employee counselling service, but also workshops on critical incident stress management, team building, anti-bullying and harassment and leadership. The hospital has anti-bullying and harassment policies in place. Anti-bullying and harassment education continues within both organisations, including raising awareness through pamphlets and providing new employees with information at orientation. Occupational health, safety and welfare consultants attached to Human Resources, DHS undertake anti-bullying education as necessary.

Any case of bullying and harassment is investigated and dealt with in line with the policies.

GOVERNMENT EMPLOYMENT COSTS

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

1. Will the Minister for Health provide details of the agencies and levels at which each of the additional people are employed whose remuneration exceeds \$100 000 as listed in Note 23 to the Auditor-General's accounts on page 576 of Part B: Volume II of the Auditor-General's Report, 2002-03?

2. (a) Have these positions been formally announced by the Government at any stage; and

(b) If so, when?

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

The increase of fourteen staff represents the net impact of the following factors:

- 1 Office of Youth staff member transferred into the Department of Human Services (DHS);
- 1 acting arrangement due to Chief Information Officer position unfilled—Corporate Resources (IMS);
- 1 position being filled—Executive Director, Corporate Resources. This position was approved with the formation of DHS but was not formally filled until 2002-03;
- 1 additional position—Chief of Staff, as a result of the portfolio having two Ministers;
- 7 executive & EB salary increases—2 Strategic Planning and Population Health, 1 Aboriginal Services Division, 1 South Australian Community Housing Authority, 1 Metropolitan Health, 1 Social Justice and Country, 1 Corporate Resources (Asset Services);
- 6 full year salaries commenced half way through 01-02—2 Metropolitan Health, 2 Family and Youth Services, 2 Social Justice and Country; and
- 3 people left the department and were not replaced—2 from Metropolitan Health and 1 from Strategic Planning and Population Health.

No formal announcement was made as none of these positions were newly created, except the Chief of Staff as detailed above.

Filling of all executive positions followed due process through OCPE.

HEALTH REVIEW

121. **The Hon. J.M.A. LENSINK:** Will the Minister for Health provide full detailed costs of the Generational Health Review as described on page 551 of Part B: Volume II of the Auditor-General's Report, 2002-03?

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

The following table provides details of costs associated with the Generational Health Review.

Description	2003 \$	2002 \$	Total \$
Consultancy	324 055	-	324 055
Project Team	333 837	5 508	339 345
Contractors	103 962	15 373	119 335
Administrative	228 815	69 778	298 593
Total Costs	990 669	90 659	1 081 328

The project team were staff seconded from elsewhere in the Department of Human Services.

SHEARING INDUSTRY

123. **The Hon. CAROLINE SCHAEFER:** What are the terms of reference given to Mr. Andrew Brown, Rural Consultant, in conducting the Review entitled 'An Assessment of Shearer Training Program in South Australia, 30 June 2003'?

The Hon. P. HOLLOWAY: The Minister for Employment, Training and Further Education has provided the following information:

The endorsed Terms of Reference were:

To ensure that the workforce skill requirements of the wool sector are met, it is timely to assess the operation and effectiveness of the current program. In doing so, the following aspects should be determined:

(1) An estimate of the demand/need for skilled shearers in South Australia over the next three years.

(2) To what extent is the current government Shearer Training Program capable of meeting the skill needs of the industry?

(3) How can the Shearer Training Program be most effective in meeting the demand for skilled shearers in the industry?

(4) What organisational arrangements are required to ensure the effective operation and monitoring of the Program?

(5) In addressing the operation and monitoring requirements of the Program, consider how a representative industry advisory group can be established to advise the Minister on the conduct and content of the Program.

(6) In addressing the above terms of reference, consider how and in what capacity the Agriculture and Horticulture Training Council of SA can participate in the Shearer Training Program.

ROWSE, Mr B.

128. **The Hon. R.I. LUCAS:** In relation to the appointment of Mr. Brett Rowse as a Deputy Under Treasurer:

1. When was this position first advertised and how?

2. Who were the members of the selection panel?

3. How many people applied for the position and how many were interviewed by the selection panel?

4. Does the Treasurer deny having had a number of conversations with Labor colleagues and others that 'two Labor men' had been appointed to the two Deputy Under Treasurer positions?

5. Were all Commissioner for Public Employment guidelines followed in the appointment of Mr. Rowse?

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

1. A position of Deputy Under Treasurer (Ex D) was advertised as a contract appointment for up to 5 years in the SA Notice of Vacancies on 25/10/02, *The Advertiser* and the Weekend *Australian* on 26/10/02 and *Financial Review* on 1/11/02. It was also placed on the Treasury and Finance Internet site on 25/10/02. During the selection process it became evident that Mr Gino DeGennaro had accepted an appointment with the Department of Education and Children's Services which meant that there were two Deputy Under Treasurer positions vacant. Discussions were held with the then Commissioner for Public Employment (Mr Paul Case) and approval was obtained to appoint two Deputy Under Treasurers.

2. The selection panel comprised:

Jim Wright	Under Treasurer
Jim Birch	Chief Executive, Department of Human Services
Elbert Brooks	Commissioner for Public Employment Representative
Bill Cinnamon	Manager, Human Resources

3. There were eleven (11) applications received for the position. Five (5) applicants were interviewed for the position.

4. Brett Rowse has 22 years experience in Commonwealth and State Treasury/Finance Departments (over 16 years with the Commonwealth and five and a half years with the Victorian Government) serving both Coalition and Labor Governments at both

the Commonwealth and State levels. In the circumstances, it would not be accurate to refer to him as a 'Labor man'.

5. The guidelines set by the Commissioner for Public Employment were all followed and included having additional meetings with the Commissioner to obtain approvals and to secure arrangements for the appointment of Mr Rowse.

AUDITOR-GENERAL'S REPORT

The PRESIDENT: I lay on the table a supplementary report concerning the Department of Human Services—some matters of importance to the government and the parliament.

PAPERS TABLED

The following papers were laid on the table:

By the President—

- Reports, 2002-2003—
 - Corporations—
 - Adelaide
 - Burnside
 - Campbelltown
 - Marion
 - Norwood, Payneham and St. Peters
 - Port Adelaide Enfield
 - Port Augusta
 - Salisbury
 - Walkerville
 - West Torrens
 - District Councils—
 - Adelaide Hills
 - Barossa
 - Berri Barmera
 - Cleve
 - Copper Coast
 - Elliston
 - Gawler
 - Kangaroo Island
 - Kimba
 - Light
 - Lower Eyre Peninsula
 - Mid Murray
 - Murray Bridge
 - Naracoorte Lucindale
 - Northern Areas
 - Peterborough
 - Playford
 - Southern Mallee
 - Streaky Bay
 - Tatiara
 - Victor Harbor
 - Wakefield
 - Wattle Range

By the Minister for Agriculture, Food and Fisheries (Hon. P. Holloway)—

- Art Gallery of South Australia—Reports, 2002-2003
- Reports—
 - Auditor-General, Electoral Commissioner, Deputy Electoral Commissioner, Employee Ombudsman and Ombudsman—Determination and Report of the Remuneration Tribunal—No. 7 of 2003
 - Auditor-General, Electoral Commissioner, Deputy Electoral Commissioner, Employee Ombudsman and Ombudsman—Determination and Report of the Remuneration Tribunal—No. 7 of 2003
 - Country Resident Magistrates—Determination and Report of the Remuneration Tribunal—No. 8 of 2003
 - Members of the Judiciary, Members of the Industrial Relations Commission, the State Coroner Commissioners of the Environment, Resource and Development Court—Determination and Report of the Remuneration Tribunal—No. 9 of 2003
 - Ministers of the Crown and Officers and Members of Parliament—Determination and Report of the Remuneration Tribunal—

No. 10 of 2003

No. 11 of 2003

Public Sector management Act 12995—Section 69—
Appointments to the Ministers' Personal Staff

By the Minister for Aboriginal Affairs and Reconciliation (Hon. T.G. Roberts)—

- Reports, 2002-2003—
 - Dog Fence Board
 - Libraries Board of South Australia
 - State Theatre Company of South Australia
 - The Dog and Cat Management Board of South Australia
- Reports—
 - Adelaide Casino Advertising Code of Practice
 - Licensed Racing Club Advertising Code of Practice
 - Name of Venue Advertising Code of Practice
 - SA TAB Advertising Code of Practice
 - State Lotteries Advertising Code of Practice.

ANANGU PITJANTJATJARA EXECUTIVE BOARD

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I seek leave to make a ministerial statement.

Leave granted.

The Hon. T.G. ROBERTS: The executive board is the representative body for Anangu throughout the APY Lands. It is charged with implementing the PLRA (the act) on behalf of the traditional owners and inter alia plays an important role as a key representative for Anangu in many forms, including the Anangu Pitjantjatjara Yankunytjatjara Interagency Intergovernmental Collaborative Committee (APYLIICC), commonly referred to as Tier 1. PLRA currently states that the executive board shall be elected at an annual general meeting. There are no instructions within the legislation as to how elections are to take place or how members are to be nominated for election (in fact, the legislation is silent on the matter).

In the lead up to the 2002 AGM (August/September), the then executive board engaged a consultant, Mr Kunmanara Bill Davis, to conduct a 'road show', titled *Rolling Thunder*. The road show travelled to each community and homeland discussing electoral change and preselected a representative from each of the communities to stand as executive members at the 2002 AGM. Further, all communities and homelands except for two supported a longer term for the executive. The current executive board was voted in on 7 November 2002. The process used to elect these members was the first of its kind for the APY Lands. It used a ward system that allowed each major community and its associated homelands the opportunity to vote for a community representative to form a part of the executive board.

It is the first time that each region has been assured representation on the executive board. The ward system was endorsed at the annual general meeting of 7 November 2002 and subsequently was followed by the election of the 10 executive members (which included two women) and the chairperson, Mr Gary Lewis. At that time, the constitution provided for executive board members to have a term for one year. That electoral process has received broad support due to its strong community representative manner and the endorsement it received from the State Electoral Commission, which oversaw the process.

Following an extensive period of consultation in the lands, a general meeting in July 2003 approved a change in the constitution to provide for three-year terms for members of the executive board. The Corporate Affairs Commission

certified that amendment on 15 October 2003. The former executive board had moved a similar resolution prior to losing office at the AGM of 2002. The current executive board has received its own legal advice that this amendment provides the current members with the endorsement to continue their term for a full three years from the date of the original election on 7 November 2002. Therefore, they do not have to go to a new election until December 2005. Notwithstanding this, the executive board accepted a proposal by me to seek an endorsement from AP at the 2003 annual general meeting held on 15 December 2003. The agenda item, 'Endorsement of executive' was extensively discussed with support expressed at the meeting, although there was vocal minority opposition. However, that meeting became heated and was abandoned without any such endorsement having occurred.

Some residents of the APY lands have taken the view that the executive board must conduct a new election, bringing into question the legitimacy of this current executive board. There is no suggestion that there is any financial or administrative impropriety concerning the current executive board. The corporation is independently audited annually with positive reports received for the period of this executive board's term. The current executive board has done a great deal of work and continues to be proactive to ensure priorities for Anangu are being considered by service providers and policy makers alike. Since signing a statement of intent with the government in February 2003, its contribution to discussion and decision making with APYLIICC has provided the government with timely advice on matters such as the agreement of priorities through the statement of intent, the establishment of the allocation committee and the participation of Nganampa Health on APYLIICC.

The current executive board has also embraced the ethos of the Doing it Right policy through the development of partnerships, as well as understanding that responsibility has to be accepted by both the community and the government if successes are to be achieved. As the Minister for Aboriginal Affairs and Reconciliation, I am responsible for the PLRA but have no power under the PLRA to intervene in these matters. When I became aware of the amendment to the APY constitution I urged the executive to conduct an election at the 2003 AGM, as has been done in previous years. It is worth noting that the Legislative Council select committee currently investigating issues relating to the APY lands is due to report in the near future. Without pre-empting the select committee's recommendation, it is likely to make recommendations relating to a comprehensive review of the PLRA.

As Minister for Aboriginal Affairs and Reconciliation, I am also chair of the Aboriginal Lands Parliamentary Standing Committee. It is my intention to raise this matter with that standing committee when it meets on Wednesday 18 February. Discussions are still under way with the AP executive board chairman and the executive board. The full executive board is to meet on 17 and 18 February. Once these meetings are concluded, I will make further ministerial statements to inform the house of the government's position on this matter.

DEATHS IN CUSTODY

The Hon. T.G. ROBERTS (Minister for Correctional Services): I seek leave to make a ministerial statement on deaths in custody.

Leave granted.

The Hon. T.G. ROBERTS: I rise to inform the council of two recent deaths in custody and the action that is being taken as a result. At the outset I must say that any death in custody is tragic, and I extend my sympathies to the families of the two individuals. I also recognise the impact of such traumatic events on staff. In the early hours of 4 February, Mr John Trenorden was found dead by prison officers in his cell at Yatala Labour Prison. Custodial staff and nurses from Yatala's infirmary tried unsuccessfully to revive Mr Trenorden. It is suspected that Mr Trenorden took his own life. However, the exact cause of death will be the subject of a Coroner's inquest at a later date. On the morning of 9 February, Mr Barry Turner was found dead in his cell at the Adelaide Remand Centre. Correctional staff and nurses from the prison's infirmary and ambulance paramedics tried unsuccessfully to revive him. It appears the circumstances of this death are similar to that of Mr Trenorden's.

I will not elaborate further on the details and circumstances of these deaths, as the matters will be subjected to coronial inquests. In addition to the inquests, these incidents are the subject of police and Department of Correctional Services investigations. I can also announce today that the independent South Australian Ombudsman will conduct his own investigation into these incidents. Any calls for further investigations or reviews on top of the departmental investigations, police investigations, the Coroner's inquest and the independent Ombudsman's investigations have to be seen as no more than a political stunt.

In addition to the thorough investigation of these matters, a number of immediate steps have been taken. I have ordered that the Department for Correctional Services and individual prison managers heighten further the state of alert in our correctional facilities for possible copycat incidents. Last week, prison managers commenced reassessing all at-risk prisoners to ensure that heightened surveillance of such prisoners is in place.

Further work will be done for prison managers to become more involved with medical experts in the process of assessing prisoners. I have also ordered the Department for Correctional Services to provide me with an urgent report into last week's incident, as well as speeding up the report into last week's incident at the Yatala Labour Prison.

I am able to announce that the new chief executive of the Department for Correctional Services, Mr Peter Severin, has recently set up an investigations review committee within the Department for Correctional Services to ensure that all recommendations of Coroner's reports and any other reports are properly monitored and implemented.

QUESTION TIME

DEATHS IN CUSTODY

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question on the subject of deaths in custody.

Leave granted.

The Hon. R.D. LAWSON: As the minister indicated in the ministerial statement given by him today, there have been, in the last two weeks in this state, two deaths of prisoners on remand. In the first of those, on 4 February, Mr John Trenorden, who was on remand on a charge of murder, was found dead in his cell at Yatala Labour Prison. He was in fact in the E division at Yatala. On the following day his lawyer,

Mr Michael Wood, was quoted on ABC Radio as saying the following:

[Mr Trenorden was] obviously a person of high risk. . . On the police allegations that have been made he had been found wandering and there'd been an altercation with a vehicle, so I know as a matter of fact that certainly the police at the city watch house had him on a high suicide alert.

On that day, the Deputy Leader of the Opposition issued a media statement indicating that Mr Trenorden was being held in E division at Yatala. He made the assertion that Mr Trenorden should have been placed in G division where high risk remandees are generally held. The deputy leader called for an inquiry. In response to the calls by the Deputy Leader of the Opposition, the minister said the following on an ABC Radio bulletin broadcast at 1 p.m. on that day:

What Dean Brown has been saying is inaccurate, incorrect and inflammatory.

My questions to the minister are:

1. Do different surveillance regimes apply in E and G divisions in Yatala? In particular, is it the case that those in G division are subject to a 24 hour surveillance system, whereas those in E division have a lesser surveillance regime? Will the minister confirm that those surveillance regimes were in operation on 4 February when Mr Trenorden died?

2. Will the minister indicate in what respect the statements made by the Deputy Leader of the Opposition were inaccurate, incorrect and inflammatory?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I refer the honourable member to my ministerial statement 'Deaths in custody' about some of the matters raised. The position is that we have a number of inquiries running at the moment. Some of the matters raised by the honourable member are operational matters that I will report on to the council. Until the correctional services and the police inquiries are completed, the line up of events as they have occurred will not be based on circumstantial stories made by the Hon. Dean Brown. I was given a report that did not match the circumstances outlined by the honourable member. I indicated that a further report into the matters to establish certain facts was not necessary.

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: Through a ministerial statement I have already indicated that there will be official reports that will take any of the unsubstantiated claims out of the report, including the facts that will hopefully be established by the two reports.

An honourable member interjecting:

The Hon. T.G. ROBERTS: The information given to me prior to the Hon. Dean Brown going straight to the press was not accurate.

An honourable member interjecting:

The Hon. T.G. ROBERTS: Out of the reports it will become clearer as to what the information will be. It is better for it to be based on information as given by a factual report.

Members interjecting:

The PRESIDENT: Order! This is not a public debate. There is provision for honourable members to ask supplementary questions, and members will have the opportunity to do so. The minister.

The Hon. T.G. ROBERTS: The facts will be established by a myriad of reports, and the honourable member will have to wait for the outcome of those reports. The facts, as discovered by at least two investigatory bodies plus the investigation by the Coroner and now by the Independent

Ombudsman, will establish without argument what the Hon. Dean Brown or the minister is saying in public arenas. I am asking honourable members to take note of the ministerial statement and wait for the outcome of the reports so that they can match the investigatory facts against the statements made.

The Hon. R.D. LAWSON: I have a supplementary question. In a media release issued on 9 February, the minister said:

I have ordered the department and individual prison managers to further heighten the state of alert in our correctional facilities.

What steps were necessary to further heighten the state of alert in institutions?

The Hon. T.G. ROBERTS: One of the problems inside Correctional Services when a death in custody occurs is the possibility of copycat activities. One of the things governments try to do, in as bipartisan a way as possible, is dampen the information available in the public arena about the events that occurred and how they actually occurred. It is well known that, because of copycat incidents, the less detail the better in relation to the incident being debated or discussed in the public arena until the full facts are known. In fact, we had a copycat incident within a week.

The heightened responses were in relation to trying to make sure, in the circumstances arising out of the first death and then after the second death, that the issues surrounding copycat were not being carried out inside the prison. So, the heightened responses were in response to the circumstances in which we found ourselves: the warm weather, the depression that comes from being within the prison system when these events occur and for a range of other reasons. We certainly do not want any more incidents within our Correctional Services system.

The Hon. R.D. LAWSON: I have a further supplementary question. What further steps were taken by the department and prison managers that were not already being taken following the direction from the minister?

The Hon. T.G. ROBERTS: I ordered the Department for Correctional Services and individual prison managers to further heighten the state of alert in our correctional facilities for possible copycat incidents. Prison managers will today reassess all at-risk prisoners to ensure heightened surveillance of such prisoners in each place. Further work will be done to have prison managers become more involved with the medical experts and the process of assessing prisoners.

I have also ordered the Department for Correctional Services to provide me with urgent reports into the incidents of that morning as well as speeding up the report of the previous week's incidents. A number of issues associated with both incidents heightened the need for further surveillance and assessment of certain prisoners. The connection of prison managers to the new assessments was one of those issues that needed to be attended to.

The Hon. J.F. STEFANI: Given his previous answers to my questions that most of the correctional facilities are running to full capacity, will the minister advise the council what additional staff have been employed by the department since September last year in respect of physical human resources in the correctional facilities and at which facilities have these people been employed?

The Hon. T.G. ROBERTS: We have allocated further funding for an increased number of correctional services

officers. I attended the induction of a number of new prison officers in the middle of last year. I do not have the number of prison officers who have been trained with me, but I will bring that information back to the council as a matter of course when I report. We have also put in place a recruitment drive for new prison officers. It is my intention through the new CEO to bring about a new image for the prison officer selection process. We are trying to plan career paths for prison officers which might make these positions more attractive to younger people. We have an ageing profile within the prison services system. That is not to say that you do not need mature people with experience in the prison system; it is just that you need a mix of profiles of prison officers.

We have put funding into the increasing number of prisoners—we have worked through those issues with the PSA—and, when the new 50 beds come on stream at Mobilong in September or October this year, more prison officers will be recruited, hopefully under the new profiles that we are trying to work with under the new recruitment strategy that we are developing. I do not have the details of the full number at hand, but I will bring that information back to the council with my next reply.

The Hon. R.I. LUCAS (Leader of the Opposition): Does the minister now agree that he has been unable to provide the parliament with any evidence at all that the Deputy Leader of the Opposition's statements were inaccurate or incorrect in relation to this issue?

The Hon. T.G. ROBERTS: My reply was quite pointed: that is, it is better for me not to speculate on the evidence until the evidence is provided from—

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: I said any further—

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: Well, I am not supplying any further material or making any speculation, because I do not think that does anyone any good, until there is a full report.

The Hon. R.I. Lucas: So will you withdraw it?

The Hon. T.G. ROBERTS: I will apologise to the honourable member if the information that I get from the investigatory reports does not match the information provided to the public by the Hon. Dean Brown.

The Hon. R.I. LUCAS: Was the statement made by the minister on ABC radio on 5 February accurate or inaccurate when he said, 'There are hourly checks made on prisoners who do not have a suicide watch on them'?

The Hon. T.G. ROBERTS: The operational issues associated with each prison and the regimes vary, but the information provided to me from the operational manager is that, as a matter of course, those hourly checks are made on—

The Hon. R.I. Lucas: And that's an accurate statement?

The Hon. T.G. ROBERTS: According to the information provided to me, that is an accurate statement. It is an operational matter that that information was given to me. In some cases, if a prisoner is on heightened watch if the assessment is that they are at severe risk of harming themselves or are suicidal, then a management regime may be slightly different. There may be less than hourly checks.

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: I am not talking about a specific case, but in the other instances the buddy system is used, where you put two prisoners in the one lockup. That method has been successful over time. Previous regimes,

including the honourable member's government, used the buddy system. In fact, the double bunk beds—which was the problem in the two cases, although there is speculation about that until a report is brought down—were introduced by the honourable member's government. We certainly do not have the funds to go straight to single bed cells but, if the honourable member is looking for shared responsibility for the state of our prisons, including their age, I think in a bipartisan way we should present a different approach from the way in which we present our arguments to the broad community and particularly—

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: As members opposite know, we took over a system that is ageing, by any measurement, and in ageing buildings it is much more difficult to provide up-to-date surveillance. I am certainly not advocating all electronic surveillance: I think you have to have a mixture of electronic and human contact to bring about rehabilitation and provide adequate service for dealing with prisoners who are at risk, because in a lot of cases it is human contact that they need.

The Hon. J.F. STEFANI: As a further supplementary question, given that it is an operational matter and respecting the aspects of such issues, will the minister assure himself and this house that the operation of at-risk prisoners is in fact what he has reported today: that is, that there is a regular check on the prisoners as he has indicated is the advice that he has received? I want him to be able to ascertain that and bring back an assurance to this chamber that that is a fact.

The Hon. T.G. ROBERTS: I thank the honourable member for this opportunity to reassess the information that has been given to me. I will talk to the operators of the prison services within our system. I will acquaint myself with the regimes that have been and are now being put in place and bring back a reply.

NEMER, Mr P.H.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a copy of a ministerial statement made by the Premier in another place today in relation to the High Court appeal.

GAMING MACHINES

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a copy of a ministerial statement made by the Premier today in the other place in relation to gaming machine numbers.

MEMBERS, SUPERANNUATION

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a copy of a ministerial statement made by the Premier in the other place today about changes to parliamentary superannuation.

FISHERIES COMPLIANCE BOATS

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about fisheries compliance boats.

Leave granted.

The Hon. CAROLINE SCHAEFER: On 6 February the minister announced on regional radio, with quite some fanfare, the commissioning of a new compliance boat specifically for Spencer Gulf. Certainly, that will be greeted very favourably since that section of Spencer Gulf has missed out for some time. However, at the same time the government called for tenders to sell two boats, a SARDI cray boat by the name of *Bojangles* and a hovercraft. My understanding is that the hovercraft has not been serviced for the past two years and has been allowed to fall into such disrepair that in fact the sale of the craft will now be considerably less than its replacement value. My questions are:

1. What explanation can the minister give for allowing the hovercraft to fall into such disrepair, even though it is for sale, and therefore allow a capital loss?

2. Is compliance control and inspection of mudflats with regard to crabs now compromised by the sale of the hovercraft?

3. What is the net result, both financial and compliance, of the minister's selling two boats to buy one? Is the minister again robbing Peter to pay Paul?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): In relation to the hovercraft, it is my understanding that that vessel has not been used for some time, and I am informed that the reason for that is that it is not considered particularly suitable in relation to the work that fisheries normally undertakes. I gather that it is a particularly difficult vessel to control. I understand that at one stage it actually managed to run over one of the people who it was supposed to be apprehending. I gather it is a particularly difficult vessel, and the advice I have had from the department is that the vessel is not particularly suitable and it is also extremely expensive to operate and maintain, but I—

The Hon. D.W. Ridgway: You haven't maintained it?

The Hon. P. HOLLOWAY: Yes, to save money. That is obviously the reason why; that is, the high cost of operating the machine, and I understand that some time ago the department made the decision not to use this vessel. It has not been used for a considerable period and the department has decided to sell it. In relation to the SARDI cray boat, I will have to get the information in relation to the details of that particular vessel but, regarding the hovercraft, I am aware that there have been some difficulties in relation to its operation and that is why the department has made the operational decision to dispose of that vessel.

The Hon. CAROLINE SCHAEFER: As a supplementary question, is it true that compliance officers who are to operate the new boat, which I believe is based at Whyalla, will be based in Adelaide?

The Hon. P. HOLLOWAY: That is not my understanding of the matter. I am not sure from where the honourable member gets her information, but some questions were asked in this parliament last year in relation to the need for a boat at Whyalla. At present, the fishery compliance officers who are based in Whyalla and who this government will certainly keep in Whyalla have been using aluminium portable vessels and also larger vessels which have been brought on trailers from other PIRSA depots, in particular Kadina. It is my understanding that this new vessel will certainly provide greater resources for the Upper Spencer Gulf region. Whether the new boat will be sent there or other boats are being displaced, that is an operational matter and I will check on it, but one thing members can be sure of is that the compliance

officers in the northern Spencer Gulf will have superior facilities as a result of decisions taken by this government.

The Hon. J.F. STEFANI: I have a supplementary question. Will the minister advise the council what area the compliance officers are required to cover with this one boat?

The Hon. P. HOLLOWAY: There are a number of boats in the fisheries compliance fleet, and I think there are approximately 30 or so compliance officers around the state based from the South-East to Ceduna on the West Coast. Generally there are at least two compliance officers in most locations, and that is obviously for the security of the officers concerned.

There are also a couple of compliance officers based on the River Murray. Those officers also patrol some inland waters, such as Cooper Creek and so on, on occasions. From time to time those fisheries compliance officers will visit areas. It is very important for fisheries compliance that those officers not be seen to be concentrating on the same areas. They do need to be visible all over the state, so there will be some variation in the areas in which they operate. But given the large spread of vessels and officers that we have within this state, we believe that most areas of the state, where fisheries compliance may be an issue, will be covered. As for the new boat, I will take that question on notice and provide a specific answer in relation to the range in which that boat will operate.

TAXATION, LAND

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation before asking the leader, representing the Premier, a question about land tax.

Leave granted.

The Hon. R.I. LUCAS: I am sure all members will be aware that in recent months there has been considerable unrest amongst property owners, in particular, and families and friends, about the 40-odd per cent increase in land tax collection in just the last two years. In response to that, Treasurer Kevin Foley on 13 January on ABC Radio said:

I'll go on your program and say this—I don't feel an overwhelming argument to reform land tax. . . there are other taxes and other imposts on the community that I see as a greater priority. . . if people's property values have increased to such an extent that their land tax has gone up I'm sorry for that, but they have had. . . a rise in personal wealth. . . this Labor government will be there to help the battlers. . .

Last week, when that statement from the Treasurer was read to a meeting which was convened by Mr John Darley and the land tax reform coalition and which was chaired by the Hon. Mr Xenophon, it was greeted with much booing and jeering and heckling.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Holloway is obviously attacking the people who attended that meeting. He said, 'How many of those people at the meeting were battlers?' I invite the Hon. Mr Holloway to speak to the Hon. Mr Xenophon and other members of parliament who attended the meeting. I am sure that a good number of those people would be described, even in the leader's terms, as people who have worked very hard for the investments they have made for their own and their family's future. I think the leader's interjection is typical of the Treasurer's response. The response which I want to outline is the response made by the acting Treasurer, Mr Conlon, at that particular meeting.

A number of very angry participants at that meeting came to me after Mr Conlon's presentation and said that they were appalled at Mr Conlon's arrogance at the meeting and his treatment of the genuine concerns raised by a number of those people. As I said, I think the interjection from the Leader of the Government here is consistent with the arrogance that was made clear by the Hon. Mr Conlon and the Hon. Mr Foley. At the end of his contribution on behalf of the government, the minister said words to the following effect: 'Can I say that I hope I will try to treat you better than you have treated me here tonight.' He then walked off the podium. Again, members can imagine that that particular comment was not greeted warmly by the 300 or so concerned taxpayers.

The Hon. Nick Xenophon: 400-plus.

The Hon. R.I. LUCAS: The Hon. Mr Xenophon says 400-plus taxpayers were at that particular meeting. Given the statement by the Leader of the Government, I would be interested in his views as well, but my questions are:

1. Does the Premier support the statements that have been made by his Treasurer, in particular, in relation to the need for land tax reform in either the coming budget or the budget just prior to the next election?

2. Has any estimate been undertaken by the government of the potential impact on the rental market in South Australia were property owners to undertake what some at the meeting suggested they would, that is, disengage themselves from the property owning market as result of the increases by this government in land tax and other property taxes?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): It is my understanding that the last change to land tax in this state occurred just shortly after the change of government in the early 1990s, when the tax threshold for land tax was reduced from \$80 000 to \$50 000. At that time, the tax threshold was cut under the Brown government and in fact—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, there has been no increase in the rates. The former Liberal government cut the threshold from \$80 000 down to \$50 000, and those rates have applied since then. Of course, we know that in the past few months there have been quite massive increases in property values. There are various reasons for that, and I suggest that one reason is the introduction of the GST which, of course, has greatly increased the cost of housing in the community.

As a result, the commonwealth government, which collects that tax, receives huge amounts of additional tax. It is interesting that those who are championing these changes are not attacking the commonwealth government, nor are they talking about capital gains tax. If one has these massive increases in property values and one sells the property, again it is the commonwealth government that will collect on that through capital gains tax.

I think that every member of this council knows that the states have a very tight tax base as a result of changes that were made and High Court decisions in relation to tobacco, petrol and liquor franchises. The state has a very narrow tax base, and payroll tax and land tax are some of the few state taxes that are now left to it.

There has not been an increase in land tax rates but, obviously, the tax take has gone up as a result of increases in property values. I am sure that, in the coming budget process, the state will look at that matter, as well as all the other issues it has before it. After all, if one were to make any changes in that area, less income would be available to the states to

address all their many other issues. If there were to be any changes, it would be appropriate that any government would weigh up its priorities, and I am sure the government would do so. I think that adequately addresses the question on the background of land tax. If the Premier wishes to add to my comments, I will bring back a response.

The Hon. NICK XENOPHON: I have a supplementary question. Will the government undertake a formal public review of the steep increases in land tax, including gauging the impact on small investors? Will such a review include looking at other states that have eased the land tax burden?

The Hon. P. HOLLOWAY: I think I addressed that by saying that obviously it would be one of the issues that would be looked at in any budget process. Again, I point out that there has been no increase in the tax rates. Any increased income to the states is purely as a result of increasing land values which, of course, significantly increases the wealth of the beneficiaries of those who hold that land.

I point out to the council that land tax is not payable on the principal place of residence, so people such as myself, who own only one property, do not pay land tax on that property. It is payable only on additional properties. So, when determining the priorities of government expenditure, be it forgoing tax or spending it in any area such as health, education or welfare, all those matters need to be addressed at the appropriate time.

The Hon. J.F. STEFANI: I have a supplementary question. Will the leader of the government concede that the increased value of properties and additional wealth, as he described it, can be realised only if the property owner sells the property?

The Hon. P. HOLLOWAY: Yes, of course. That is true, but one can always capitalise on that value by taking out a loan, if necessary, on the additional accumulated value. I would remind the honourable member that it was Prime Minister John Howard who last year told everyone that he had not heard any complaints about the rise in people's property values. Perhaps this is one area where our Prime Minister is a little more deaf than usual—in hearing complaints.

The Hon. J.F. STEFANI: I have a supplementary question. Does the Leader of the Government in this council agree with the comments reported by the *Advertiser* journalist Leanne Craig, who wrote:

Treasurer Kevin Foley and Acting Economic Development Minister John Hill described the targets of the tax as wealthy, property-accumulating opportunists.

Does he concur that those comments describe the thousands of South Australians, amongst whom there are many Italians, Greeks and other nationalities, as well as Australian people, who own a second home as a source of income and independence for their old age?

The Hon. P. HOLLOWAY: The important thing in this debate is that if that second house that you own has gone up in value by 50 or 100 percent in the last couple of years, then you are probably not the poorest person in our society.

The Hon. J.M.A. LENSINK: I have a supplementary question. Does the minister acknowledge the fact that people who are on fixed incomes may have some difficulty in paying land taxes of, say, \$8 000—which is certainly not uncommon?

The Hon. P. HOLLOWAY: I am aware of the issues raised in relation to those who are asset rich and income poor. I know that the commonwealth government has, in relation to elderly people, a number of measures to address that. But I think that in this whole debate, we really need to look at what has happened here, that is, that what has been undertaken in this country over the last couple of years is one of the most significant redistributions of wealth that has taken place in this country. It is a redistribution of wealth from those of lesser means to those who are better off. It is being suggested here that the solution to that maldistribution of wealth is to reduce the taxation for those on more, by increasing the tax burden on those of lesser means. It is an interesting tax theory, but not one that would necessarily pass the fairness test.

The Hon. J.F. STEFANI: I have a supplementary question. Again, does the Leader of the Government agree with the descriptions by ministers of the government of elderly retired migrants who worked most of their lives to acquire a modest second home to give them some income to assist them in their old age? Does he agree with the comments that were made by ministers of the government that describe these people as our wealthier citizens who enjoy the relative luxury of owning more than one property?

The Hon. P. HOLLOWAY: I am not quite sure what point the honourable member is making, but let me just say that in relation to the provision of income in retirement, it is the commonwealth government which is again the beneficiary of this process, not the state government.

The Hon. J.F. Stefani: They don't apply the land tax.

The Hon. P. HOLLOWAY: Let me explain it. I will talk slowly for the honourable member's benefit. It is the commonwealth government that under our constitution is responsible for retirement incomes and pays pensions. If people have second properties that produce income, then of course that reduces the tax burden on the commonwealth, because of course as property goes up rents will probably go up. The point is that under our commonwealth constitution it is the states that do not have those huge sources of income that are available to the commonwealth. The commonwealth has had massive surpluses because of the increasing tax burden.

The current commonwealth government is by far the highest taxing government in the history of the country. The commonwealth government has the capacity to address these sorts of issues. In relation to these issues, within the very distorted tax system available to the states, we will consider all the issues and provide benefits where they are most justified and where they will do the most good.

The Hon. J.F. STEFANI: I have a supplementary question. Will the Leader of the Government concede that in the description and the statement made by the Treasurer, the Hon Kevin Foley, that it is the Labor Government's intention to balance its books against the considerable increase in personal wealth which is created by the Valuer-General revaluing all these properties around Adelaide, and then ripping off the people of South Australia with huge increases in land tax?

The PRESIDENT: Order! Today's question time has set some new standards, especially in the record number of supplementary questions. Supplementary questions are definitely in order, but all honourable members should be well aware that they are not to engage in long explanations.

If someone wants to ask a question about whether a minister agrees with a statement on a particular day, it should be done in a concise way. Some members are going into lengthy explanations and cleverly weaving them into their supplementary questions. I ask you all to pay attention to that because we have now officially done three questions and 14 supplementary questions. That is fine if members want to play it that way, but I am going to ask all honourable members, when putting supplementary questions, to pay particular attention to their responsibilities and make them short and to the point with no explanations.

The Hon. P. HOLLOWAY: The honourable member was basically accusing the Valuer-General of ripping people off. It is not the Valuer-General who is responsible for the high value of property. It is the marketplace which establishes the price of property in this state. The increase in value in this state has been reflected all around the country. The tax rates have not been increased by this government; it is purely the rapid increase in property values that has increased the take. In relation to whether the government is keen to keep the budget balanced, yes it is, and appropriately so. This government has restored a lot of integrity to the fiscal balance whereas, over eight years under the previous treasurer opposite, the previous government sold \$8 billion of assets to reduce debt by \$6 billion. Through its current operations the previous government ran up the equivalent of \$2 billion in debt over that eight years. Under this government we will achieve accrual balance.

The Hon. J.M.A. LENSINK: I have a supplementary question. Do I take it from the minister's response to the previous question, given that he is sheeting home the responsibility for retirement incomes to the commonwealth, that he would prefer people who have supplemented their fixed income with property and rental to sell them all and go on welfare and be dependent on the government?

The Hon. P. HOLLOWAY: If your property value increases rapidly in price, you are a beneficiary and favoured by that action. If I had a second property and it doubled in value I would be very grateful for that.

The Hon. A.J. REDFORD: I have a supplementary question. If it is not the government's fault and it is not the Valuer-General's fault, whose fault is it?

Members interjecting:

The Hon. P. HOLLOWAY: As my colleagues say, rising property values are a consequence of a rising property market. It is also true that, in some parts of the market such as Sydney, if you read the property values at the time they may be falling. Indeed, there is an expectation, at least in some markets, that the high property values might actually fall. Will members opposite be standing up in this place asking for an increase if property values fall?

NATIONAL COMPETITION COUNCIL

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question regarding the National Competition Council penalties with regard to barley and chicken meat legislation.

Leave granted.

The Hon. CARMEL ZOLLO: The National Competition Council has advised the government that it intends to penalise South Australia nearly \$3 million in competition payments

over the chicken meat legislation and will penalise the state a further \$3 million this year for not reforming, to its satisfaction, the single desk for barley marketing in this state. I ask the minister: what is the state government doing to reverse this decision?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Firstly, I would like to say that I am shocked and appalled by the National Competition Council's decision to penalise the state for these pieces of legislation. As a result, I have been seeking an urgent meeting with the Acting President of the National Competition Council, Dr Wendy Craik, to strongly put the state government's case. We provided a number of dates during February only to receive word back that Dr Craik is not available. I believe she is on the drought task force and is obviously busy with that. I appreciate the work she is doing there but, nevertheless, this is an issue that this state needs to have addressed urgently.

John Lush, President of the South Australian Farmers Federation, remains fully committed to retaining the single desk for barley marketing and has asked whether a representative from SAFF would be able to accompany me to the proposed meeting with the NCC, to which I am more than happy to agree if that is acceptable to the NCC.

I am extremely disappointed that the NCC has decided to inflict upon our state a \$2.93 million (or 5 per cent) permanent reduction for chicken meat industry legislation containing compulsory mediation and arbitration provisions and a \$2.93 million (or 5 per cent) temporary reduction for noncompletion of barley export marketing arrangements until the recommended reforms are implemented.

We have the farcical situation where the NCC was fully consulted throughout the preparation of the Chicken Meat Bill, only for the NCC to turn around after the event and criticise the legislation. This groundbreaking legislation, which was passed in July last year, was not only acclaimed by growers but also received the unanimous support of the parliament. The NCC decision has created significant uncertainty for all players in the chicken meat industry in this state, and the state government will be doing everything in its power to have this decision reversed and the penalty removed.

Basically, the federal government's confusing and inconsistent NCC policy decisions have resulted in South Australia being singled out for unfair treatment. Very conveniently, the federal Minister for Agriculture, Fisheries and Forestry (Mr Warren Truss) takes a different view regarding single desk marketing arrangements. When he was commenting on the US-Australia free trade agreement last week he said:

The US negotiators have and will continue to be made abundantly aware of the Australian government's clear support for our single desk marketing arrangements.

So, the federal government remains clear, at least in its public statements, in its support for single desk in marketing Australian produce such as wheat and sugar to the world, but it is content to effectively fine this state \$3 million annually for wanting to do the same thing in retaining a single desk for barley marketing. How do you explain that?

The federal Minister for Agriculture, Fisheries and Forestry, in his speech to the AWB single desk summit in Canberra on Tuesday 10 February, said:

And so when you listen also at the federal level, the words of assurance from the federal Labor Party that somehow or other they are supportive of the single desk, ask them: what about the actions of their state colleagues who said similar things before state elections

but as soon as they got an opportunity started to dismantle single desk operations?

So, we are being criticised by the federal minister whilst at the same time we are having \$3 million ripped out of schools, hospitals, police and everything else for this state because they claim we are not getting rid of the single desk. When is this contradictory hypocrisy from the federal government going to end? Surely the federal government must be joking. This extraordinary federal government penalty on the taxpayers of South Australia is hypocritical and defies explanation.

It is even more confusing when you have the federal Liberals saying that they will continue to fine South Australia if we do not reform the barley single desk, while the state Liberals have announced their unequivocal support for the desk's retention. I think it is high time that the Leader of the Opposition in this state parliament stood up to his federal Liberal colleagues with the support of the South Australian state and federal members of parliament. The Leader of the Opposition and the shadow minister have described the NCC's ruling as flawed, but they appear happier to accept the penalty rather than take on the federal Treasurer. After all, the loss from just these two decisions of nearly \$6 million in competition payments means less money for our schools, hospitals, police and also other rural services, because if we do not have that \$6 million it will have to be made up from somewhere else.

South Australia's federal and state Liberal MPs are ideally placed to strongly lobby their federal colleagues, yet they seem strangely reluctant to go into bat for South Australia. I urge them to do so. I urge them to get behind South Australia and show their federal colleagues that this sort of totally inconsistent and hypocritical behaviour is not acceptable to the ratepayers of this state.

The Hon. CAROLINE SCHAEFER: I ask a supplementary question. Given the minister's quite justified concern, why did he not seek an audience with or lobby the NCC prior to the release of its report and argue the public good, as was done successfully by the previous government?

The Hon. P. HOLLOWAY: Indeed, I have; that is exactly what I did. This state has been arguing with the NCC since the middle of last year. I remind the council that ultimately it is the federal Treasurer of the Liberal Party—

Members interjecting:

The PRESIDENT: Order! Members are being particularly fractious today. I realise that you have all had time to recuperate and come back refreshed, but you should come back refreshed and responsible. No more interjections.

The Hon. P. HOLLOWAY: I remind the honourable member who asked the question that the federal Treasurer, Mr Peter Costello, has the final say in relation to this. This state has done all it can to lobby the National Competition Council, and it has done so consistently in relation to this matter, but it is the federal government that has the final decision. Let me also add for the council's edification that the NCC report was highly critical of the commonwealth itself for not getting rid of the AWB single desk, but of course the commonwealth government did not choose to penalise itself. It penalises all the states; it has ministers blaming the states for getting rid of the single desk, but at the same time it penalises the states for maintaining it. It is about time that this hypocrisy was exposed. I believe that this year, as we come up to a federal election, this message will reverberate around the rural electorates of this state.

The Hon. J.F. STEFANI: Will the minister consider enlisting my assistance in putting the case to the NCC on the chicken meat industry matter? I am passionate about this issue, and I would be very willing to fly with him to Canberra.

The Hon. P. HOLLOWAY: I am delighted for all the support I can get in order to get this decision reversed.

CHILD PROTECTION

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the minister representing the Minister for Social Justice a question about child protection. Leave granted.

The Hon. KATE REYNOLDS: Child protection—that is, the issue of physical, emotional or sexual abuse or the neglect of children—has featured prominently in speeches and announcements by the Rann government since it was elected two years ago. We know that South Australia is still the state which allocates the least money to child protection. In fact, the 2004 Productivity Commission report shows that South Australia is spending less than two-thirds of the national average on child protection, which means that the Rann government is spending less on investigating and responding to child abuse now than did the previous Liberal government.

The need to radically improve the way the government addresses the issue of child protection was the key message of the government's own Layton report, which I remind members was entitled 'Our best investment' and which included detailed recommendations. This report was placed in the hands of the government 14 months ago and released to the public almost one year ago. However, as you are well aware, Mr President, we are still waiting for a fully detailed and costed response by the government to that report. Now, a lesser known fact has emerged which has child protection workers even more concerned. We now know that (probably as a result of spending the least amount of money of all states and territories) South Australia has the highest rate in the nation of recurring abuse of children, and worse, that this rate is growing. Information provided to my office reveals that one-quarter of all children who are the subject of a substantiated notification of abuse or neglect will be the subject of another substantiated notification within just 12 months. My questions are:

1. Will the minister confirm that the number of substantiated cases of re-abuse has increased since the Rann government was elected and that this number is continuing to increase?

2. Will the minister table the most recent figures from the Department of Family and Youth Services which show the re-abuse rates in South Australia?

3. What strategy has the government developed specifically to address the issue of the increasing rate of re-abuse?

4. When will the government raise the real expenditure on child protection to at least the national average of \$187 per child?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will relay those important questions to the minister in another place and bring back a reply. I highlight that this government has allocated \$58.6 million specifically for child protection measures over four years, including \$8 million for school counsellors, and an overhaul has been started on the child protection initiative. So, we are coming off a low base, and I understand the

honourable member's cause for concern. We have a lot of ground to make up. We have also allocated \$3.6 million for an additional 73 child protection workers within FAYS, and I understand that that has been welcomed. However, as I said, we are coming off a low base and the honourable member recognises that. A number of structures are being examined to try to improve methods. As I said, I will refer those questions to the minister in another place and bring back a reply.

SHINE SA

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the minister representing the Minister for Health a question about SHine SA. Leave granted.

The Hon. A.L. EVANS: I was recently contacted by a community organisation which raised concerns about a poster recently launched by SHine SA, an organisation which provides sexual health information and education services to the community. The poster entitled 'Which wheels do you want?' was recently launched as part of the SHine campaign to inform specifically Aboriginal and Torres Strait Islander youth about choice. The poster depicts two young Aboriginal couples. One couple is walking with a pusher containing a screaming Aboriginal child. The young Aboriginal man is holding a handbag and the young Aboriginal woman has a worried look on her face. The other couple is draped over an expensive car, and the caption reads: 'Which wheels do you want?' My question is: given the government's recent effort to make South Australia safer for children through its review of child protection in South Australia, will the minister advise whether there are guidelines in place to ensure the positive presentation of children on posters and other material intended for public education awareness; and, if not, why not?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will take those important questions on notice and refer them to the minister in another place and bring back a reply.

REPLIES TO QUESTIONS

GAWLER CENTRAL RAILWAY LINE

In reply to **Hon. J.S.L. DAWKINS** (24 November 2003).

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

1. *Will the minister indicate what plans are in place to improve the lighting and security at stations such as Dudley Park, Nurlutta, Elizabeth South, Broadmeadows, Munro Para, Kudla and others?*

TransAdelaide has a program to upgrade all station and station car park lighting to ensure lighting levels comply with relevant Australian Standards. Each financial year a review is carried out to determine which stations have the highest priority for upgrading. This review takes into consideration such things as existing lighting levels, level of patronage at night, any history of security concerns, extent of street lighting, path access to the station and the effect of brighter lighting on near-by homes.

TransAdelaide is progressively working through the highest priority stations and Elizabeth South, Broadmeadows, Munro Para, Womma, Smithfield, Elizabeth, Tambelin and Gawler are stations which have had recent lighting upgrades. Dudley Park and the Gawler Central car park are Gawler Line stations are programmed for lighting upgrades this financial year.

2. *Will the minister indicate what plans are in place to improve disability access to a number of stations?*

Each year TransAdelaide undertakes a program to upgrade station facilities where customer facilities are identified as in need of attention and where maintenance audits have identified the need for repairs. When such infrastructure upgrades are undertaken the

work will always include specific improvements designed to assist people with disabilities. This short term program focuses on the slope of ramps, installation of tactile tiles, improving platform surfaces, improving the condition of pedestrian crossing, adding fences and handrails and upgrading lighting levels.

The longer-term project to audit and identify all other changes necessary to ensure the rail network complies with the Disability Standards for Accessible Public Transport is being discussed with the Passenger Transport Board. Detailed plans that ensure full compliance with the Disability Standards will be developed once longer-term funding priorities have been clarified and the complete system audit has been facilitated by the PTB.

3. *Which stations on the Gawler central line have been set aside as declared areas to restrict access to rail users only?*

Along the Gawler Central Line there are currently eight declared stations. The following areas have been determined to be declared areas by notice in the Gazette.

- Gawler
- Elizabeth
- Salisbury
- Smithfield
- Gawler Central
- Evanston
- Broadmeadows
- Ovingham

4. *Will the minister indicate why all railway stations are not declared areas for the use of public transport passengers only?*

The declaration of stations is a mechanism used to enable the closure of stations for ticket checking. At present, only the stations with higher levels of patronage have been declared. This is only one of a number of strategies used by TransAdelaide to reduce ticket fraud on the rail network. Operational strategies do not require any expansion to the number of declared stations at present.

BUSINESS, MANUFACTURING AND TRADE DEPARTMENT

In reply to **Hon. R.I. LUCAS** (26 November 2003).

The Hon. T.G. ROBERTS: The Minister for Industry, Trade and Regional Development has provided the following information:

1. Mr Whitbread was informed at all times that any decision to appoint him to the position of Chief Executive of the Department for Business Manufacturing and Trade was subject to Cabinet approval and could only be made by the Governor in Executive Council. No such decision was ever made by the Governor, and accordingly there was no legally effective offer to withdraw. Cabinet made a decision not to proceed with an appointment, but to carry out a review of the Department.

2. See answer to question 1.

3. No Crown Law advice was provided to the Minister or his officers as to possible legal ramifications because there was no legally effective offer to withdraw.

4. The position of Chief Executive of the new Department of Trade and Economic Development will be advertised nationally and locally shortly. A new Chief Executive is likely to be appointed and take up that appointment around May 2004, when the new department is established.

YOUTH COUNCIL

In reply to **Hon. J.M.A. LENSINK** (24 November 2003).

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

1. *What are the criteria for the selection of members of the minister's Youth Council?*

The Minister's Youth Council, called Youth Plus by the former government, is a formal ministerial advisory committee.

The government calls for expressions of interest from young people to fill vacancies on the council. The call for expressions of interest are publicly advertised in the press and on the government's youth website, The Maze.

In relation to the selection of new members, information provided to young people about submitting an expression of interest states:

'Members of the Council are selected on their ability to represent the views of their peers to the Government. The Minister's Youth Council needs young people who are passionate about issues that affect them and are able to communicate those issues and those of other young people.'

The Council membership is broadly representative of the diversity of young South Australians therefore the Council will

seek to balance age, gender, employment and education experience, cultural background and geographic location.'

2. *How many people applied for positions on the council in the last round?*

128 expressions of interest from young people were received in the last round, April 2003. Ten vacancies on the Council were filled from those expressions of interest. Membership is offered for a two year period.

3. *Are any of the current members of the council members of political organisations and, if so, which members and to which parties do they belong?*

The Office for Youth, which provides executive support to the Council, advises that it has no knowledge of the membership of the political parties by current members or nominees to the council as political affiliation is not considered within the selection process.

4. *How does the minister guarantee the independence of the council's advice when the chair is a Young Labor identity?*

The current chairperson of the council advises he is not, and has never been, a member of any political party. He was appointed to the position by the former government in 2001 through the then Minister for Youth, the Hon. Mark Brindal MP.

Advice to be provided to the Minister is considered and agreed upon by Council members at their monthly meetings.

5. *Can the minister confirm the rumour that certain members of the council attend meetings of YAC with a view to recruiting new members to Young Labor and poaching ideas to implement under the badge of the minister's Youth Council?*

The rumour is incorrect. Council members attending Youth Advisory Committee meetings do not do so with a view to recruiting new members to Young Labor or to poach ideas.

As a ministerial advisory group, the Minister's Youth Council provides advice to the Minister for Youth, which may include advice relating to existing or proposed youth-related projects. The Council is not involved in the implementation or management of projects or the development of ideas.

Two members of the current Minister's Youth Council are also members of their local Youth Advisory Committees. They were members of these committees before they joined the Council and to their credit, have retained their membership. Indeed, it is likely that the experience and skills gained from their involvement on Youth Advisory Committees is useful for their work on the Council and vice versa.

Sixty nine Youth Advisory Committees across South Australia are funded by this government through local councils. The government funds this initiative to provide young people with the opportunity to have input into their community and local decision making together with giving young people opportunities to develop leadership skills.

6. *Is there a statutory link between the minister's Youth Council and the youth advisory councils? If not, under what authority would council members involve themselves in the affairs of YAC?*

There is no statutory link between the Minister's Youth Council and the Youth Advisory Committees.

Members of the Minister's Youth Council who retain membership of their local Youth Advisory Council do so independently as young members of their local community.

Members of the Minister's Youth Council are from time to time, invited to attend Youth Advisory Council meetings as a means of building better links and for information exchange purposes. This is seen as desirable and is encouraged. It is certainly to the advantage of young people in South Australia.

The Office for Youth advises that it has also established an email list or 'e-list' solely for use by members of the sixty nine Youth Advisory Committees and the Minister's Youth Council. This initiative seeks to enhance links between the Youth Advisory Committees themselves and also with the Minister's Youth Council.

FLINDERS MEDICAL CENTRE

In reply to **Hon. A.L. EVANS** (24 November 2003).

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

1. The Flinders Medical Centre (FMC), as with all other public hospitals, does have sufficient medical and pharmaceutical supplies to meet demands.

Medications at FMC are stored in shelves in locked medication rooms or in specially designed drug trolleys whilst drugs of dependence are stored separately as required by legislation. If a special

need cannot be met on a ward, the on-call pharmacist is called to provide the drug from the hospital pharmacy.

It is requested that patients, when being admitted to FMC, bring all their current medications with them to be reviewed by the medical practitioner and pharmacist. These medications are then either sent home with relatives or packaged and held separately in the locked medication room and returned to the patient on discharge. It is possible that the drugs in a 'cardboard box' referred to as part of the question contained these items.

2. A review of general security arrangements at FMC was conducted between April and October 2003. This did not refer specifically to issues relating to patients with pre-existing mental illness.

Procedures regarding the care of patients with a pre-existing mental illness have been extensively reviewed, with implementation of the Emergency Demand Management Policy.

The Emergency Department and the Division of Mental Health conduct regular reviews (approximately bi-monthly) on emergency related mental health incidents. This initially focused on incidents requiring restraint.

The Division of Mental Health has received a police security review of its home visiting procedures and is implementing recommendations to improve the safety of these visits.

3. The Emergency Department and Division of Mental Health reviews indicate that current strategies of chemical sedation have been effective, and reduced the need for restraint.

HOUSING TRUST, ASBESTOS

In reply to **Hon. NICK XENOPHON** (17 November 2003).

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

1. *What protocols are in place to remove asbestos from Housing Trust properties?*

Asbestos products are removed from South Australian Housing Trust (SAHT) properties in accordance with the relevant codes when an item requires repair. When a SAHT dwelling becomes vacant vinyl floor coverings are tested for asbestos and removed if the test results are positive. Asbestos materials around the home generally present no health risk as long as they are in sound condition and are not disturbed.

2. *What, if any, risk assessment is carried out on the health threat to residents of and visitors to such properties?*

The SAHT carries out risk assessments on vacant properties prior to re-allocation. Repairs are undertaken, in accordance with current SAHT Accommodation standards, to ensure that all building elements do not pose a health threat to tenants and visitors.

Risk assessments of occupied properties are undertaken when concern is reported.

3. *How many properties have been the subject of such a risk assessment?*

The SAHT carries out property risk assessments on 7 600 vacant properties per year.

Figures on inspections of occupied properties are not collected as inspections occur on request.

4. *How much money has been spent by the Housing Trust in the last five years for the removal of asbestos from trust properties—first, in relation to properties that are being renovated and, secondly, contrasted with properties that have been demolished?*

Over the last five years \$2.1 million has been spent in removing asbestos products from occupied and renovated SAHT properties. \$1.8 million has been spent in removing asbestos products from properties demolished over the past five years.

5. *How many trust properties were involved in each category?*

Over the last five years:

- 5 689 occupied and renovated properties had asbestos products removed; and
- 2 619 demolished properties had asbestos materials removed.

6. *Have any trust properties that have been the subject of asbestos removal had such work carried out again subsequently? If so, how many properties? What was the cost? What was the reason for the further clean-up work?*

Data is available from July 2002 and shows that a total of 1199 SAHT properties have had works to remove products containing asbestos at a cost of \$1.138 million. Of those, the SAHT has returned to only 44 dwellings during the same period to undertake further asbestos related works to the value of \$0.108 million. Some of these works include replacement of vinyl flooring which is undertaken when a property becomes vacant.

GAMBLING REPORTS

In reply to **Hon. NICK XENOPHON** (13 November 2003).

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

1. A review was conducted of 37 licensees who applied for and were granted a per transaction withdrawal limit greater than \$200 under section 51B(2) of the Gaming Machines Act 1992. Each approval for a higher limit was subject to a review (on various dates) within 12 months to determine whether the higher limit was warranted.

The review involved an examination of each venue's ATM and/or EFTPOS transactions for a three month period. This involved 2 staff of the Office of the Liquor and Gambling Commissioner checking and summarising several thousand individual transaction slips or reports.

Two of the 37 licensees were found to have allowed transactions higher than the approved limit during that period.

One licensee allowed withdrawals from the EFTPOS facility greater than the approved limit of \$300 on two occasions. One instance was \$10 above the limit; the other instance was \$100 above the limit.

The breach in respect of the second licensee related to the licensee allowing withdrawals greater than \$200 from the EFTPOS facility while the ATM machine was out of order. An approval for a withdrawal limit of \$500 had been given for the ATM machine only, not the EFTPOS terminal. None of the withdrawals made on the EFTPOS terminal were over \$500.

In both instances an assurance was sought from the licensee that a further breach would not be repeated.

As the breaches were detected through audit of the licensees accounts and not through the event occurring in the presence of an inspector, there was no evidence to determine whether the funds were used for gambling.

2. If a person has failed to produce ID to verify that he or she is over 18 then the person is refused entry and the incident is logged. No further action is taken. If ID has been produced but it is suspected of being false or tampered with then the ID is confiscated and forwarded to the Police. The incident is logged and no further action is taken by the Casino.

In relation to the review referred to on page 53 of the IGA report, all Casino procedures are subject to a constant review and amendment process to ensure best practice. This is not the subject of a formal report but rather the re-assessment and questioning of procedures following incidents relating to juveniles.

ABORIGINES, FOETAL ALCOHOL SYNDROME

In reply to **Hon. NICK XENOPHON** (12 November 2003).

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

1. There is very limited research and statistics on the extent of Foetal Alcohol Syndrome (FAS) in Indigenous communities in Australia.

The Department of Human Services liaises with the Australian Paediatric Surveillance Unit (APSU) to monitor national trends in 14 birth defects including FAS, as defined by the Institute of Medicine.

APSU has been collecting data on FAS since January 2001 via contact with paediatricians practising in Australia. Because it is difficult to diagnose FAS, the data on FAS is considered to underestimate the rate of FAS in the general population and the indigenous population. In addition, it is unlikely that the data accurately reflect the rate of FAS in remote areas, as a paediatrician is not often available to see children at birth.

APSU has released preliminary estimate data on FAS. In 2001-02, 23 children under 15 years of age were newly diagnosed with FAS, that is 0.29 per 100,000. 15 (65 per cent) of the children were male and 8 were female. Of these, five were born in 2001-02. Therefore, the birth prevalence reported for FAS in this study is 1.0 per 100,000 live births. One of these children was born in South Australia.

The Minister for Health acknowledges that the rate of FAS in the South Australian Indigenous population is likely to be significantly higher than in the non-Indigenous population. APSU report that of the 23 children newly diagnosed with FAS, 9 were identified as Indigenous although information on Indigenous status was not available for five children.

2. The Centre for Health Promotion at the Women and Children's Hospital is conducting a Pregnancy and Alcohol Project,

which targets disadvantaged women. This project will involve working with Aboriginal Health Workers from regional centres of South Australia to increase their understanding of the effects of alcohol on a foetus. Culturally appropriate resources are also being developed to assist communication with disadvantaged groups.

In addition, the Drug Programs & Population Strategy Branch in the Department of Human Services (DHS) is coordinating a FAS project. In 2004 training, in motivational counselling and intervention will be offered to Aboriginal Health Workers and other health staff working in rural and remote areas to assist pregnant women to cease or reduce their alcohol intake. This project has also been allocated funds for broad community education on the effects of alcohol on the foetus.

The State Government's Early Childhood Initiative is being implemented in the Anangu Pitjantjatjara Yankunytjatjara (APY) lands in the far north of South Australia. In this region the program has been extended to include pregnancy. DHS staff met with senior Anangu women in early November to discuss ante and post natal care initiatives.

With regard to detection of FAS, the APSU is extending its monthly survey to include child health specialists working in rural and remote areas not serviced by paediatricians.

3. The Minister for Health does not support the concept of a ban on pregnant women in taverns as it is viewed as a breach of civil liberties and may not contribute to reducing the alcohol intake of pregnant women.

The preferred approach in South Australia is to focus on the broad determinants of health, addressing deprivation and disadvantage more generally by providing support to pregnant women to limit alcohol intake and the intake of other potential dangerous substances, as well as adopting measures to improve maternal nutrition overall.

4. Effective prevention efforts are considered a higher priority than further research at this point in time. This is consistent with the recommendations made in September 2001 by the South Australian Task Force on Foetal Alcohol Syndrome and Foetal Alcohol Effects.

QUEEN ELIZABETH HOSPITAL

In reply to **Hon. SANDRA KANCK** (12 November 2003).

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

1. South Australian public hospitals follow the Draft National Infection Control Guidelines for the management of MRSA.

The guidelines include the process for identifying any potential patients, isolation of the patient if required, de-colonisation (utilising medications to remove any of the MRSA bacteria present on the patient) and monitoring the infection rates within health services.

Slight variations occur between hospitals depending upon the nature of the patient being cared for and the facilities available within the hospital. It should be noted that all patients, regardless of MRSA status, are treated according to standard infection control precautions, which includes strict adherence to principles of hand hygiene and protection from exposure to blood and body fluids.

2. The South Australian Infection Control Service within the Department of Human Services (DHS) monitors cases of MRSA in all public metropolitan hospitals and private hospitals and aims to implement strategies to prevent further exacerbation of the problem.

MRSA is a relatively common bacteria found in the community, particularly in people who have chronic conditions necessitating ongoing antibiotic therapy. Within The Queen Elizabeth Hospital (TQEH), rates of MRSA fluctuate, according to the number of people who are admitted with community-acquired MRSA.

However, I am able to advise that in August 2003, 59 patients who had a pre-admission history of MRSA (ie had MRSA prior to being admitted) were discharged from TQEH. Another 10 patients who had hospital-acquired MRSA were discharged. In September 2003, 44 patients who had a re-admission history of MRSA were discharged and 17 patients had hospital acquired MRSA were discharged.

Monitoring MRSA is an integral part of the quality and safety agenda of TQEH and opportunities to reduce hospital acquired MRSA are always being explored. DHS has recently provided funds for the implementation of Infection Control Link Nurses. These nurses are working within the high acuity areas of Intensive Care, Operating Room and Emergency Department and will develop expertise in infection control management and research into changes to clinical practice. This will further support local ward-based education programs for health services staff. This initiative is

providing TQEH and all major metropolitan hospitals with the opportunity to focus on areas of high risk and will improve patient outcomes.

3. Whilst the number of nurses in South Australia is not yet at optimal levels, the June 2003 audit of nurse vacancy rates shows that the vacancy rate has reduced by 190 FTE. This means that the Nurse Recruitment and Retention Policy is working and there are now more nurses employed in our hospitals.

Nurse staffing is arranged in accordance with the Public Sector Enterprise Agreement. Specialty areas, such as emergency departments and intensive care units, are staffed in accord with agreed staffing ratios. Individual hospitals determine the actual requirements based on their clinical needs.

Inpatient areas are staffed in accordance with EXELCARE, a Nurse Clinical Information System which calculates nurse/patient requirements on a shift by shift basis.

Given the circumstances of the issues raised, this question is answered on the basis of staffing levels within the Radiology Department of TQEH.

Staffing levels within the Radiology unit are based on agreed staffing levels and consist of a registered and enrolled nurse per shift, to manage the bed bay in radiology. In times of peak occupancy, staff from an adjoining procedure room will also assist, in order to ensure optimum patient care is delivered.

The registered nurse in charge is responsible for ensuring that the staffing complement is commensurate with the activity and he/she liaises with the Nursing Director if additional staff are required.

Unfortunately, on the day in question, the agency staff member on duty was not familiar with the work profile of the Radiology Department and the associated procedures. Every endeavour was made to ensure that the staff member was supported. It is unfortunate that the agency staff member did not raise his/her concerns directly with the hospital at the time, when appropriate explanations could have been given.

4. Some of the public hospital infrastructure is over 50 years old and at the time of their construction the requirements for handwashing facilities were not considered important.

A major capital works program is being undertaken to upgrade our public health facilities at the Royal Adelaide Hospital, TQEH and Lyell McEwin Health Service. This will include the installation of appropriate handwashing facilities.

In addition, a hand hygiene program has been implemented in a number of public hospitals, including the TQEH, where staff use alcohol gel tissues to wipe their hands in between nursing patients. This is a well researched and internationally accepted practice.

In relation to the TQEH Radiology Department, it is acknowledged that wash basins are only available within the adjoining utilities room and staff are advised to use alcohol gel tissues consistent with the hand hygiene protocol.

5. All public hospitals must be accredited with the Australian Council on Healthcare Standards (ACHS). The ACHS provides standards related to specific organisational functions including:

- continuum of care;
- leadership and management;
- human resources management;
- information management;
- safe practice and environment; and
- improving performance.

This assists public hospitals to ensure that appropriate safety and quality procedures are in place and closely monitored.

To attain accreditation, organisations must meet the following mandatory criteria with regard to evacuation procedures and disaster management to a level of 'moderate achievement' or higher:

- There is a system that identifies and manages health and safety risks to ensure the well being of all employees, consumers / patients and visitors.
- The emergency management system supports safe practice and a safe environment.

Although the ACHS does not prescribe exact procedures to be followed in the event of a disaster or major emergency, a public hospital is required to demonstrate evidence of how it is addressing the requirements of the standards and criteria during an accreditation survey, including:

- the systems that are in place;
- how these systems have been benchmarked against best practice; and
- how they are measured and monitored to ensure effectiveness and to identify improvement opportunities.

DHS, through its funding and service agreements, requires that all public hospitals report annually regarding accreditation status and performance against the mandatory criteria.

Emergency procedures, disaster training and emergency evacuation procedures are provided to all staff during orientation programs in all major metropolitan public hospitals.

RAILWAY STATIONS

In reply to **Hon. T.G. CAMERON** (10 November 2003).

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

1. *Will the government consider installing, at the very least, a sign with a hotline number that passengers can use in emergencies at every suburban station?*

TransAdelaide is conducting an audit of all railway stations including signage/information requirements, and will consider installing a hotline number to report any unusual incidents.

2. *Will the government also consider increasing the number of panic button emergency systems at railway stations, particularly at major and minor interchanges?*

TransAdelaide is progressively working towards increasing the number of 'Safer Stations'. There currently are ten identified 'Safer Stations' on the Railway Station network. A further two stations will be upgraded as 'Safer Stations', one this financial year and one in the next financial year. At each of the safer stations there is a help phone whereby the customer can press a duress button and speak directly with a person from the Police Security Services Department (PSSD). There are currently 18 Help Phones with duress buttons located across the Railway Station network.

3. *How many times have the existing panic buttons been used during the past 12 months?*

The duress button is used on the average approximately four times per day. It is estimated that in the past 12 months the duress buttons have been used 1,460 times. It must be emphasised here that quite a number of these calls are a mixture of hoax and general enquiries.

BUSINESS, MANUFACTURING AND TRADE DEPARTMENT

In reply to **Hon. R.I. LUCAS** (23 October 2003).

The Hon. T.G. ROBERTS: The Minister for Industry, Trade and Regional Development has provided the following information:

1. I have not received any complaint from staff from within the Office of Economic Development about the inclusion of that agency in the review.

2. I have communicated regularly with the Public Service Association (PSA) regarding this review. At no stage has the topic of industrial action been raised with me in my discussions with the PSA.

3. I have assured staff through the PSA that whilst there will be significant downsizing of the Department, we must ensure that this new Department is fully capable of meeting its objectives. To this end, the new agency must be adequately staffed, trained and resourced. One of the roles of the implementation team will be to review and report on staffing levels, classification levels and anticipated workloads.

BUSES, SMART STOPS

In reply to **Hon. T.G. CAMERON** (23 October 2003).

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

1. *What have been the results of the Smart Stop trials, what problems have been encountered and have these problems, including the incorrect waiting times, been corrected?*

Since August 2003 when the Smart Stops were fully commissioned they have been operating at an average 95 per cent reliability.

The Smart Stops system is a technically complex system, which is why the trial was implemented. Initially there were a number of faults including:

- on board processor failures (the responsibility of a third party supplier which has since supplied replacement processors at no cost);
- radio coverage problems, despite an extensive survey prior to implementation;

- software problems; and
- operational problems with drivers keying in data.

The first problem has been fixed. The radio coverage problem has been addressed, but it should be noted that all radio systems have small, scattered areas where coverage is problematic, so there remain a few known spots where radio coverage is weak. The major software problems have been fixed and the remaining minor problems will be fixed during the warranty period. The system relies on drivers keying in the ticketing system correctly, which is then transferred to the Smart Stops system. Any system reliant on data entry will always have a residual error level.

The Smart Stops system is not a fail-safe system, nor was it ever intended to be. The target level of reliability and accuracy is 98 per cent.

2. *When will the new Smart Stop system be introduced, where will it operate and how much will it cost to install and run on an annual basis?*

An evaluation of the trial system is yet to be completed. Early next year, when the system has fully settled down and students have returned to school, the effect of the system on patronage, customer satisfaction and schedule adherence will be determined.

This evaluation and the availability of funding will then determine if and how the system will be expanded.

MENTAL HEALTH

In reply to **Hon. T.G. CAMERON** (22 October 2003).

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

1. The police are not a suitable option as an alternative to specialist mental health services in dealing with people with mental illness or mental health problems. Occasionally police (and/or ambulance) assistance may be required when a person needs to be transported to a hospital for appropriate assessment and/or treatment. Wherever possible, this should be done in a coordinated way with mental health services.

Police may be requested to attend a situation instead of mental health services when the person's behaviour is not due to an underlying mental health problem.

2. Specialist mental health services provide training to police to assist them to deal with people with mental illness. Mental health services provide input into police cadet training. Police cadets also spend time, as part of their course, within a specialist mental health service where they receive information on the range of services provided by specialist mental health services and the interaction between police and mental health services. Specialist mental health services also provide a consultancy service to police as required, to assist them in managing specific situations.

A Memorandum of Understanding between mental health, ambulance and police services is being revised. It provides clear protocols to guide the service interaction by police and mental health services in instances where the attendance or involvement of both agencies is appropriate.

3. 24-hour mobile ACIS teams are provided in some, not all, states. South Australia has developed a number of other alternatives to provide 24-hour emergency mental health support including:

- Combined Regional Triage which provides after hours telephone support via a centralised number to the metropolitan area and the Emergency Triage and Liaison Service which provides 24-hour telephone support to country areas;
- an overnight Psychiatry Registrar based in the Royal Adelaide Hospital Emergency Department and available to provide support and advice to all metropolitan health services; and
- 24-hour seven days a week mental health nursing presence in most metropolitan hospital Emergency Departments.

These responses are not adequate or comprehensive and I consider the establishment of mobile emergency response teams that operate 24-hours seven days per week, a priority. The Department of Human Services is developing a proposal that examines options for a 24-hour mobile emergency mental health service.

4. In 2002-03 South Australia spent 2.6 per cent (\$2,650,171) of the mental health budget on mental health funding for non-government organisations. This compares to the national average of 5.4 per cent.

ALDINGA SCRUB

In reply to **Hon. SANDRA KANCK** (20 October 2003).

The Hon. T.G. ROBERTS: The Minister for Urban Development and Planning has advised:

1. The Minister for Urban Development and Planning regularly consults with the Minister for Environment, who is also the Minister for the Southern Suburbs, regarding the significance of the Aldinga Scrub Conservation Park and the potential impact of urban development on its northern edge.

2. In respect to the subdivision north of the Scrub, the Onkaparinga Council is the relevant approval authority, the land is in private ownership and has been in a residential zone since the 1960's. In this instance the Minister did not consider it appropriate to initiate a rezoning but together with Council we have been negotiating with the developer to achieve more environmentally sustainable outcomes as well as resolution of some of the infrastructure pressures in the area. As a consequence modifications were made to the original proposal and the developer has agreed to fund the installation of a cat and vermin proof fence to the Scrub.

Maintaining the environmental integrity of the Aldinga Scrub is a priority.

3. On 15 October 2003 the District Council of Streaky Bay approved two dwellings at Searcy Bay.

The land is zoned 'Coastal' in the Streaky Bay Development Plan. The zoning policy makes further land division non-complying, and allows only one dwelling per existing allotment subject to a number of detailed principles on the design and siting of new dwellings.

On 29 October 2003 the Minister for Urban Development and Planning, The Hon Jay Weatherill met with representatives of the 'Friends of Scaale Bay' about the two houses at the nearby Searcy Bay. These representatives accepted that the current Development Plan Policy allows for one house per existing allotment. The allotments concerned are large rural allotments, each of over 100 hectares in size. Accordingly the issue of concern was the location of the dwellings, rather than allowing a dwelling on each allotment.

It is clear the Council considered the differing views on siting of the new dwellings, including advice from the Coast Protection Board. As local authority, the Council concluded the dwellings warranted approval.

The Minister has advised me that he is concerned to ensure the visual qualities of the coastline are protected. The Council is currently preparing a Development Plan amendment for its area, and the Minister has asked that the provisions applying to the coast are carefully reviewed to ensure that the Development Plan makes it clear that new dwellings protect the coastal landscape.

In addition the Minister has initiated a program to review all Development Plans across the State to achieve greater consistency and clarity in expression. Part of this will include a review of all coastal zone provisions in conjunction with the Coast Protection Board.

The Minister is also considering measures to strengthen assessment decision-making by Councils through Panel processes, with the aim of ensuring that elected Councillors concentrate on setting policy, and assessment decisions are made on an expert basis in accordance with that policy.

FAMILY AND YOUTH SERVICES

In reply to **Hon. J.M.A. LENSINK** (20 October 2003).

The Hon. T.G. ROBERTS: The Minister for Social Justice has advised:

1. *Will the minister confirm that Life Without Barriers is receiving funding for the provision of foster care services? If so, what were the circumstances of it receiving funding?*

'Life Without Barriers' is receiving funding for the provision of services to children and young people who are under the Guardianship of the Minister for Social Justice and who have particularly complex needs. In 2001-02, 'Life Without Barriers' and a range of other providers entered into a tender process for the purchasing by the Department of Human Services (DHS) of individual packages of care for these children and young people.

This tender process resulted in thirteen organisations, one of which was 'Life Without Barriers', meeting the pre-qualification criteria for the provision of these services. These thirteen organisations have entered into a written service agreement with the DHS, and form a preferred provider panel for the provision of individual packages of care to children and young people with high and complex needs.

2. *Is the minister aware of the low morale levels of people working in the non-government child protection field which has led to the hemorrhaging of several leaders and, therefore, a loss of knowledge and experience?*

Generally, the non-government sector has been delighted with the additional funding this Government has committed to alternative care services. Not surprisingly, the necessary reconfiguration of alternative care services in South Australia, which includes the current open tender for provision of Statewide alternative care services, led to a number of concerns being raised by some existing service providers. The Department of Human Services and the Chair of the Alternative Care Advisory Committee worked with the non-government sector to address those concerns. The Australian Services Union (ASU) also raised concerns on behalf of their members about job security if there are changes to service providers. As a consequence, the DHS, the ASU and non-government providers have been working cooperatively to ensure the retention of skilled staff within the alternative care sector.

3. *Can the minister state what number of carers will be supported by the new contract, and will it be adequate to meet the demand?*

Alternative care funding is more aligned to placement numbers than numbers of carers. However, under section 43(3) of the Family and Community Services Act 1972, there are statutory limits to the number of children who may be placed in one placement at any time (3 children). Therefore, there is an expectation that funded agencies will recruit, assess, train, support and review sufficient numbers of carers to meet placement estimates and uphold statutory requirements.

4. *How have the levels of funding for the new contract been altered from the existing contract in terms of carer support, training and other factors?*

As previously mentioned, numbers of carers supported by agencies are determined in line with placement requirements rather than carer numbers per se. Additional funding has been made available to strengthen carer supports and capacity through the Statewide Carer Advocacy Service, a Statewide Recruitment Service and a carer body for peer support. Standards regarding carer support, training and other factors will be developed by the department and the Ministerial Advisory Committee on Alternative Care.

OFFICE OF THE NORTH-WEST

In reply to **Hon. J.S.L. DAWKINS** (20 October 2003).

The Hon. T.G. ROBERTS: The Minister for Urban Development and Planning has advised the following:

1. The Government is considering the establishment of an Office of the North West in order to create a more collaborative and innovative approach to addressing the social needs in the North West region.

2. The areas to be included are located within the Cities of Charles Sturt and Port Adelaide Enfield.

3. A process of consultation is currently underway and includes local government, non-government organisations, key stakeholders in the region and relevant State government agencies.

4. The decision to establish the Office of the North, the Office of the Southern Suburbs and the Office of the North West was based on the Government's commitment to improve outcomes in communities experiencing a high level of entrenched disadvantage. The Government's commitment to establish offices to assist communities in these areas is reflected by the repetitive references to the areas in the findings of the Social Development Committee's Poverty Report into Adelaide's most disadvantaged areas.

DRY ZONE

In reply to **Hon. J.F. STEFANI** (20 October 2003).

The Hon. T.G. ROBERTS: The Minister for Urban Development and Planning has advised:

1. The City of Adelaide dry area evaluation report was released on 31 October 2003. An executive summary of the report was released on 29 October 2003 with Minister Weatherill's press release about the Government's decision to extend the dry area for a further 12 months.

The Minister is not required to table the evaluation report in parliament, however he is happy to provide any members of parliament with a copy of it.

CHILDREN IN CARE

In reply to **Hon. KATE REYNOLDS** (15 October 2003).

The Hon. T.G. ROBERTS: The Minister for Social Justice has advised:

1. *What prompted the Minister to direct that all records about children and young people under guardianship orders be provided to her office?*

The request for records about children and young people under guardianship orders was made in accordance with the Minister's function under the Children's Protection Act 1993. The Act provides for the Minister to make provision for the care of a child who is under the Guardianship of the Minister, and for an annual review to be undertaken of the circumstances of children under the long-term Guardianship of the Minister.

Given these legislative provisions, it is reasonable to obtain first hand information including reports and records from workers regarding review processes and outcomes.

2. *What action is the Minister taking to ensure that all guardianship of the Minister cases are reviewed as mandated?*

A workload management process of Family and Youth Services (FAYS) is currently being undertaken which will explore service gaps and alternative service delivery approaches. Part of this review will address ways to ensure the circumstances of all children under the Guardianship of the Minister are reviewed as mandated.

3. *Will the Minister investigate how often guardianship cases are reviewed and report back to parliament? If so when? If not, why not?*

Part of the workload analysis of FAYS involves looking at the management of cases involving children under the Guardianship of the Minister. This workload analysis will assist in reforming operating systems and case management systems within FAYS. Children and young people under the Guardianship of the Minister are a high priority and the additional 35 staff announced in October will help to provide better case management. Once the workload analysis of FAYS is complete, I will provide information regarding any concerns and how they will be addressed.

4. *What action has the Minister taken in relation to the information provided?*

I am still awaiting a comprehensive workload analysis, however a range of measures have already been undertaken which will assist in responding to the needs of Guardianship children. These include:

- a senior officer within DHS has been appointed to coordinate DHS services to children under the Guardianship of the Minister;
- the establishment of an Inter-ministerial Committee on child protection;
- the employment of extra staff in FAYS;
- a financial analysis of FAYS;
- a multi-departmental approach to the child protection system; and
- the commencement of reforms in the alternative care system.

5. *Why did the Minister request FAYS officers to provide reports directly to her in recent weeks?*

See the answer to question 1.

6. *What steps have been taken to ensure that no breaches of confidence occur in relation to any guardianship files now in her office?*

The files are contained within a secure area within the Minister's office. The only person apart from the Minister who has examined these documents is the Ministerial Liaison Officer with responsibility for FAYS.

B-DOUBLE PERMITS

In reply to **Hon. D.W. RIDGWAY** (25 September 2003).

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

1. The Department of Transport and Urban Planning currently is developing an access framework policy and strategy to cover all restricted access vehicles, such as B-doubles and road trains.

The development of the access framework has been given high priority and I expect it to be completed by mid 2004. Once implemented, with the use of improved mapping technology, I envisage that most approved routes for B-Doubles will be gazetted and easily accessible by transport operators, thereby eliminating the need for them to obtain permits.

2. There has not been a reduction in funding for rural and regional roads. In fact, there are significantly more funds for rural and regional roads in 2003-04, when compared to last financial year. Namely:

- 60 per cent or \$3 million of the new 'Smart Road Safety' Program (\$5 million) is allocated to rural and regional roads.
- The Shoulder Sealing Program has increased by \$1.7m, all of which is being spent in rural and regional areas.
- The State Black Spot Program has doubled, from original 2002-03 budget of \$3.5 million, to \$7 million for 2003-04. 70 per cent of the Black Spot Program goes to rural and regional areas.
- Within this program, this Government, has established the 'Safer Local Roads' Program, which has Councils contributing an additional \$0.67 million to match the State Government's contribution of \$1.75 million to improve the safety of local roads.

GOVERNMENT PROMISES

In reply to **Hon. R.I. LUCAS** (23 September 2003).

The Hon. T.G. ROBERTS: The Minister for Industry, Trade and Regional Development has provided the following information:

1. The Centre for Innovation, Business and Manufacturing has been established at one site at South Terrace.

2. The Review of the Department for Business, Manufacturing and Trade was a key EDB recommendation unanimously endorsed by the April Economic Development Summit, in which the Leader of the Opposition took part. The Government accepted 70 out of 71 of the Summit's recommendations in May 2003. The Review looked at eliminating areas of duplication within Government and includes reviewing the services that the Centre for Innovation, Business and Manufacturing currently provide. The Review report has now been released. It makes recommendations in relation to the business extension services now provided by the Centre for Innovation, Business and Manufacturing (CIBM). The Government will consider and make decisions in relation to these specific recommendations in the context of its overall consideration of Review conclusion and recommendations.

OPEN SOURCE SOFTWARE

In reply to **Hon. IAN GILFILLAN** (17 September 2003).

The Hon. T.G. ROBERTS: The Minister for Administrative Services has advised:

1. The SA Government is currently liaising with a number of organisations, including Telstra, to learn more about their open source software initiatives.

2. The SA Government utilises a global ICT research and advisory firm that conducts regular surveys on many aspects of technology. Responses to their surveys indicate that a relatively small proportion of enterprises are currently using Linux and other open source offerings for business-critical applications. Although many companies intend to use open source software in the future, the take-up rate for business-critical applications is still relatively slow. These research papers can be made readily available to Mr Gilfillan's office.

The SA Government has taken a number of approaches in its research of open source software. These include:

- observing the market and communicating with other jurisdictions on open source software
- conducting trials of OSS in government agencies
- conducting open source surveys across government and local industry
- establishing an inter-agency reference group to develop a consistent and consolidated approach to OSS across government.

DUKES HIGHWAY

In reply to **Hon. D.W. RIDGWAY** (16 September 2003).

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

1. Transport SA has sought an independent assessment of the possible rehabilitation treatments by the Australian Road Research Board (ARRB). The outcome of that assessment has been the recommendation of an asphalt pavement treatment, consisting of some areas of direct asphalt overlay, with the worst sections being planed out and reinstated with asphalt. This is considered the most effective and lowest risk option for the repairs, which will have the least impact on users of the road. This treatment is consistent with the \$15.0 million proposal put to the Commonwealth Government.

On 22 October 2003, the Commonwealth Government announced that the \$15 million to rehabilitate this section of road would be provided over two financial years commencing in 2004-05. Transport SA has initiated planning for the commencement of these works as early as practicable in the new financial year.

2. The treatment on the Dukes Highway currently extends for approximately 108km between Tailem Bend and Coonalpyn. Of the section treated with vibra line, isolated areas totalling approximately 1km have lifted. Transport SA has inspected these locations, and is undertaking a more detailed assessment of the deteriorated areas with the contractor who laid the vibra line. Transport SA believes that the vibra line has lifted and separated from the road pavement due to cold and wet weather conditions during installation. Once the assessment is complete, agreed remedial action will be carried out prior to the end of December 2003 thus ensuring repair works are carried out in favourable weather.

3. Vibra line costs less than \$2,000 per kilometre and the life expectancy is estimated at up to five years, depending on traffic conditions.

Transport SA has programmed to spend up to \$100,000 on additional vibra line treatment on the Dukes Highway east of Coonalpyn in the 2003-04 financial year subject to resolution of the cause of the deterioration of the existing vibra line treatment.

Transport SA will continue to monitor the performance of the vibra line treatment and evaluate its benefits and effectiveness as a safety treatment.

BOATING FACILITY ADVISORY COUNCIL

In reply to **Hon. J.M.A. LENSINK** (15 July 2003).

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

1. *Has the minister received the recommendations from the Boating Facilities Advisory Council?*

Yes.

2. *When will decisions be made regarding the boating facility grants?*

The Minister for Transport approved funding for four projects recommended for support by the SA Boating Facility Advisory Committee and wrote to recipients on 30 July 2003.

3. *Is the government aware of any councils that have had to delay jetty and other works because they are still waiting for the minister's decision?*

The Minister for Transport is not aware of any projects being delayed.

4. *Will the Boating Facilities Advisory Council continue to exist or is it being abolished as part of the government's review of boards and committees?*

The SA Boating Facility Advisory Committee will continue to exist.

TRANSPORT SA, INSPECTION SERVICES

In reply to **Hon. DIANA LAIDLAW** (2 June 2003).

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

1. Transport SA does not employ any inspectors to conduct road inspections as such. It is presumed the Hon Member is referring to Road Transport/Vehicle Inspectors.

As at 30 June 2003, the number and base of the inspectors is as follows:

Marine Safety Officers

- 3 Metropolitan
- 1 Upper Murray
- 1 South Coast/Goolwa
- 1 Spencer Gulf/Eyre Peninsula
- 1 Yorke Peninsula

Road Transport/Vehicle Inspectors

- 2 Berri
- 2 Ceduna
- 25 Metropolitan
- 3 Mount Gambier
- 4 Murray Bridge
- 2 Naracoorte
- 4 Port Augusta

2. The News Flash 'Cuts to Enforcement - a safety hazard' issued by the Public Service Association on 20 May 2003 does not indicate nor recommend specific number increases in staffing levels to adequately address marine safety.

3. There is no intention to cut positions from Transport SA's marine safety and road transport/vehicle inspection workforce in 2003-04.

4. There are no job losses envisaged in Transport SA's marine safety and road transport/vehicle inspection workforce over the next 12 months.

PORT STANVAC

In reply to **Hon. T.J. STEPHENS** (30 April 2003).

The Hon. T.G. ROBERTS: The Minister for the Southern Suburbs has advised:

1. He attended a meeting on 1 May 2003 convened by the Treasurer with representatives from Mobil.

2. As a representative of an electorate in the South, the Member for Kaurna is aware of Government support for Mobil as evidenced by the agreement between the Government, City of Onkaparinga and Mobil on the rates paid by Mobil for its Port Stanvac refinery.

3. The Minister for the Southern Suburbs supports the efforts by the Treasurer on behalf of the Government to have Mobil agree by a certain date to restart or remediate its refinery at Port Stanvac.

The least preferred outcome would be that Port Stanvac is mothballed indefinitely.

BARTON ROAD

In reply to **Hon. DIANA LAIDLAW** (18 February 2003).

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

1. There has been no formal submission considered by Cabinet.

2. No. In line with established Government policy, an exposure draft of a proposed bill was prepared for consultation with relevant stakeholders. In due course Cabinet will be asked for approval to draft a bill for Parliament based on stakeholder feedback.

3. The Government's policy is well-known and has been stated on many occasions in the Parliament. However, the Government is conducting thorough consultation with all relevant groups before proceeding further. Consultation with stakeholders is expected to be finalised soon.

4. No.

5. No.

6. The Government's policy remains unchanged.

CONSULTANCIES

In reply to **Hon. R.I. LUCAS** (26 November 2002).

The Hon. T.G. ROBERTS: The Minister for Science and Information Economy has advised:

1. Yes.

2. Yes.

If so, will the minister make available a copy of that report?

The Minister has made available a copy of the report in line with the Freedom of Information Act, 1991.

What were the recommendations of that review, and were they agreed by the minister and implemented?

The recommendations were provided to the Minister in the context of an early examination of information economy program arrangements.

The report provided the Minister with some preliminary thinking about this area and contributed to further development when the Department of Further Education, Employment, Science & Information Technology was subsequently established.

3. No not in relation to the Information Economy Policy Office.

If so, what is the nature of the further consultancy?

Were all the appropriate guidelines, including Treasurer's Instructions, followed by the minister and the department in any subsequent appointment?

Yes.

BHEARD YOUTH SURVEY

In reply to **Hon. A.L. EVANS** (4 December 2003).

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

1. *Of those respondents who stated that they had had sexual intercourse, would the minister advise of the response of each of the age groups between 12 and 25?*

The percentage of survey respondents in the age groups between 12 and 25 who stated that they had had sexual intercourse, were:

12-15	14.8 per cent
16-19	49.0 per cent
20-25	84.4 per cent

2. *Of those respondents who stated that they had not had sexual intercourse, would the minister advise of the response of each of the age groups between 12 and 25?*

The percentage of survey respondents in the age groups between 12 and 25 who stated that they had not had sexual intercourse, were:

12-15	85.2 per cent
16-19	51.0 per cent
20-25	15.6 per cent

3. *Of those respondents who stated that sex was not considered important in a relationship, would the minister advise of the response of each of the age groups between 12 and 25?*

The percentage of survey respondents in the age groups between 12 and 25 who stated that sexual intercourse was 'not at all important in a relationship', were:

12-15	16.4 per cent
16-19	15.0 per cent
20-25	4.7 per cent

The percentage of survey respondents in the age groups between 12 and 25 that stated that sex was 'not very important in a relationship', were:

12-15	32.0 per cent
16-19	38.4 per cent
20-25	20.8 per cent

4. *Would the minister advise whether the survey asked young people whether they believed that medical practitioners should be required to obtain a signed declaration from a woman to confirm that she has been given full disclosure of all the risks associated with having an abortion?*

The survey did not ask whether young people believed that medical practitioners should be required to obtain a signed declaration from a woman to confirm that she has been given full disclosure of all the risks associated with having an abortion.

ACCESS CABS

In reply to **Hon. T.G. CAMERON** (3 December 2003).

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

1. *Given the impairment suffered by the visually challenged, the fact that they cannot drive, the difficulties they face every day to get around and the obstacles they need to overcome, will the minister explain why they are not entitled to use Access Cabs?*

SATSS was introduced in 1987 to provide subsidised and accessible taxi services to people who are unable to use the public transport system due to a severe and permanent physical disability that limits their mobility. For this reason blindness or vision impairment alone does not gain membership to the Scheme.

2. *Is the government considering expanding the availability of Access Cabs to the seriously visually impaired and, if not, why not?*

Since its inception, successive State Governments have considered expanding the SATSS program to include the vision impaired and persons with other disabilities eg dementia.

In the last evaluation undertaken in December 2000 membership for the vision impaired was considered. The change to the criteria was given consideration in the budget process but due to financial constraints it was determined that the status quo remain.

The issues raised have been noted. There are no proposals at present to undertake another evaluation but the matter will be kept under consideration.

METROPOLITAN DOMICILIARY CARE

In reply to **Hon. J.M.A. LENSINK** (1 December 2003).

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

1. In 2002-03, Metropolitan Domiciliary Care (MDC) provided a total of 548,693 hours of service. 45,724 hours was the monthly average for service hours.

2. There has been a 5.8 per cent increase in the total number of service hours provided during 2002-03 in the first year of the newly formed organisation, as compared to 2001-02. Total service hours provided in 2002-03 were 548,693 as compared to 518,574 hours in 2001-02.

3. Only the Chief Executive Officer (CEO) is employed at an executive level salary (EX-B salary classification). As the CEO commenced duty on 2 December 2002 and the salary for this 7 month period to June 2003 did not exceed \$100,000, it was not reported separately in the notes to the financial statements.

4. On 1 July 2002, domiciliary care services were recently restructured to create Metropolitan Domiciliary Care. This is realising efficiencies in service delivery. Further efficiency benefits of the restructure are expected during 2004-05.

5. DHS is currently developing financial benchmarking for Metropolitan Domiciliary Care.

DOG AND CAT MANAGEMENT BOARD

In reply to **Hon. IAN GILFILLAN** (28 November 2003).

The Hon. T.G. ROBERTS: In my current capacity as the acting Minister for Environment and Conservation I can advise:

1. The Dog and Cat Management Act 1995 states that the Dog and Cat Management Board Annual Report 'must contain the audited statements of account of the Fund for the preceding financial year'. At the end of the financial year the Auditor General's Office has a huge workload to process. I am advised that as the audit of the Dog and Cat Management Fund is not yet complete, the annual report is not complete. Therefore, I have not received a final copy of the report and so am unable to table it at present.

2. As stated above, when the Auditor General's Office has completed the audit, the report will then be tabled.

NURSES

In reply to **Hon. SANDRA KANCK** (27 November 2003).

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

1. Registered nurses are able to use defibrillators in SA public hospitals, provided they are accredited and appropriately trained in Advanced Life Support. Included in this training are mandatory annual updates, which are essential to maintaining competency.

Basic Life Support training is a pre-requisite for Advanced Life Support training and is mandatory for all registered nurses.

Advanced Life Support is a higher qualification and is a requirement for staff working in areas where more complex skills and knowledge are required.

2. Appropriate training programs are already in place. All nurses are trained in Basic Life Support and those working in areas such as intensive care, critical care, emergency departments and operating theatres are usually also trained in Advanced Life Support. This includes training in emergency resuscitation, including early defibrillation.

3. The use of defibrillators where appropriate, can assist improved cardiac outcomes for patients who require resuscitation. Cardiac defibrillation is often employed in conjunction with other forms of emergency treatment.

4. This statement is incorrect. Nurses in public hospitals, who are appropriately trained in Advanced Life Support, are permitted and expected to use defibrillators to resuscitate patients, where appropriate.

Some of the metropolitan public hospitals have semi-automatic defibrillators in place, or have trialled them (Royal Adelaide Hospital, The Queen Elizabeth Hospital). In these cases, all nursing staff are provided with education in their use.

SCHOOLS, ASBESTOS

In reply to **Hon. NICK XENOPHON** (11 November 2003).

The Hon. T.G. ROBERTS: The Minister for Administrative Services has advised:

1. He has investigated the incident at Playford Primary School related to the removal of asbestos from a number of metal clad transportable buildings at that site.

As the member has acknowledged following an incident at Ascot Park Primary School an independent investigation was instigated which was undertaken by Parsons Brinckerhoff. In this incident I do not believe that a further independent investigation is warranted on the basis that the facts are not being disputed and there is no suggestion that any of the school community has been exposed to a health risk.

2. I have been advised that the work was undertaken by a licensed asbestos removal contractor and that the work was in accordance with legislative requirements for the safe removal of asbestos.

Air monitoring results also were within required limits. The incident that occurred was that the work was done during school hours. This was contrary to government policy.

3. Transfield Services have been advised that the incident constitutes a major non-compliance within the terms of their facilities

management contract. As a result they have put at risk financial incentives that form part of the contract. Transfield have been advised that in the event of further incidents, asbestos related work could be removed from its contract. Transfield's failure was a failure to instruct its sub-contractor to undertake the work after school hours.

4. Since the Playford Primary incident all schools and facilities managers have been issued with a specific policy position on the requirements related to asbestos removal. This instruction will be supplemented with more expansive protocols established by the Department of Education and Children's Services (DECS) for issue to schools at the commencement of school year 2004. In addition the work arising out of the Parsons Brinckerhoff investigation should be finalised in December and this will provide a consistent set of guidelines to government agencies on the management of asbestos. I will be in a position at a later date to provide a statement on the key features of those new guidelines.

5. It is my understanding that the union's concerns were related to the fact that mechanisms that were supposed to have been in place to avoid incidents such as that which had occurred at Playford Primary had failed. It was concerned that the public sector had failed to communicate adequately to all parties the government's stated position with regard to asbestos. It banned work on sites until they were assured that this issue was being taken seriously. At a subsequent meeting with the Chief Executive, DECS and senior officers from DAIS they were satisfied that these requirements were being met. I am not aware of any bans currently in place.

PUBLIC TRANSPORT TICKETING SYSTEM

In reply to **Hon. SANDRA KANCK** (26 November 2003).

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

1. *Has there been an increase in the number of malfunctioning tickets returned this year?*

2. *If so, is the problem a result of the ticket validating machines, or is the problem with the tickets?*

The number of tickets replaced is approximately 3.5 percent of the total tickets sold with 50 percent of these due to ticketing equipment failures. This figure is slightly less than the previous year.

3. *Given that it is generally acknowledged that the ticketing system is passed its use-by date, when does the minister anticipate replacing the ticketing system?*

I am advised that the existing system can continue to operate reliably for at least another five years. The system will be replaced when it becomes evident that it can no longer be supported or it is shown that there is a cost benefit to do so. In regards to the latter, it is hoped that the cost of new systems will fall as they evolve and mature. The new Office of Passenger Transport will conduct a preliminary cost benefit analysis in 2004-05.

4. *At how many outlets can malfunctioning tickets be returned, and where are they located?*

The Passenger Transport Board currently has 16 replacement points available to customers. These include:

- Passenger Transport InfoCentre – Corner King William and Currie Streets, Adelaide
- Serco:
 - Elizabeth Bus Depot – Ridgeway Road, Elizabeth
- Morphettville Bus Depot – 171 Morphett Road, Morphettville
- St Agnes Bus Depot – 1146 North East Road, St Agnes
- SouthLink:
 - Lonsdale Bus Depot – 21 Krawarri Street, Lonsdale
 - Torrens Transit:
 - Mile End Bus Depot – 71 Richmond Road, Mile End (access via Railway Terrace).
 - Newton Bus Depot – Cnr Papagni Avenue and Meredith Street, Newton
 - Port Adelaide Bus Depot – 244 Port Road, Port Adelaide
 - Camden Park Bus Depot – 99 – 103 Morphett Road, Camden Park
- TransitPlus:
 - Aldgate Bus Depot – 300 – 308 Mt Barker Road, Aldgate
- TransAdelaide:
 - Adelaide Railway Station – North Terrace, Adelaide
 - Oaklands Railway Station – Crozier Terrace, Oaklands Park
 - Noarlunga Railway Station – Burgess Drive, Noarlunga Centre
 - Salisbury Railway Station – North Gawler Street, Salisbury
 - Elizabeth Railway Station – Mountbatten Square, Elizabeth

Gawler Railway Station – Twenty Third Street, Gawler West.

CHILD PROTECTION

In reply to **Hon. A.L. EVANS** (22 September 2003).

The Hon. T.G. ROBERTS: "The Minister for Social Justice has advised:

1. *Will the minister explain why FAYS has not investigated any of the incidents reported by Mr Shane Kulcher to the child abuse hotline or FAYS?*

All notifications made to the Child Abuse Report Line are assessed to determine whether the allegations constitute a reasonable suspicion of child abuse and/or neglect. When a report meets the criteria of reasonable suspicion of abuse or neglect the matter is referred to the relevant Family and Youth Services (FAYS) District Centre for action. The action might be either an investigation or a family support response, whichever is required in the particular circumstances.

Most matters referred to FAYS do receive a response although, as Parliament has been advised in recent times, due to the increase in allegations being made to the Child Abuse Report Line, not all notifications of child abuse or neglect have been investigated because of limited resources. The government is presently addressing this situation with an immediate increase in resources.

It is not possible to comment on the specific case raised by Hon. Andrew Evans MLC as FAYS does not make public comment on individual cases out of concern for the confidentiality and privacy of the children, young people and families involved.

2. *Will the minister explain why feedback has not been given by FAYS to Mr Kulcher in relation to his complaints?*

The Child Abuse Report Line provides general information to the notifier at the time of their call to indicate whether the incidents of alleged abuse or neglect constitute a reasonable suspicion of abuse or neglect warranting further action.

After a matter has been referred to the relevant FAYS District Centre, a notifier may enquire of that District Centre as to what further action has been taken. Any information provided is of a general nature only as FAYS is constrained by parameters set by the Children's Protection Act 1993. The confidentiality provisions of the Children's Protection Act 1993 are a critical component of the legislation and define clear boundaries on the type of information which can be released.

STATE ECONOMY

In reply to **Hon. R.I. LUCAS** (12 November 2003).

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

In large part the low growth rate experienced in 2002-03 is explained by the significant reduction in farm sector production caused by the drought. In nominal terms, South Australia's gross agricultural product fell by 38 per cent in 2002-03, detracting 2.8 percentage points from nominal growth in GSP. In addition, the drought had a larger than average impact on South Australia's GSP growth due to the relatively large share of agriculture in the South Australian economy compared with nationally. Seafood exports to Hong Kong and China were also affected in 2002-03 due to SARS.

While the drought largely accounts for the estimated low growth rate for South Australian Gross State Product in 2002-03, it is also noted these estimates are subject to considerable revision and, even allowing for a weak farm sector, appear at odds with strong employment (2.9 per cent) and State Final Demand (7.9 per cent) growth in South Australia last financial year.

Based on the data presented in the State Accounts publication, the Department of Treasury and Finance has estimated that real growth in South Australia's non-farm GSP was 2.8 per cent during 2002-03.

As already stated Gross State Product estimates are subject to significant revision. As an illustration, the initial 1999-2000 real GSP growth estimate released by the ABS in November 2000 was 3.5 per cent. The following year this was revised down to 1.0 per cent. The most current estimate for 1999-2000 (released 12 November 2003) is 0.2 per cent. Similarly, the initial real GSP growth estimate for 2000-01 was 0.7 per cent, in the following year, this was revised up to 3.3 per cent with the latest estimate showing growth of 3.5 per cent.

VICTIMS OF CRIME

In reply to **Hon. A.J. REDFORD** (17 September 2003).

The Hon. P. HOLLOWAY: The Attorney-General has received this advice:

The Hon. A.J. Redford, MLC, asked the Government two questions about the victims of the Snowtown offences. First, he asked 'Will the Attorney-General direct the Crown Solicitor's officers to proceed with reasonable haste to deal with the claims by the victims of these crimes?'

The Government understands this to be a reference to claims by family members of the murder victims for criminal-injuries compensation. The Member's question assumed that the practice of the Crown Solicitor has been to defer dealing with applications for compensation until the conclusion of the criminal prosecution. It implied that, even now that there is a verdict, payments would still need to await the future determination of the Haydon case.

There are some 38 claims of which the Crown is presently aware arising from the Snowtown murders. The position is that the previous Government had directed the Crown that these cases should not proceed to the entry of judgment pending the outcome of the criminal proceedings. There are two reasons for this. One is that, while criminal proceedings are on foot, one cannot be certain what the outcome will be. For instance, in the Snowtown case, the prosecution alleged that one Suzanne Allen was a murder victim, but the jury was not persuaded of this. In fact, in the past and unrelated to the Snowtown case, there have one or two instances when the Crown, anxious to assist persons identified as victims, has made compensation payments, only to find that prosecutions have failed because it could not be established that the death occurred other than by natural causes. In those cases, there is then the problem of whether to seek to recover the overpayment from the claimant. Where proceedings are pending, therefore, the former Government took the view that it was wise not to make final payments of compensation, but to await the verdict. The present Government also thinks this prudent, and has not countermanded that direction.

The second reason is that it is a requirement of the Act that an offender, if identified, must be served with the proceedings and is liable to repay the Fund any compensation awarded. The Crown could not, under the old Act, recover from a known offender if the Crown made voluntary payments to the victim without the offender being a party to proceedings and consenting to the payment. Given that some persons had been charged with offences, the former Government considered it prudent to preserve whatever prospects of recovery the Fund may have by awaiting the resolution of the criminal case and again, the present Government does not disagree.

This is not to say that compensation claims could not advance at all in the meantime. Claims did advance, in that where possible, the victims were invited to formulate their claims and negotiations were conducted to try to reach agreement on a fair compensation figure. In a number of cases, that agreement was reached. However, to preserve the right of recovery, the entry of judgment in favour of the victim and the payment of compensation had to await a conviction. Now that there have been convictions, in several cases, final consent orders have been recorded.

Further, the direction did not prevent the making of interim payments of compensation to victims in necessitous circumstances, as contemplated by s. 11(3) of the Act. Such payments were in fact made, at the request of the victim, in some ten cases, for example for funeral expenses and for pain and suffering.

Now that there have been convictions, there is no legal obstacle to completion of these claims. In fact, of the 38 pending claims, some 25 claims are yet to be formulated by the claimants and in some instances the Crown had invited formulations as far back as last year. There are four matters on which the Crown has made settlement offers and is awaiting replies. Thus, the Attorney-General has not been able to substantiate the imputation of any unreasonable delay on the Crown's part. In the absence of any unreasonable delay, the Government does not consider any direction to the Crown is needed.

Second, the honourable member asked 'Will the Attorney-General ensure that he exercises any jurisdiction he may have in favour of the victims in this tragic case?'. The Government takes the reference to the Attorney-General's 'jurisdiction' to be a reference to the exercise of the statutory discretion to make grace payments from the Victims of Crime Fund. As, however, there have been convictions in these cases, it may be that there will be no such applications, because the victim can rely on a conviction to found a claim for statutory compensation in the ordinary way and need not ask for an act of grace. Grace payments are more often sought in cases where, for reasons that do not reflect adversely on the victim, there has been no conviction. If there were, however, to be any

applications for grace payments, the Attorney-General would, as usual, consider each such application individually on its merits.

SCHOOLS, MAINTENANCE

In reply to **Hon. KATE REYNOLDS** (26 November 2003).

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

1. For works completed during the period of 1 January 1999 to 31 October 2001, a significant backlog of outstanding payment from sites accumulated. I am advised that the factors contributing to this included:

- late receipt of invoices by contractors to DAIS
- disputes in relation to quality of works initiated by sites
- limited automation of electronic billing systems in country areas.

The process established for the payment of facilities management contractors was for DAIS to manage payment for the contractor, then bill the department on a monthly basis for site funded works. The department then sought to recover the costs for site funded works identified as a site responsibility.

To address the backlog caused by the previous government, the department engaged a project officer to undertake an assessment of the backlog, review outstanding commitments and issue invoices to sites. This was a very large project involving contact with over 800 sites and the issuing of invoices for costs of work that was identified and agreed as a site responsibility. This work was completed in December 2003, with all outstanding amounts recouped or invoiced.

2. I assume that the previous Liberal Government managed this through cash management and by cash flowing programs to meet budget.

3. I am advised that there had been re-allocation of funds in some sites, due mainly to changes in principals and administration staff. Accordingly, sites that expected to incur significant hardship in meeting payments were provided support on an individual basis. Payment plans were negotiated and approved, and where necessary, adjustments were approved so that schools had access to funds when they most needed it.

4. I am pleased to report that the department has implemented a direct debit billing process that now ensures schools are debited for works undertaken by external contractors once invoices have been processed by DAIS. Sites have agreed to these automatic deductions by signing off a billing deduction proforma.

This improved billing process has meant that sites have been made more aware of deductions against their SASIF account, including payment to contractors for works completed. This government is supporting schools so they can spend their money on agreed priorities for today's children.

5. The direct debit process described above is a great improvement to the previous system. It has addressed delays, dramatically reducing time taken for the payment of site funded works.

SEX EDUCATION

In reply to **Hon. KATE REYNOLDS** (2 December 2003).

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

The SHARE program is being trialled in 15 government schools. Feedback has been received on this program from a range of sources, including Mrs Roslyn Phillips of the Festival of Light. Her feedback has been considered, along with contributions from other community members, health and education professionals, parents and students.

Government schools are encouraged to provide sex education to students in accordance with a strand of the Health and Physical Education area of the SACS framework, a requirement that the SHARE program meets.

HENLEY HIGH SCHOOL

In reply to **Hon. D.W. RIDGWAY** (17 July 2003 and 13 November 2003).

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

When this Government came to power, we inherited a very substantial backlog of capital works. In order to advance this situation we have undertaken a comprehensive reprioritisation and made a number of improvements to the manner in which my department manages this work.

My department has met with a delegation of representatives from Henley High School's Governing Council on 25 November and has

also conducted a site visit and an assessment of immediate building needs.

The assessment that has been made recognises the contemporary building needs of the school and has placed the Henley High School needs as a high priority.

TREASURER

In reply to **Hon. A.J. REDFORD** (25 November 2003).

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

Via a Freedom of Information request, the Hon. A.J. Redford received various documents including the Under Treasurer's performance agreement for the period to 30 June 2003.

Attached to these documents was the Under Treasurer's self-assessment of performance, as well as the Treasurer's assessment of his performance.

In the Council on 25 November 2003, the Hon. A.J. Redford stated that the Treasurer had altered the draft performance agreement so that it attributed credit for the budget position to both himself and the Under Treasurer, instead of just the Under Treasurer.

The Hon. A.J. Redford's misrepresentation was corrected by the Treasurer via ministerial statement the following day.

Accordingly the Hon. A.J. Redford apologised to the council for his misrepresentation.

ICT CONTRACT

In reply to **Hon. R.I. LUCAS:** (4 December 2003)

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

1. The Government is committed to ensuring that the process is undertaken in a way that addresses all probity requirements. The probity issues have been discussed with the Auditor-General at both Ministerial and officer level and we have every intention of following the Auditor-General's guidelines in this area.

2. The premise of this question is incorrect. The Government has made no decision about restricting legal advice to that obtainable from Crown Law. Clearly Crown Law is the first option in respect of legal advice but, if necessary, legal advice will be sought from other sources as well.

3. The Auditor-General has definitely not raised any questions and concerns about the Under Treasurer, Mr Jim Wright. For the information of the honourable member, a probity plan has been developed and approved by the Steering Committee. This will require Steering Committee members and others involved in the process to ensure continuous disclosure of any financial or other interests that are relevant to the process.

The issue of whether individuals participate in any part of the process will be decided on a case-by-case basis having regard to this disclosed information. The decision on whether an individual can participate in a particular element of the process will be taken having regard to the Auditor-General's guidance on this issue. The Minister for Administrative Services will be responsible for final rulings on this issue.

FISHING REGULATIONS

In reply to **Hon. R.K. SNEATH** (2 December 2003).

In reply to **Hon. A.J. REDFORD** (2 December 2003).

In reply to **Hon. T.J. STEPHENS** (2 December 2003).

In reply to **Hon. J.F. STEFANI** (2 December 2003).

The Hon. P. HOLLOWAY: PIRSA Fishwatch has two strategic goals to ensure the sustainability of our fish stocks for future generations of South Australians. The first goal is to maximise voluntary compliance, which encompasses encouraging fishers to voluntarily comply with fisheries laws including bag, size and boat limits. The second goal is concerned with creating effective deterrence against illegal activity. The latter means ensuring the cost of non-compliance outweighs any benefits gained as a result of any proposed illegal activity.

In South Australia there are 49 Fisheries Officers located at 12 regional stations, ranging from Ceduna on the West Coast to Mount Gambier in the South East. Two Fisheries Officers are also located at Loxton and primarily deal with recreational and commercial fishers on the River Murray.

These 49 officers undertake specific targeted operations on a seasonal basis, as well as routine patrols, sometimes working in tandem with Fishcare Volunteers to educate and enforce the Fisheries Act 1982 and associated Regulations.

Five additional fisheries officers recently completed their basic training in November 2003. These staff will be used to ensure that all regional stations remain open and fully operational during the summer/autumn period, which will maximise the amount of time spent in the field by all Fisheries Officers. During December all five officers will work in the metropolitan area to gain experience, prior to 4 officers shifting to Yorke Town, Whyalla, Port Pirie and Mount Gambier in January 2004.

Since July 2003, there have been targeted operations concerning blue crab fishers in the upper Gulf St Vincent and Spencer Gulf; abalone poaching patrols on Yorke Peninsula and the removal of illegal fish traps from the River Murray. Fisheries Officers have also put effort into ensuring that recreational fishers adhered to the Snapper closure throughout November 2003. The offshore patrol vessel 'Tucana' was used to enforce the Snapper closure whilst it was on patrol in Spencer Gulf.

In addition to targeted operations, Fisheries Officers also undertake routine patrols that detect illegal fishing activity. This has resulted in recent detected offences committed on the far west coast and Whyalla, where individuals have been reported for taking snapper during the closure period.

To complement the 49 Fisheries Officers there are 105 Fishcare Volunteers who give up their time after hours and on weekends and public holidays to undertake community awareness activities, which help to ensure that recreational fishers are made aware of the boat, bag and size limits in place in South Australia. They provide a primary means for distribution of recreational fishing guides and all other publications produced by PIRSA Fishwatch.

PIRSA Fishwatch also makes use of the media to reaffirm the need for voluntary compliance within the community and to demonstrate that the effective deterrent strategies often result in prosecutions and expiations. Part of this strategy is to encourage the public to use the Fishwatch 1800 number (1800 065 522) to report serious breaches of the Fisheries Act. Information supplied recently led to the reporting of individuals for netting in the Onkaparinga River, fishing in the Aldinga Aquatic reserve and numerous instances where reef pickers were reported for taking undersize abalone from intertidal zones in the Hallett Cove area.

The strategies employed by PIRSA Fishwatch are many and varied to deal with illegal activity and raise community awareness. The end goal of PIRSA Fishwatch is to ensure that the fisheries remain sustainable and the marine and freshwater environments are protected for future generations.

In the financial year 2001-02, there were 49 Fisheries prosecution briefs completed, whereas in 2002-03 there were 72 Fisheries prosecutions briefs completed. All files proceeded to the Crown Solicitors Officer for consideration. While it is difficult to compare actual prosecution rates, given that some 31 files from 2002-03 are still pending, it is clear that the rate of detection is increasing.

This increase is commensurate with the increase in the number of Fisheries Officers, given 17 new Fisheries Officers were recruited, trained and deployed to provide for improved state-wide coverage in late 2001. As they become more experienced, are accepted by regional communities, and work closely with local government and community members, it may be that the rate of detection increases further.

However, the deterrent effect may also become stronger as a result of the increased number of detected offences and subsequent successful prosecutions. It must be remembered that the level of detection is also influenced by seasonal factors, which may lead to a greater availability or abundance of fish, which in turn attracts those who may consider breaking the law.

Prior to 2001, there was less than adequate statewide coverage of coastal and inland waterways by Fisheries Officers, which greatly influenced the ability to respond in a timely manner and/or detect offences in the first place. This has now been changed and response times to reported offences are less due to increased staffing levels, combined with new and improved strategies to collate intelligence and target those who are repeat offenders.

Overall the detection and prosecution rate are only two of a broader number of indicators, which should not be seen as the sole key performance indicators for Fisheries Compliance. The ability to increase voluntary compliance through sound community awareness programs are recognised as critical to a well-balanced Fisheries Compliance program, along with the capacity to respond to and deal with those who have no regard for size, bag and boat limits.

PIRSA Fishwatch currently has 23 vessels positioned across the state that are used for Fisheries patrols. Of the 23 vessels, six are over six metres in length, whilst the remainder are aluminium vessels

less than six metres in length. This combination of small and large vessels allows for a good operational range, as well as the ability to undertake beach launching to reach remote areas across the State.

The Playford Memorial Trust supports a number of scholarships in aquaculture and has supported efforts to mass culture King George whiting. These scholarships have been supported by Primary Industries and Resources SA, both in direct funding and access to the research facility of SARDI Aquatic Sciences at West Beach.

SARDI scientists have been able to spawn King George whiting out of season for a number of years, but the opportunity to commercially farm whiting is yet to be trialed because of economic factors. King George whiting take between 3 and 4 years to grow to a viable size for harvesting and this is a longer period than required for other fish species, which significantly increases cost and risk.

It may be possible to consider stock enhancement of whiting, but it is a better strategy to manage the resource sustainability to provide continued access and enjoyment to our fish resources by current and future generations.

ELECTRICITY SUPPLY

In reply to **Hon. J.F. STEFANI** (10 November 2003).

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

1. Commissioning of the SEAGas pipeline commenced on 8 December 2003. The pipeline commenced flow testing in late December. No significant commissioning issues were encountered and the pipeline became fully operational on 2 January 2004. Greenhouse gas emissions from gas fired generators are about half those of coal fired plants and the new gas supply will maintain the State's low greenhouse emission intensity from electricity generation relative to other NEM states.

Additionally, the Playford coal fired power station is undergoing refurbishment to improve its efficiency and reduce its emissions.

The introduction of renewable energy, in particular, wind farms, will also contribute to a reduction in greenhouse gas emissions.

The Starfish Hill Wind Farm which was officially opened on 4 October 2003, has been estimated to avoid 2.5 million tonnes of greenhouse gases over its life.

The Government also has a range of energy efficiency and demand side management initiatives that it has implemented and is pursuing at the community, state and national level.

The Government is also involved in the COAL 21 process that is exploring ways to reduce greenhouse gas emissions from coal-fired power generation. Technologies being investigated include fuel treatment, generation technologies and CO2 sequestration.

2. The Electricity Supply Industry Planning Council each year forecasts the State's electricity consumption for the next 10 years. This is published in the Annual Planning Report. The latest report was released in June 2003 and is publicly available at the ESIPC web site www.esipc.sa.gov.au.

3. Solar thermal electricity generation is a relatively new technology at commercial scale. The indicated capital cost of \$4 million per megawatt for this NSW project is higher than that of conventional generation and of wind power. Solar thermal generation may have niche applications in areas remote from the grid and its capital costs may reduce over time via economies of scale and technology development.

4. The Government is actively facilitating the development of renewable energy generation including wind generated electricity, mini-hydro, biomass, photovoltaics and geothermal sources. The Government's renewable electricity purchase has already facilitated the construction of the Starfish Hill Wind Farm and a SA Water mini hydro plant was commissioned recently. There are many proposals for renewable electricity generation plants at various stages of development approval. As some of these projects are commissioned over the next few years, South Australia will become an increasingly significant renewable electricity producer.

STATE BUDGET

In reply to **Hon. T.G. CAMERON** (2 June 2003).

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

On 10 November 2003, the Government announced its decision to significantly increase the number of police in South Australia.

The Commissioner will begin an advertising campaign almost immediately to attract the best quality candidates possible. Training will begin for an extra 50 cadets this financial year with the full

increase of 200 in place by the end of 2005. These new officers will be in addition to recruitment to replace those who leave the force and therefore represent a significant increase in staff available to the Police Commissioner to fight crime in this state.

The extra officers underline this State's commitment to making South Australian streets safer.

ADELAIDE AIRPORT

In reply to **Hon. T.J. STEPHENS** (18 September 2003).

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

It is not only time to chill the champagne but to drink it. Following the signing of a design and construct contract for the new terminal between Adelaide Airport Ltd and Hansen Yuncken on 7 November 2003, a sod turning ceremony was held on 12 November 2003 and work proper commenced on Monday 17 November 2003. Both Qantas and Virgin had already signed their respective agreements relating to the new terminal, Qantas signing on 15 September 2003 and Virgin on 23 October 2003.

The proposed new terminal, which will be multi-level, will provide 14 aerobridges in a flexible arrangement. The terminal will be financed by new borrowings by Adelaide Airport Ltd, with total construction cost estimated at around \$220 million and total project cost in excess of \$240 million.

Construction is expected to be between 21 and 24 months duration.

CONSULTANCIES

In reply to **Hon. R.I. LUCAS** (27 November 2002).

The Hon. P. HOLLOWAY: Consultancy contracts within my portfolios are approved under the authority of Treasurer's Instructions.

Treasurer's Instructions 8 requires that approval must be obtained before entering into a contract from the Minister, Chief Executive or other authorised officer up to the level of authority delegated by the Minister.

The Department of Primary Industries and Resources (PIRSA) has only limited delegated authority to enter into consultancy contracts and has implemented procedures to manage the use of consultants within the Agency. For consultancies up to \$20,000, the Group Executive Director must approve a consultancy prior to approaching the market place. Consultancies between the value of \$20,000 to \$50,000 requires the preparation of an acquisition plan for approval by the Group Executive Director and consultancies with a value over \$50,000 to be approved by the Chief Executive.

Furthermore, to ensure agencies report their expenditure on consultancies, Treasury and Finance Circular No 316 has been issued.

This circular requires:

- All agencies to report their consultancy expenditure quarterly to the Under Treasurer;
- All contracts \$10,000 and over are listed individually with a summary of the services for which they were engaged;
- Chief Executive of the Agency is required to sign the quarterly report

Consequently, the Treasurer, through his portfolio, can be kept informed of all contracts over \$10,000.

I am pleased to advise that PIRSA reduced expenditure on consultancies to only \$640k, which is within PIRSA's 50 per cent reduction target for consultancy expenditure for 2002-03 of \$687k.

SUPERANNUATION

In reply to **Hon. R.I. LUCAS** (28 April 2003).

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

In the process of collecting information to underpin the 2002-03 Mid Year Budget Review, Funds SA were consulted, via a letter to the board dated 6 November 2002, regarding expected investment returns for 2002-03. The board was invited to provide comments or input on the forecast earnings of Funds SA for the 2002-03 financial year.

Funds SA did not provide a specific forecast of expected returns for 2002-03. Funds SA acknowledged that 'no superior wisdom exists as to what investment returns may be over future periods given inherent volatility of investment markets. Accordingly caution should be exercised with respect to any short term returns projections.'

Funds SA did provide a model that projected forward from the last known data by applying the long terms earnings rate. This model and approach is consistent with that used by Treasury and Finance for projecting 2002-03 earnings for the 2002-03 Mid Year Review.

Accordingly, the Mid Year Budget Review assumed an earnings rate for the remainder of the financial year equivalent to 7.5 per cent per annum. This resulted in an annual earnings assumption of close to zero for 2002-03 in the 2002-03 Mid Year Budget Review.

CRIME PREVENTION PROGRAMS

In reply to **Hon. T.J. STEPHENS** (13 November 2003).

The Hon. P. HOLLOWAY: The Attorney-General has received this advice:

The Labor Government is committed to delivering a safe and secure community to South Australians. The financial position inherited from the previous government meant that cuts of between 2.5 per cent and 3.5 per cent had to be made across all departments to ensure that Labor's election commitment to better health and education systems could be met within a balanced State Budget.

This Government's priorities, within the Justice Portfolio, have been to increase police numbers and to increase funding to the Director of Public Prosecutions. Prosecuting cases in a timely and efficient manner means that criminals will be held to account for their behaviour and the chance of their re-offending while on bail will be reduced.

Crime Prevention Programs, to which the Hon. T.J. Stephens referred, will be funded by this Government, to the amount of \$600,000 per year. These regional programs, working through clusters of local government areas, carry out crime prevention approaches that include supporting communities against residential serious criminal trespass, motor vehicle theft, graffiti, etc.

In addition to the Regional Crime Prevention Program, this Government, through its Justice Department, continues to undertake a number of crime prevention approaches. These include crime prevention initiatives at the Westwood development site, work through the Police Safer Community Committees, and work directly through the Crime Prevention Unit.

An effective crime prevention approach is one where responsibility is shared between all government agencies and where the government works in partnership with the public and local government. The direction this Government has taken in legislative changes, enforcement approaches and prevention programs provides this mix.

ACCESS ECONOMICS

In reply to **Hon. R.I. LUCAS** (26 May 2003).

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

1. The Access Economics data (referred to in the question) was released prior to the 2003-04 Budget. The 2001-02 actual results released in December 2002 did show a \$5 million accrual surplus in the non-financial public sector.

The 2003-04 Budget contained updated estimates, including for the non-financial public sector (referred to by Access Economics as the state sector). This included a forecast net lending surplus in the non-financial sector of \$207 million in 2002-03 and a deficit in 2003-04. Whilst not published, net lending surpluses are also forecast for the sector in 2004-05 to 2006-07 (as reflected by improvements in net financial worth in each of these years).

Access Economics develops its forward estimate forecasts for South Australia based on its views of, amongst other things, growth in Government revenues and expenses. These assumptions reflect a variety of economic and other factors and may therefore differ from the Government's estimates of revenue and expenditure growth. Where these estimates differ, forward estimates produced by Access Economics will not align with the Government's forecasts.

2. The Department of Treasury and Finance has not had specific discussions with Access Economics regarding the appropriateness of the Government's fiscal targets.

However, in its Technical Appendix to Report No 56, Access does advise that the general government sector is the sector over which individual State Government's exercise direct control.

The Government considers that its fiscal principles remain the most appropriate fiscal targets for the Government to strive to achieve.

The Government's primary fiscal target and the budget papers focus on the general government sector because it:

- includes all key transactions that impact on the State's core financial position. The general government budget figures include subsidies paid to public non-financial corporations and dividends received from those enterprises but avoid distortions that may arise due to capital/borrowing programs in larger infrastructure entities
- enables comparison of interstate budgets and forward estimates to be made. Most other state jurisdictions and the Commonwealth also focus on the general government sector as their budget sector.

In addition, the Government's fiscal principles ensure that there is sufficient discipline and accountability outside the budget sector. The Government's fiscal principles include the requirement to ensure that public non-financial corporations will only be able to borrow where they can demonstrate that investment programs are consistent with commercial returns. Together with the Government's primary fiscal target, this ensures that the State's liabilities will be appropriately managed.

The Government does report budget estimates for the non-financial public sector in the budget papers and publishes forward estimates of non-financial public sector key balance sheet indicators. This means that readers of the budget papers are informed about the estimates of both the general government sector as well as the broader non-financial public sector.

MINI GEMS KINDERGARTEN

In reply to **Hon. T.J. STEPHENS** (26 November 2003).

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

The Department of Education and Children's Services (DECS) is interested in ensuring that Mini Gems Children's Centre remains open for business and supports the Coober Pedy Council in taking on the role as the Centre's operator.

In a letter to the Council dated 16 September 2003 my department stated that they were prepared to waive the usual lease arrangements for childcare centres and would undertake any maintenance and upgrade requirements, which are usually the responsibility of the centre operator, for a period of 6 months. This offer was made given the financial history of the Centre and to assist in minimising the risk for the Council.

During this period the Coober Pedy Council and the Commonwealth Department of Family and Community Services will work with DECS to examine strategies to support the Centre's long-term viability.

If at the end of this period, it is decided that Council would continue to operate the Centre, then DECS will request that the Council enter into a formal agreement.

SCHOOLS, SPECIALIST MATHEMATICS TEACHERS

In reply to **Hon. T.J. STEPHENS** (25 November 2003).

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

Every year 12 student chooses particular subjects to suit their career aspirations and life choices. These choices sometimes result in a small number of students picking subjects such as specialist mathematics. For example, at Morphett Vale High School 3 students chose specialist mathematics and at Reynella East High School 1 student chose Dance.

In order to provide the broadest curriculum offering to students and enhance their career options, schools in the southern suburbs broker subjects in different schools so as to provide a class size that is sustainable. As a result of this brokering, students in the southern suburbs sometimes attend different high schools to study different subjects. This arrangement has occurred over a number of years. The offering of a broad subject range is in the best interests of students and the solution offered by the southern suburbs high schools is a sensible one. It provides students with the widest possible options but also is an efficient and effective use of school resources.

Students who attend schools other than their home school for specialist subjects have access to a support teacher at their home school to provide ongoing support where required.

The Department of Education and Children's Services is aware that there is currently a need for teachers of mathematics and science, particularly at the senior secondary level, and has been focusing efforts in addressing this issue on teachers graduating from the South Australian Universities.

For the past three years the department has specifically targeted graduate teachers in mathematics and science as part of the Graduate Recruitment Program. This program has been very successful in the appointment of graduates qualified in high demand subject areas to country schools.

Senior officers of the department meet regularly with South Australian Universities to discuss a range of issues including areas of teacher shortage such as mathematics and science, and will continue to work with the Universities to implement an increased number of places in disciplines which meet employment demands.

In addition, I recently announced a \$2.1 million funding injection over three years to increase the take-up of mathematics and science in schools and universities.

A comprehensive 14-point action plan has been developed to arrest declining interest among young people in science and mathematics. The plan is also aimed at addressing the shortage of science and mathematics teachers in SA by attracting more people to the vocation and retaining skilled teachers.

PORT STANVAC OIL REFINERY

In reply to **Hon. SANDRA KANCK** (1 December 2003).

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

The agreement between the Government and Mobil does not cover the details of the "mothballing" process. Appropriate environmental management plans have been developed for the mothballed facility in accordance with licence conditions imposed by the EPA.

Mobil is spending some \$30 million to put the refinery into a condition in which it can be safely maintained with a view to possible future re-start and in accordance with the licence conditions applied by the Environment Protection Authority.

Mobil has advised that:

1. The mothballing process includes completely freeing all tanks, processing equipment and pipelines of hydrocarbons, including gases and any sludges;
2. The mothballing process also incorporates nitrogen purging/blanketing of lines and equipment where necessary;
3. The sub-sea crude oil line from shore out to the single point mooring (SPM) (or rather, where the SPM was) will be left full of seawater.
4. The work is being carried out by the refinery's long-standing engineering/ maintenance contractors who are familiar with the equipment and procedures at the refinery;
5. The company will be spending several millions of dollars annually to maintain the plant in its mothballed condition. There will be no reduction in council rates during the mothballing period and rates will be payable by Mobil as specified in the legislation.

AUDITOR-GENERAL'S REPORT

In reply to **Hon. SANDRA KANCK** (12 November 2003).

The Hon. P. HOLLOWAY: The Premier and Minister for the Arts has provided the following information:

1. I am advised that development of State Opera's risk management plan is under way, as part of the development of its next five-year business plan. (It is expected that the State Opera Board will be considering the draft business plan at its next meeting, in February 2004).

2. I am advised that a meeting has been arranged between State Opera, State Supply Board and Crown Law to determine, and put in place, appropriate protocols for contracting and procurement by State Opera.

3. The creation of scenic designs cannot be a well-defined prescriptive exercise. For example, in the case of set design for opera, the process requires the director and designers to respond to the opera's requirements and its music. And, as costs become clearer, a great deal of compromise has to be introduced into the set design.

Furthermore, in order to ensure artistic outcomes, there has to be a great degree of interaction between designers and constructors in the set manufacturing process.

Within this environment of ongoing negotiation and compromise, it has been found – in both the subsidised and commercial theatre – that it is simply neither practicable, nor realistic, to put in place set design contracts containing penalty clauses.

4. The situation in relation to set design contracts for *The Ring* is completely in keeping with normal practice within the arts and

entertainment sphere. It cannot be deduced that the lack of penalty clauses will mean that cost blow-outs are 'likely to occur'.

5. Arts SA, the Major Performing Arts Board (MPAB) of the Australia Council and State Opera have been working closely together – in the first instance, to identify the nature and magnitude of cost pressures within the budget for Wagner's *Ring Cycle*, and subsequently, to contain these cost pressures and generate savings. Expert assistance has been engaged in the areas of production management and technical direction. In addition, State Opera is exploring opportunities to optimise revenues from corporate sponsorship, in-kind support, donations and other sources.

Richard Stuart's report was commissioned by the Australia Council and Arts SA, in consultation with State Opera, to look specifically at the physical and technical aspects of the production of *The Ring Cycle* and their likely impact on the production budget, and to identify potential cost efficiencies. I have been advised that, as the report contains information that is considered to be 'commercial in confidence', it should not be released.

RING CYCLE

In reply to **Hon. SANDRA KANCK** (25 September 2003).

The Hon. P. HOLLOWAY: The Premier and Minister for the Arts has provided the following information:

1. I am advised that the State Opera's business plan projects a total cost of \$12.596 million for the production and performance of *The Ring Cycle* in 2004.

2. As at 24 September 2003, I am advised that expenditure on the 2004 production of *The Ring Cycle* was \$3.615 million, which was in line with the State Opera's business plan.

3. I am advised by Arts SA that cost overruns have been identified in the 2004 production of *The Ring Cycle*, due principally to the complexity of the technical aspects of the set construction, especially special effect works, and associated additional labour requirements.

Cost pressures on *The Ring Cycle* budget were first identified in May this year through the close monitoring process established for the project. Discussions ensued between Arts SA, the Major Performing Arts Board (MPAB) of the Australia Council and the State Opera to identify the nature and magnitude of these cost pressures. I was advised by Arts SA that this process was under way.

On 10 September 2003, I was briefed on the cost pressures facing *The Ring Cycle* and the steps being taken to deal with these by the Chair and General Director of the State Opera.

Arts SA, the MPAB and the State Opera have been working on ways to contain these cost pressures and generate savings. In this regard, expert assistance has been engaged in the areas of production management and technical direction. In addition, the State Opera is exploring opportunities to optimise revenues from corporate sponsorship, in-kind support, donations and other means.

In keeping with the shared funding responsibilities that underpin the tripartite agreement between Arts SA, the MPAB and the State Opera, a joint Commonwealth/State Government approach to funding the cost pressures is envisaged.

4. The Commonwealth and State Governments are providing \$2.925 million and \$1.940 million, respectively, towards the 2004 production and performance of *The Ring Cycle*.

5. Richard Stuart's report was commissioned by the Australia Council and Arts SA, in consultation with the State Opera, to look specifically at the physical and technical aspects of the production of *The Ring Cycle*, their likely impact on the production budget and to identify potential cost efficiencies. I have been advised that, as the report contains information that is considered to be 'commercial in confidence', it should not be released.

BAIT BOXES

In reply to **Hon. SANDRA KANCK** (16 September 2003).

The Hon. P. HOLLOWAY: The Minister for Environment and Conservation has advised

1. An estimate of the number of seals that die in South Australian waters each year as a result of marine debris (ie, mostly packing tape, netting and rope) is difficult to calculate because not all of SA's seal populations are monitored for death by entanglement, and some entangled seals will die at sea and so go undetected.

However, entanglement rates have been monitored at Seal Bay and Cape Gantheaume, Kangaroo Island. In 2002 the Australian Sea Lion entanglement rate was 1.3 per cent, and the New Zealand Fur

Seal entanglement rate was 0.9 per cent. These are the third and fourth highest entanglement rates reported respectively for any seal species in the world.

For South Australia, this extrapolates to:

- 111 Australian Sea Lions tangled each year, and at least 48 of these die as a result; and
- 388 New Zealand Fur Seals are tangled each year, and at least 222 of these die as a result.

Pups and juveniles are the age class most often entangled. Entanglement-related mortality may explain why the Australian Sea Lion populations have not recovered from 19th century sealing.

In addition to the above information, I have now written to the Seafood Council.

COUNTRY FIRE SERVICE

In reply to **Hon. IAN GILFILLAN** (1 December 2003).

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

1. In regard to the telemarketing fundraising exercise that is being conducted by the SA Volunteer Fire Brigades Association (SAVFBA), the SA Country Fire Service (CFS) has clarified with the SAVFBA that the funds are not being used for the provision of normal equipment, vehicles and infrastructure.

From time to time, however, brigades organise local fundraisers to supplement the funding made available to the CFS from the Emergency Services Levy. Such activities are an important feature of life in many parts of the State and reinforce the commitment of CFS volunteers to the Service and to their community. It is considered appropriate that CFS volunteers are able to run fundraising exercises to supplement funds provided by the CFS.

2. The Government has established a Ministerial Advisory Committee for the State Radio System. This Committee is being led by Mr Jim Hullick AO JP. All emergency services and key GRN users are represented on the Committee.

The Committee has identified localities where the coverage of the GRN does not meet agency requirements and in these cases, the Committee, with DAIS and the agencies concerned, are developing options to ensure that these GRN black spots are resolved.

Currently as the options and the course of action to be taken are still being developed, it is not appropriate to provide specific details at this stage.

3. No. The cost of resolution of GRN black spots will vary depending on the locality and the nature of the problem.

4. There is no expectation that CFS volunteers hold cake stalls or conduct barbeques. These activities occur not only to raise funds, but also to heighten community fire safety awareness, to promote the CFS, to encourage volunteering and to acknowledge employers and supporters.

For many volunteer brigades, these activities are an important part of the fabric of the CFS brigade in its role in protecting the communities.

EMERGENCY SERVICES LEVY

In reply to **Hon. IAN GILFILLAN** (20 October 2003).

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

The structure and administration of the Emergency Services Levy (ESL) is complex. The Emergency Services Funding Act 1998 requires the responsible Minister to determine on an annual basis the amount that needs to be raised by means of the levy to fund emergency services. (The Act prescribes eligible expenditure that can be made from the Community Emergency Services Fund – the repository of ESL collections).

Calculations are required to determine the ESL rates on fixed and mobile property necessary to raise the prescribed amount of revenue. Remissions provided against these rates determine the net cost to the taxpayer, with the Government paying the remission amount to the Fund.

The information you seek on ESL collections since inception including the split between fixed property, remissions and government property is set out in the attachment to this answer.

From this data, ESL collections for property owners, excluding Government property, now accounts for only half of total ESL receipts with the balance contributed by Government in the form of remissions, pensioner concessions, Government property contributions and interest earnings.

It is worth noting that budgeted and estimated ESL collection data, split into the categories you requested (fixed property, remissions, pensioner concessions, etc), is available in the Budget Papers. A summary of receipts and payments for the Community Emergency Services Fund was presented in the 2003-04 Budget Papers in Budget Paper 4, Volume 1, page 4.154.

	ESL Collections (excl. government property)		Remissions (excl. government property)		Pensioner concessions \$m	Government fixed property contributions \$m	Other ESL Fund revenue* \$m	Total ESL Fund revenue \$m
	Fixed property \$m	Mobile property \$m	Fixed property \$m	Mobile property \$m				
1999-2000	63.9	33.4	19.8	0.0	5.5	11.7	1.3	135.7
2000-01	51.1	25.2	48.0	9.5	6.1	11.7	1.3	152.8
2001-02	50.6	25.9	39.2	8.4	6.6	11.7	2.8	145.3
2002-03	51.3	26.2	56.8	9.0	6.2	3.6	2.2	155.2
2003-04 (Budget)	54.4	26.7	60.2	9.0	5.7	4.9	1.3	162.1

* Interest earnings and certificate sales

PORT STANVAC OIL REFINERY

In reply to **Hon. IAN GILFILLAN** (15 September 2003).

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

1. The Government and Mobil signed an agreement regarding Port Stanvac in November 2003.

2. The agreement provides for Mobil to mothball the refinery at least until 1 July 2006. At that time, Mobil must notify Government of its intention to resume operation of the refinery, or cease operations on a permanent basis. If Mobil thinks conditions are too uncertain to make that call in 2006, it may seek to extend the mothballing by up to a further three years. Should Mobil decide to cease operations on a permanent basis it will demolish the refinery and remediate the land, at its cost.

Mobil will also allocate a minimum of \$300,000 during the three year period to 1 July 2006 to be expended on local community programs.

Mobil has agreed to make an ex gratia payment to Government of \$714,338 and to waive, on an ex gratia basis, the outstanding sum of \$100,000 payable under the December 2002 Assistance Deed (for rates assistance). These monies are to be used for the preparation and implementation of an economic development plan for the southern suburbs.

I can also report that Mobil has offered to lend its oil spill equipment, including boats, booms, skimmers, spray units, oil recovery bags, etc valued at approximately \$800,000, to the Government at no charge. This equipment will enhance the Government's ability to respond quickly to any spills which may Uoccur.

3. Mobil has paid the sum of \$714,338 to Government, as agreed. This equals the amount already paid by Government to Mobil under the December 2002 Assistance Deed.

4. See response to question 3.

5. No.

GOAT INDUSTRY

In reply to **Hon. J.S.L. DAWKINS** (3 December 2003).

The Hon. P. HOLLOWAY: I thank the honourable member for his question. Goat meat is generally described as either Capretto, referring to young kid, generally milk fed with a carcass weight at less than twelve kilograms or Chevron, older goat meat, either from kids or mature goats with a greater weight range. In the South Australian Goat Industry Strategic Plan which I discussed in December, goat meat is used as a collective term to cover all types of goat meat, ie. the same way sheep meat is used as a collective term for lamb; hogget and mutton.

STATE DISASTER COMMITTEE

In reply to **Hon. J.S.L. DAWKINS** (27 November, 2003).

The Hon. P. HOLLOWAY: The Attorney-General has received this advice:

1. The Local Government Association was represented on the State Recovery Sub-Committee by Mr. John Harrison from the Adelaide Hills Council. He resigned from the Council during 2003 and left his position vacant. A request for a new representative was made to the Local Government Association on 14 August, 2003. Advice has been received that expressions of interest have been sent out to all Councils and the Association expects to be in a position to provide a new representative in early 2004.

2. Yes. There are nine Divisional Disaster Committees located at Port Lincoln, Whyalla, Port Augusta, Port Pirie, Barossa, Riverland (Berri), South East (Mt Gambier), Adelaide Hills (Mt Barker) and South Coast (Christies Beach). Each of these Committees are chaired by the senior commissioned officer responsible for the respective SAPOL Local Service Area and which representation mirrors the State Disaster Committee. Recovery is well represented on each Committee.

3.

- Family and Youth Services (Chair)
- Chairman of the State Disaster Committee
- Director State Emergency Services
- Australian Red Cross
- Local Government Association
- Centrelink
- Insurance Council of Australia
- Legal Services Commission
- Department of Treasury and Finance
- Primary Industries (also functional services responsibility under the State Disaster Act 1980)

4. The State Disaster Committee is a statutory Committee established pursuant to the State Disaster Act, 1980 and reports to the Attorney-General. The Emergency Management Council Standing Committee (EMCSC) is the Officers' (CEO's) Advisory Group to the Emergency Management Council (EMC), which is a Cabinet Sub-Committee.

There is no formal relationship between the State Disaster Committee and the Emergency Management Council Standing Committee. The EMC/EMCSC seek advice from the State Disaster Committee where appropriate, and the Chairman or the Executive Officer or both may be invited to attend the EMCSC meeting.

SURVEILLANCE CAMERAS

In reply to **Hon. T.G. CAMERON** (24 November 2003).

The Hon. P. HOLLOWAY: I am advised that there is no particular government department responsible for the use of surveillance cameras. The responsibility lies totally within the individual organisations that use and operate them.

DAUGHTERLESS CARP

In reply to **Hon. J.S.L. DAWKINS** (10 November 2003).

The Hon. P. HOLLOWAY:

1. The research taking place under the auspices of the Pest Animal Control Cooperative Research Centre (PAC CRC) is supported by the Department of Primary Industries and Resources (PIRSA), through research scientists at SARDI Aquatic Sciences and fisheries managers in PIRSA Fisheries.

2. The Director of Fisheries is a member of the Murray Darling Basin Commission Daughterless Carp Consultative Committee which is overseeing the research of the PAC CRC, so our interests in this innovative research project are well represented. In addition, further research programs under the Murray Darling Basin

Commission Native Fish Strategy are being directly serviced by fisheries scientists from SARDI Aquatic Sciences. It is also important to remember that the Chief Executive of PIRSA is a Murray Darling Basin Commissioner, whilst I am a member of the Murray Darling Basin Commission Ministerial Council. South Australia is at the forefront in driving the agenda for the Murray Darling Basin Commission on all aspects of management of the River Murray and its problems.

PEDESTRIANS

In reply to **Hon. T.G. CAMERON** (2 December 2003).

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

1. The Commissioner of Police advises that during 2002-2003, no South Australian Police vehicles were involved in accidents relating to pedestrians illegally crossing the road at an intersection.

2. Police across the state have responsibility to police pedestrian compliance of traffic lights under Rule 231 of the Australian Road Rules. In respect to the Adelaide Central Business District the Adelaide Local Service Area has primary policing responsibility through its traffic police, general patrols and bicycle patrols.

The Commissioner advises that in August 2003, seven people were reported in the Adelaide Local Service Area during an operation targeting the non-compliance of traffic lights by pedestrians. Pedestrians were also targeted in the recent 'Operation Santa Safe 2003' which concluded on 26 January 2004.

The Commissioner further advises that Police have not been contacted by the Metropolitan Fire Service (MFS) to monitor City intersections when proceeding to emergencies. However, a Senior Officer from the Adelaide Local Service Area will make contact with the MFS regarding this issue. Police will work in partnership with the MFS to improve the safety of all road users.

The Minister for Emergency Services has provided the following information:

1. For the period 2002-2003 the SAMFS has no record of any accidents involving SAMFS vehicles related to pedestrians illegally crossing roads at intersections.

SAMFS Service Administrative Procedure No 26 Driving of Fire Service Vehicles clearly outlines safe driving practises that must be adhered to. Drivers are required to take all due care for the safety of the occupants of the vehicle, other road users and members of the public.

AUDITOR-GENERAL'S REPORT

In reply to **Hon. IAN GILFILLAN** (12 November 2003).

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

1. Public private partnerships (PPPs) contracts will be published in accordance with Treasurer's Instruction No 27. As previously advised, the arrangements will also be subject to scrutiny by the Auditor General. In this regard, the following observations on PPP's in the Auditor General's Report for the year ending 30 June 2003, Part A Audit Overview, Chapter 9, p 87 are instructive:

'The Department of Treasury and Finance has released detailed guidelines applying to [public private partnership] arrangements. The Government has indicated that rigorous analysis of any public private partnership will be undertaken to ensure that the Government will receive better value for money from such an arrangement than developing infrastructure by conventional means'.

In referring to the PPP projects currently under investigation, the Auditor General notes that:

'While my Department has not conducted an audit on any PPP project to date, indications are that the project initiation processes are at a standard that are likely to surpass that applying to traditional build and operate arrangements.'

The Auditor General's report indicates not only that his Department has a clear understanding of PPP's, but also that the transactions will be audited in due course as part of the Auditor General's statutory audit function. The Parliament will therefore be fully informed as to whether PPP arrangements entered into by the Government are consistent with the criteria discussed in the Audit Overview. There is no need to establish special publishing or reporting arrangements for PPP projects over and above the current statutory arrangements.

2. As above, the Government's reporting cycle would be the Auditor General's normal reporting cycle.

3. PPP contracts contain extensive termination clauses if the private sector party fails to meet the performance standards specified in the contract. This allows the Government to terminate the contract, take ownership of the assets or alternatively, to appoint another operator to manage the asset. South Australian PPP contracts will have rigorous termination rights to protect the SA Community.

4. No.

HOTEL INDUSTRY

In reply to **Hon. J.M.A. LENSINK**, (10 November, 2003).

The Hon. P. HOLLOWAY: The Attorney General has received this advice:

Clause 5 of the code of practice under section 42 of the Liquor Licensing Act 1997 requires that 'a licensee must, if the licence authorises the sale of liquor for consumption on the licensed premises, establish and maintain appropriate practices to encourage customers to have a responsible attitude to the consumption of liquor'. The code goes on to say that 'in particular, the business of a licensee must not be promoted, advertised or operated in a way that tends to encourage the rapid or excessive consumption of alcohol by customers'. Examples of practices that might be established and maintained by a licensee are given including '(a) providing water free of charge to customers'.

The code is a condition on every licence and a breach of the code would constitute grounds for disciplinary action against a licensee. A licensee could be reprimanded, fined or disqualified from being licensed and a licence could have conditions imposed or be suspended or revoked if the breach was proved.

Therefore compliance with the code is mandatory not voluntary. However, the honourable member is correct in that the failure to provide free water in itself would most probably not constitute sufficient grounds for disciplinary action. However, if the Liquor and Gambling Commissioner considered that the licensee was not complying with clause 5 and was not supplying free water it would constitute part of the grounds for disciplinary action.

The Liquor and Gambling Commissioner is currently reviewing the Code in conjunction with industry associations and legal practitioners. The Commissioner believes that the review team will recommend that many of the examples in the current code become mandatory, in particular the provision of free water.

I will await the review's recommendations because it would be preferable to treat the Code as a whole and to get industry acceptance of the proposed changes. However, should the review team not recommend as the Commissioner hopes it will I will consider mandating such matters.

AUDITOR-GENERAL'S REPORT

In reply to **Hon. R.I. LUCAS** (14 October 2003).

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

The allocations for contingency provisions and Governor's Appropriation Fund in 2003-04 are as follows:

Contingency provisions	\$ 119.5 million
Governor's Appropriation Fund	\$ 181.5 million

As noted by the Auditor-General at page 44, Part A of his 2003-04 Report, the use of contingency provisions does not impact on the budget outcome because they are factored into the result. Use of the Governor's Appropriation Fund, on the other hand, is an additional expense for the budget result.

It should be noted that the contingency provisions for 2003-04 are largely allocated to specific purposes (such as anticipated wage settlements in 2003-04). The balance is a provision for urgent and unavoidable expenditures that were not anticipated at budget time.

In reply to **Hon. R.I. LUCAS** (21 October 2003).

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

Final consolidated capital expenditure figures have not yet been published.

The \$145 million figure you quoted is reported in the 2003-04 Budget papers.

It reflects the difference between the estimated level of net capital spending in the original 2002-03 Budget and the updated estimate for 2002-03 published in the 2003-04 Budget.

I am advised that this net underspend includes capital expenditure that has been reclassified as operating expenditure to meet Australian accounting standards rules. It also includes a decline in general

government sector investing expenditure due almost entirely to project spending delays. Such delays are not unusual for large capital projects.

I am further advised that, \$97 million of capital expenditure originally planned for 2002-03 was carried forward at the time of the 2003-04 Budget. These included: deferral of justice expenditure projects, including the Mobilong prison expansion, Port Augusta court redevelopment and the Supreme Court refurbishment; and a \$23 million underspend in DAIS, including \$15.7 million relating to the Government Radio Network (GRN).

Further information on the aggregate level of spending in both the investing and operating budgets will be available within the 2002-03 budget outcomes document.

In addition to the above, I provide the following information:

The Hon. R. I. Lucas has asked what is the extent of underspending for portfolios and agencies reporting to the Leader of the Government in both capital works and recurrent programs within his portfolios.

Programs that were underspent in PIRSA in 2002-03 in relation to my portfolio and that have been referred to Cabinet (in Confidence) for consideration in 2003-04 are as follows:

Operating Program Underspends:

- FarmBis II \$1.7m (net of deferred Commonwealth revenues). Applications from farmers were delayed due to adverse impacts of the drought. Farmers are now increasing their participation in the program with expectations that the program will be fully expended within the program timeframes – that is Applications due by 30 June 2004 and final payments to Farmers by 31 December 2004.
- Central North East Program \$0.457m (net of deferred Commonwealth revenues). This program was also adversely impacted by the drought. This program has also been extended to encourage uptake. PIRSA has now fully committed funds in 2003-04.
- Drought Assistance Measures \$0.867m. Restocking by farmers after the drought was delayed until farmers could ensure adequate pastures.
- Riverland Rural Partnerships \$0.500m. This program was extended six months to encourage increased uptake prior to closure of the scheme. The program is due to conclude by 31 December 2003.
- Rural Assistance Grants \$0.687m. Represents a range of industry structural adjustment funding contracts where revised implementation dates and milestones were necessary to ensure maximum industry growth and economic development were achieved. Delays have primarily resulted from protracted industry consultation and identifying suitable industry resources.
- Other delays in spending mainly relating to industry funds (mainly fisheries) received by PIRSA in 2002-03 but will be spent in 2003-04 \$0.815m

Capital Program Underspends:

- West Beach Pipeline remedial works \$1.321m. The rectification of the outlet seawater pipelines from the SA Aquatic Sciences Centre at West Beach has been completed at a lower cost than expected. However, alternative solutions to the rectification of faults with the intake pipelines are still being investigated.
- Brukunga Mine Rehabilitation Project \$0.806m. The agency spent \$1.8 million in 2002-03 on this program. The \$26m project is being undertaken in 3 stages over a 10-11 year period. Stage 1, the Dawsley Creek diversion pipeline was completed during 2002-03. However, stage 2, the design and construction of a new treatment plant over 3 years from 2002-03 to 2004-05 was delayed slightly as new developments and technologies in water treatment are being further researched before the designing of the plant is finalised. Stage 3, the relocation of the rock dump is scheduled to be done over the following 7 years (2005-06 to 2011-12). The \$0.806m slippage is not expected to change the total project cost or extend the life of the project beyond 2011-12.
- Other capital works relating to Accounting and Human Resource systems in PIRSA \$0.350m. The systems have taken longer to install and roll out to business groups than first anticipated.

In addition, a supplementary question has been asked by the Hon. R.I. Lucas about what briefings have been provided by departmental officers on the extent of underspending in my agency. Detailed briefings on the 2002-03 financial results including underspendings

of PIRSA have been provided to me and I will address any questions in mid November when an additional hour of question time will be set aside for questions in relation to the Auditor-General's report.

STATUTES AMENDMENT (COMPUTER OFFENCES) BILL

Second reading.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I move:

That this bill be now read a second time.

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

Leave granted.

Summary

If someone takes an axe to your computer and damages it, there can be no doubt that that person will be guilty of an appropriate offence of criminal damage. The law of criminal damage, as it has existed in this State from time to time since settlement, has, of course, concerned itself with *physical* damage to the property of others. But what if the offender hacks into your computer with a virus and destroys data instead? The legal situation is less clear. There is no physical damage to see. But the damage in real terms to your property—the data—may be as great or greater.

It is not just that, in modern times, society has moved to being ever more reliant on computers and computerised systems and information—although that is certainly true. Everyone knows that computers are central to the way in which society functions from major infrastructure to educational systems in primary schools to managing one's own household budget. These are interests to be protected and the protection of these interests is the principal aim of this Bill.

But these realities should not be allowed to conceal a shift in the criminal law and the way in which offences are structured. In this, as in other areas of the criminal law, what is happening is that the idea of criminality is moving—and, as in offences of dishonesty, has moved—from the criminalisation of what George Fletcher, then Professor of Law at University of California, Los Angeles, calls "manifest criminality" to "subjective criminality". Put at its simplest, until comparatively recently, the criminal law punished as criminal what was objectively discernable as criminal when it happens—such as smashing the computer with an axe. Now we are moving toward subjective criminality, with a focus not on what physically happened, but on the protection of social interests against intentional or reckless threats. This Bill follows the latter course.

This Bill, then, proposes new offences to deal with computer damage and associated crime. They are:

- Use of a computer with intention to commit, or facilitate the commission of an offence;
- Use of a computer with intention to commit, or facilitate the commission of an offence outside the State;
- Unauthorised modification of computer data;
- Unauthorised impairment of electronic communication; and
- Possession of computer viruses with intent to commit a serious computer offence.

The Bill also creates a new summary offence of unauthorised impairment of data held in a credit card or on computer disk or other device.

The Current Criminal Law on Computer Damage in South Australia

The first concerted attempt at specifically computer based crime legislation was taken as a result of a decision of the Standing Committee of Attorneys-General in 1987. As a result of that decision, South Australia has a computer offence in the *Summary Offences Act*. The relevant section is:

44—Unlawful operation of computer system

(1) A person who, without proper authorisation, operates a restricted-access computer system is guilty of an offence.

(2) The penalty for an offence against subsection (1) is as follows:

(a) if the person who committed the offence did so with the intention of obtaining a benefit from, or causing a detriment to, another—division 7 fine or division 7 imprisonment.

(b) in any other case—division 7 fine.

(3) A computer system is a restricted-access computer system if—

(a) the use of a particular code of electronic impulses is necessary in order to obtain access to information stored in the system or operate the system in some other way; and

(b) the person who is entitled to control the use of the computer system has withheld knowledge of the code, or the means of producing it, from all other persons, or has taken steps to restrict knowledge of the code, or the means of producing it, to a particular authorised person or class of authorised persons.

This is a minor summary offence directed only at the protection of the security of restricted access computer systems from access which is unauthorised.

Modern Problems

However, it has become clear in more recent years that a more comprehensive and sophisticated criminal law regime is required.

Hacking

The phenomenon known as "hacking" or unauthorised access to a computer, whether that computer has been protected in any way or not, has been an issue for many years. The extent of "hacking" and the damage that it causes is unknown, largely because the principal targets of hackers, such as government, large corporations and businesses commonly fail to report the unauthorised access or the damage done for fear of advertising their vulnerability or otherwise jeopardising their reputation in, for example, the integrity of their data. Nevertheless, the rapid spread of (a) universal reliance on the hard drive for the storage of information, (b) widespread reliance by businesses and government on linked computer systems and (c) widespread connection to the Internet, has all made this kind of computer "crime" much more simple. In general terms, if anyone is connected to the Internet, an intelligent hacker can rifle through another's computer gaining access to that other's credit card number, whatever is book-marked, and any or all files on the computer. Some do it for fun and the challenge, but others leave more damaging results. It is said, for example, that there has been a rise in instances of hacking by disgruntled ex-employees who change websites, change or damage corporate information and so on.

Viruses

Hacking can take a variety of forms. Hackers or intruders can and do implant or send viruses of a wide variety of kinds. Some are Trojan Horses which sit quietly in a computer primed to go off and destroy all data at some future time. Other kinds of Trojan Horses copy all data and transmit it to the intruder on a regular basis. The latter is particularly used in order to obtain credit card information from companies that engage in e-commerce. The most recent spate of such attacks have occurred via e-mail (for example, the so-called "Love Bug", September 11/Nimda, Fwd Joke, Melissa and ILOVEYOU viruses). In these cases, the opening of an e-mail triggered a virus which not only destroyed files but also self-replicated, by sending itself to every address in the address book on the recipient computer. In large firms, that could be thousands of computers. The results were catastrophic. In one case, it was estimated that over 1.5 million computers were infected in Australia alone and that the damage ran to \$10 billion.

Pinging

There is another new form of computer damage that should be criminal. The polite name for it is denial of access—the colloquial name for it is "pinging". It is best illustrated by example. In February 2000, major websites such as Amazon.com were closed down by a massive torrent of false traffic. The false traffic can be and probably was, generated by computer software designed to send streams of information, estimated in this case to amount to one gigabyte a second to the selected victim site. The result may be that the website is slowed down intolerably, access denied to legitimate customers, or the website may have to be closed completely. It should be noted that, in traditional terms, these attacks cause no damage. Data is unimpaired. It is access that is the key issue. This electronic sabotage, and the potential for it to go unpunished if it can be detected, is intolerable in a society moving to widespread reliance on e-commerce.

More Recent Reforms

There has been some attempts at law reform in the recent past. In 1986, The Tasmanian Law Reform Commission produced a Report calling for an offence of unauthorised use of a computer, but this recommendation has not been implemented anywhere. In 1988, the Review of Commonwealth Criminal Law produced an *Interim Report on Computer Crime*, which led to legislation dealing with causing damage to computer data or programs or obstructing the lawful use of computers in New South Wales, Tasmania, the Australian Capital Territory and, to its constitutional power, the Commonwealth. In 1989, the UK Law Commission produced a report on *Computer Misuse*, which resulted in the UK *Computer Misuse Act 1990*.

It may be noted that, when Parliament enacted the *Criminal Law Consolidation (Offences of Dishonesty) Amendment Act 2003*, it enacted provisions that deal specifically with dishonesty and computers. This Bill is directed, not at offences of dishonesty, but at offences of criminal damage.

The Model Criminal Code Project

In January 2000, the Model Criminal Code Officers Committee released a Discussion Paper on *Criminal Damage and Computer Offences*. The Discussion Paper took the view that, although it had been able to deal with the unique problems posed by the electronic age in the area of theft, fraud and related offences of dishonesty by the simple device of ensuring that the proposed legislation concentrated on the dishonesty and not the means by which the dishonesty was made manifest, the same could not be done in the context of criminal damage offences. In the context of criminal damage, the intangible nature of the idea of damage and the complicated interaction of forces by which damage, however defined, could be caused, made it necessary for a set of dedicated criminal offences to be proposed. After nationwide consultation, the Committee prepared its final drafting instructions and published its *Final Report* in January 2000.

The UK Report and the Act that followed it was the most comprehensive attempt to legislate upon the subject of criminal damage in the digitised environment, and it was, therefore, the logical starting point for the Committee's consideration of the issue. That starting point was consideration of criminal offences dealing with (a) protection of computerised data and programs from unauthorised access; (b) prevention of crime consequential on unauthorised access; and (c) protection of data and programs from corruption by hackers or by persons who put viruses or worms into circulation.

The Proposed Offences

The fundamental proposal of the Bill is the enactment, consistently with the MCCOC model recommendations, of five indictable offences and one summary offence dealing with computer damage.

It should be noted that a key to the proposed offences is the deliberate decision not to define the concept of what is and what is not "a computer". Apart from its being impossible, the intention is that the law, if enacted, should be as technologically neutral as possible. One characteristic of previous reform efforts in this area is the tendency to become obsolete quickly. In addition, any contemporary definition of the word "computer" would be likely to be both under-inclusive and over-inclusive. The possibility of under-inclusion will come about because of the likelihood of the rapid development of new technologies or a new generation of devices that any definition may not contemplate. The possibility of over-inclusion arises because computerised components are increasingly being used for the manufacture of everyday household appliances, vehicles, tools and other devices. For example, the burglar who enters a house and activates the burglar alarm may technically cause an unauthorised computer function, but it strains the purpose of these offences to convict a burglar of that offence. Hence, there is scope for a court to hold that, while the burglar alarm contains computerised components, it is not a "computer" for the purposes of this kind of offence.

The proposed offences are, in summary:

Use of a computer with intention to commit, or facilitate the commission of, an offence

It is proposed to make it an offence to use a computer to cause unauthorised access to or modification of computer data or an unauthorised impairment of electronic communication, knowing that the relevant behaviour is unauthorised and intending to commit, or facilitate the commission of, a serious offence. A serious offence means a major indictable offence. The offence is preparatory in nature, and so the applicable maximum penalty is the maximum penalty for an attempt to commit the offence concerned, but one

cannot be guilty of attempting to commit this offence—for criminal liability should not be imposed for an attempt to commit an attempt.

Use of a computer with intention to commit, or facilitate the commission of, an offence outside the State

This offence replicates the offence just described, but adapts it to circumstances in which the offender, while in this State, intends to commit or does commit the damage outside the State. A separate offence is required to deal with the inter-jurisdictional ramifications of such an offence. This offence applies where the offender is physically present in this State and it is possible to arrest him or her. In the reverse situation, the offender is in another jurisdiction and this State cannot lay hands on him or her. In such cases, the general jurisdictional provisions of s 5C of the *Criminal Law Consolidation Act*, as recently reformed, will apply.

Unauthorised modification of computer data

This offence deals with a person who makes an unauthorised modification of computer data, knowing it is unauthorised and intending or being reckless as to, in essence, the damage caused. The offence is aimed directly at hacking. It will be punishable by a maximum term of imprisonment of 10 years.

Unauthorised impairment of electronic communication

By contrast, this offence, of the same seriousness, is aimed at hacking and other like activity that damages electronic communication between computers, including impeding access to the internet. Again, knowledge, intention or recklessness are required. This will catch the "pinging" described above. It will also catch other forms of electronic sabotage of a similar kind.

Possession of computer viruses with intent to commit a serious computer offence

This is a proposed lesser offence, with a maximum penalty of three years imprisonment, that is designed to criminalise behaviour preparatory to the serious computer offences. Because it is preparatory in that sense, it is narrowly confined. It is aimed at the production, supply and possession of computer viruses, hacking programs and the like, and the instructions on how to commit such offences with intent to commit, or facilitate the commission of, a serious computer offence. The examples in the section give a clear picture of what is the central aim of the offences. Again, since these are preparatory offences, it should not be possible to be found guilty of attempting to commit these offences.

Unauthorised impairment of data held in a credit card, computer disk or other device

Lastly, the Bill proposes the enactment of a summary offence aimed at protecting credit cards, computer disks and other devices used to store data by electronic means. An example of one such other device would be a smart card. The offence is unauthorised impairment of that data, knowing it is unauthorised and intending or being reckless to harm or inconvenience that might result. It should be noted that the quite technical definition of "impairment" applying to the previous serious offences does not apply to this one, because it will be in a different Act—the *Summary Offences Act*. It is intended that, in this case, "impairment" will bear its ordinary dictionary meaning. It may be that this offence will overlap with identity theft proposals due to be introduced into Parliament shortly.

Supplementary provisions

The serious offences proposed are supported by quite technical definitions. These have been the subject of extensive technical consultation, both by MCCOC and in the development of the South Australian draft. Two of these matters require further explanation. First, it may be noted that the definition of "impairment of electronic communication" does not include mere interception. That caused some puzzlement on consultation. The reason for it is legal, not policy. The Commonwealth has jurisdiction over the interception of electronic communication and has exercised it exclusively in the *Telecommunications (Interception) Act 1979*. Therefore, any State regulation would be invalid.

Second, MCCOC found it impossible to define who was and who was not "authorised" for the purpose of the various offences because the notion of "ownership" of computer data is a very slippery one and the attempt to define it tends to be circular. This Bill attempts the task. It does so in two contexts—in the context of who is authorised for access to or modification of computer data and in the context of who is authorised for electronic communication.

The result is a Bill that is up to date and that plugs a gap in the law with the hope that its effectiveness will endure.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement**3—Amendment provisions**

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935***4—Insertion of Part 4A**

This clause inserts a new Part 4A into the *Criminal Law Consolidation Act 1935* dealing with computer offences. Proposed new sections 86B, 86C and 86D are interpretative provisions that define terms used in the Part and specify what is meant by "unauthorised" access to or modification of computer data and "unauthorised" impairment of electronic communication where those terms are used within the Part. The provisions also make it clear that the onus of establishing that access to, or modification of, computer data was unauthorised, or that impairment of electronic communication was unauthorised, lies on the prosecution.

Proposed sections 86E and 86F set out two new offences dealing with use of a computer with intention to commit, or facilitate the commission of, a serious offence (ie. an offence punishable by at least 5 years imprisonment)—section 86E applying to offences within the jurisdiction and section 86F applying to offences outside the State. The provisions are intended to pick up conduct that would not amount to an attempt under the ordinary law and, as such, represent a broadening of the law of attempt where computers are concerned. The maximum penalty under each provision is the same as would apply in relation to an attempt.

Proposed section 86G creates an offence of causing an unauthorised modification of computer data. The offence only applies where the person knows the modification is unauthorised and intends to cause harm or inconvenience or is reckless as to the causing of harm or inconvenience. The maximum penalty is 10 years imprisonment.

Proposed section 86H creates the offence of causing an unauthorised impairment of electronic communication. As in proposed section 86G, the offence only applies where the person knows the impairment is unauthorised and intends to cause harm or inconvenience or is reckless as to the causing of harm or inconvenience. The maximum penalty, again, is 10 years imprisonment.

Proposed section 86I deals with producing, supplying or obtaining, or being in possession of, proscribed data or a proscribed object intending to commit or facilitate the commission of a serious computer offence (being an offence against section 86E, 86F, 86G or 86H). The maximum penalty is imprisonment for 3 years.

Part 3—Amendment of *Summary Offences Act 1953***5—Insertion of section 44A**

This clause proposes the insertion of a new section into the *Summary Offences Act 1953*. Proposed section 44A creates an offence of causing an unauthorised impairment of data held in a credit card or on a computer disk or other device used to store data by electronic means, knowing that the impairment is unauthorised and intending to cause harm or inconvenience, or being reckless as to the causing of harm or inconvenience. The maximum penalty for this offence is 2 years imprisonment.

The Hon. R.D. LAWSON secured the adjournment of the debate.

**CROWN LANDS (MISCELLANEOUS)
AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from 13 November. Page 580)

The Hon. A.L. EVANS: Family First has been particularly interested in this bill since it was first debated 15 months ago. What most caught my attention was information that I received from the South Australian Farmers Federation (SAFF) that almost 8 000 individual landholders would be affected by the changes. That represents 8 000 families, and it caused me some concern. I was particularly concerned when the minister was quoted in *The Sunday Mail* in an article of 24 November 2002 as saying:

We would like people with perpetual leases to move to freehold and, in the process, it will fill Treasury coffers.

When I asked the minister whether he had made this rather alarming statement, his response was less than satisfactory. He said:

The language used in the article does not reflect the important compromise that was reached. The agreement agreed upon by the committee offers significant incentives to perpetual lessees to freehold their properties.

It is interesting to note that the minister did not deny saying that the money raised by freeholding leases would be used to fill Treasury coffers. This is all at the expense of our rural farmers, who last year were struggling under the financial weight of the worst drought seen in this state for many decades. It was the timing of the government's proposal, not just the nature of the proposal itself, that concerned me. Our farmers are major contributors to the state's economy, despite having to contend with drought. There is evidence that, despite continual efficiency gains, they suffer from falling incomes, yet the government wants to take more.

By way of background, this bill was initially introduced by the minister in another place on 15 July 2002. A select committee was set up shortly after to examine, amongst other things, the impact and consequences of the bill on the SA public. An interim report of the committee was delivered on 26 November 2002. As a result of the recommendations outlined in that report, the government set up the Perpetual Lease Accelerated Freeholding program. The program commenced in January 2003 and offers to freehold were sent out to 7 600 lessees in March 2003. However, a number of additional issues were raised in relation to the offers and, as a result, the select committee reconvened. Those issues were apparently addressed and the committee delivered its final report on 2 June 2003.

Some of the additional issues included: survey costs associated with freeholding, particularly for waterfront leases; realignment of waterfront property boundaries to create a minimum 50-metre reserve on freeholding; freeholding of transitional zone and rangeland leases; hardship criteria for drought-affected leases; and high freehold prices of leases subject to the '20 times the rent' clause. I was grateful late last year for the opportunity to attend SAFF's Agribusiness Committee meeting and hear what the crux of its concern was. I understand that some of these concerns have been addressed, but not all. In particular, the bill in itself does very little.

Part of the bill seeks to simplify the freeholding process by removing the role of the Governor in signing grants of title. That task has been given to the minister. It also gives the minister power to recover any GST on lease payments. This has been included to cover the situation where, under commonwealth law, no GST is payable on perpetual lease rents until 2005 because of their long-term nature and the absence of a rent review opportunity. It also imposes a requirement that all lessees will be required to freehold their leases prior to transfer. I understand that this requirement is proving to be controversial. There are suggestions that this may in some circumstances, such as a necessary transfer between family members, cause undue difficulties.

The actual proposal for freehold is not enshrined in the bill. It does appear that leaseholders have been put under unfair pressure to proceed with the process. The freeholding purchase price is a flat fee of \$2 000 or 20 times the current annual rent, whichever is the greater amount. That fee will cover up to four leases that are multiple contiguous leases in

the same ownership with the same registered interests. An additional charge of \$400 will apply for each additional lease in the application up to 10 and then \$400 for each above 10 up to 20, and \$200 for each above 20. There is a call for the fees to be reduced and for them to be placed in the bill. Given our concerns about the proposed uses of the revenue, these calls may be reasonable.

One calculation reveals that the government will raise a minimum gross revenue gain of over \$30 million if each lease is freeholded individually for the \$2000 flat fee. The government's position is that freeholding is an expensive exercise and that it will be carrying the administrative costs to freehold each lease. During the briefing that my office received, we were told that the government plans to set aside \$6 million after covering its costs, and whatever is left over will be allocated to the review panel for allocation to those groups of people who are most in need. Can the government confirm that all the \$6 million will be used to fund the crown land business reforms referred to in the minister's second reading explanation?

A review panel is being set up to consider cases of inequity and financial hardship. If this whole process of accelerated freeholding must go ahead, then Family First is very much in favour of a review panel. It is clear that there are many special cases that require individual consideration. Recommendation 28 of the final report of the select committee lists the criteria for applications to be considered by the review panel. The panel will include two members of the SAFF. My understanding is that to date the government has not spoken with the SAFF about who those two representatives will be. Could the minister please advise when he proposes to set up the review panel?

What is the government waiting for? Already, 85 per cent of lessees have applied to freehold. I am hopeful that the government will recognise that this measure is an exercise in gross unfairness and imposes unnecessary hardship on our farmers. Family First believes in lightening their load, not making it more difficult. I look forward to hearing from the government on the issues that I have raised.

The Hon. IAN GILFILLAN: That is a pretty hard act to follow. I felt that the representative of Family First was inspired in representing the travails of life on the land when threatened by a government that wants to bully us into actions that we do not want to take. I listened rapt with attention. The only minor diversion is that I just have in hand the 2004 Roundup Ready Canola Crop Management Plan from Monsanto, so there is some pretty keen competition for what I was going to concentrate on. We are getting hit from both sides. As far as the leasehold goes, it is just about a done deal now. I spent some time feeling very angry at what was blatantly a bullying attempt, as I said, and I do not intend to go through that at any great length, because the real threat is

the administration charge of \$300, which was really a very thinly disguised abuse of the legal position.

The perpetual leases could not have an adjustment made to their rents, so this was a very devious way. It reflects no credit on the government for the way that it first sought to manoeuvre to a position of advantage. Secondly, it has been whipped into some subjugation by the fact that the assembly refused to grant it this whip of the \$300. There were people who no doubt were pushed into prematurely freeholding. In fact, some may have been pushed into it who otherwise would have still retained their perpetual lease. You, Mr Acting President, and other members will recall that I attempted to introduce legislation in this place to grapple with that, in capping the freehold fee and also in extenuating the period of time to which the commitment to freehold could be revisited.

Unfortunately, that was ruled out of order here because the President, as advised, ruled that it was a money bill. This is a point which is tangential to the bill before us but one which I urge members to take a further interest in, that is, the actual definition and the restraints that are placed on this chamber as to what matters we can properly handle.

At another time I referred to a paper which was prepared for me by Geoffrey Lindell, Adjunct Professor of Law, University of Adelaide and the Australian National University, and Professorial Fellow of Law, University of Melbourne, and which was completed on 13 October last year. He argued very cogently that the substance of the bill that I brought to this place was acceptable for the Legislative Council to debate. I think that issue is wider and more significant in the context of what is the proper role of this chamber than whether or not my bill, as it was then, got up. It is the principle more so than the actual matter of the bill that I introduced.

The other exciting event or detail which applies to this bill is the series of constructive amendments that will be moved by the Hon. Caroline Schaefer. Without being absolutely specifically committed to each one, I indicate to the chamber that the Democrats will view them essentially very sympathetically. I expect that we will be supporting the majority of the amendments, as foreshadowed by the Hon. Caroline Schaefer, which I think should bring home more firmly to a minister, who recklessly goes out and thinks he can carry the day, that in the real world and the real life with a dual chamber able to exercise its own muscle life was not meant to be easy—and that is just how he will find it.

The Hon. CARMEL ZOLLO secured the adjournment of the debate.

ADJOURNMENT

At 5.07 p.m. the council adjourned until Tuesday 17 February at 2.15 p.m.