LEGISLATIVE COUNCIL

Thursday 2 November 2006

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

TRAMLINE

A petition signed by 32 residents of South Australia, concerning the proposal to construct a tramline from Victoria Square to North Terrace and praying that the council will do its utmost to convince the state government not to proceed to construct such a tramline and remove trees, flag poles and median strip and create extreme congestion in Adelaide's major thoroughfare and also requesting the retention of existing free bus routes in that vicinity, was presented by the Hon. J.S.L. Dawkins.

Petition received.

QUESTION TIME

AUDITOR-GENERAL'S REPORT

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Leader of the Government, representing the Treasurer, a question about the Auditor-General's Report.

Leave granted.

The Hon. R.I. LUCAS: The Auditor-General in his report, Part B, Volume II, page 561, made reference to some concerns he has with delegations of authority in the Department of Health by the Minister for Health. I will not read the whole of the six paragraphs from the Auditor-General's Report but, suffice to say (if I can summarise it), the responsible minister, or ministers, did not sign the appropriate delegations of authority and, therefore, officers within the department did not have delegated authority to enter into agreements or contracts during all of 2005-06, and possibly earlier. In summary, the Auditor-General said:

> In the absence of a delegation from the minister, all expenditure, with the exception of employee benefits, reflected in the department's financial report for the year ending 30 June 2006 was not appropriately authorised in accordance with the Treasurer's instructions.

I remind the Leader of the Government that the Auditor-General, in evidence to the stashed cash inquiries, has referred to breaches of Treasurer's instructions, and this is a breach of Treasurer's instructions. The Auditor-General has described a breach of Treasurer's instructions in relation to the stashed cash inquiry as 'unlawful'. The Auditor-General has also indicated that it exposes offenders to criminal sanctions. He went on to say that failing to comply with Treasurer's instructions has a connotation of criminality being involved in relation to those issues.

Those views were supported by government ministers and members during the stashed cash inquiry, when action was being taken (and, I think, is still being taken) against senior public servants for breaches of Treasurer's instructions. This morning evidently the Minister for Health has given a number of media interviews in which he has described this breach of Treasurer's Instructions as just a 'technical error' and therefore not something for anyone to be unduly concerned about. My questions are:

1. Does the Treasurer and the government still support the Auditor-General's view that breaches of Treasurer's Instructions are unlawful and expose potential offenders to criminal sanctions?

2. Does the Treasurer agree with the Minister for Health (Hon. Mr Hill) when he describes breaches of Treasurer's Instructions just as 'technical errors' and (if I can paraphrase what the Minister for Health was saying) something not to be unduly concerned about?

3. What action will the Treasurer take against either the Minister for Health or senior officers in relation to breaches of Treasurer's Instructions, as identified by the Auditor-General in his report?

The Hon. P. HOLLOWAY (Minister for Police): I do have some information provided by the Minister for Health in relation to this article, and of course some reference was made to this issue in this morning's paper. The advice that I have from the Minister for Health is that page 561 of the Auditor-General's Report states that the last documented delegation of authority from the Minister fir Health to the Chief Executive of the Department of Health to incur expenditure was dated 31 July 2004. The situation was identified as part of routine audit reviews and was notified to the department by letter dated 8 September 2006. I am also advised that the version of Treasurer's Instruction 8, which was applicable in 2005-06, under clause 821 required a standing authority to incur expenditure to be granted annually by the responsible minister.

The department did not arrange such authority due to administrative oversight. The Auditor-General identified this weakness in controls. However, in his overall findings on page 554, the Auditor-General was of the opinion that the financial report 'presents fairly the results of its operations'. The Auditor-General also noted that the obligations of government to external parties acting in good faith—that is, parties with whom the department has contracted, etc.—will not be affected by this issue.

The Auditor-General in his advice to the department acknowledged that the department had established a series of sub-delegations based on an earlier ministerial delegation which was in operation in 2005-06 and which underpinned its operations. The Department of Health has acted to ensure that controls are in place so that there is no recurrence. That is the information from the Minister for Health. If the Treasurer feels that any further information is necessary to answer the honourable member's questions, I will refer that to the Treasurer.

The Hon. R.I. LUCAS: I have a supplementary question. Given the claim from the Minister for Health via the Leader of the Government that the first knowledge he had, as I understand it, was in September 2006, why is it that the government rushed through changes to Treasurer's Instruction 8, financial delegations, in June 2006 to remove the provisions of the previous Treasurer's Instructions which required annual delegations to be signed by ministers, and replaced it with non-specific requirements in relation to delegations to be signed by ministers?

The Hon. P. HOLLOWAY: I will refer that question to the Treasurer.

PORT STANVAC

The Hon. D.W. RIDGWAY: My question is to the Minister for Environment and Conservation. Was the EPA

consulted about the ongoing environmental risks at the Port Stanvac site before the Treasurer signed the deal with Mobil last year?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I do not have the details of that with me in the chamber. I will take that question on notice and bring back a response.

The Hon. D.W. RIDGWAY: As a supplementary question, does the deal—which has been signed by the government with Mobil—exempt Mobil from any future obligations under the proposed new contaminated land legislation, which we are yet to see?

The Hon. G.E. GAGO: I do not think that question is relevant at all; nevertheless, being the magnanimous person I am, I am happy to take that question on notice and bring back a response.

BUSHFIRE PREVENTION AND MITIGATION REVIEW

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the bushfire prevention and mitigation review.

Leave granted.

The Hon. CAROLINE SCHAEFER: Some two or three years ago the Premier convened a Bushfire Summit. A number of delegates with expertise on bushfires, as well as a number of members of the House of Assembly, were invited to that summit. That summit was held prior to the tragic fires on Eyre Peninsula. Last year the Phoenix report was commissioned and completed in May 2005, and the Smith report was commissioned and completed with recommendations in September last year. Why has it taken over 12 months for the government to react to the findings of the Phoenix and Smith reports, and why was no action taken subsequent to the Premier's original Bushfire Summit; and, if it had been, could the needless loss of life have been prevented?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for her important questions. Indeed, many actions have taken place since the Bushfire Summit, as well as the completion of both the Phoenix and Smith reports. What I announced yesterday, of course, was a legislative review, which was a specific recommendation of the independent review of Dr Bob Smith. I understand that some things have been put on a website as a result of the Bushfire Summit, including: a substantial commitment by this government to community education; increased media awareness (a good media campaign); development by the Department for Environment and Heritage of landscape plans for fuel reduction; standards for access to bushfire tracks; standards for fire prevention in plantations; the development of a new PAR which covers, in particular, bushfire-prone areas; and the establishment of a subcommittee of the Native Vegetation Council to oversee the fast-tracking of applications.

They are a few things that come to mind; but, as I said, they are on a web page. In relation to project Phoenix and Dr Smith's report, I tabled some of that yesterday. There is a list of things, including, of course: the additional provision of aerial firefighting support on Eyre Peninsula; the development and implementation of farm fire unit guidelines and fire awareness; CFS bushfire information and a bushfire warning system; the expansion of community education programs, which was mentioned in my ministerial statement yesterday; the establishment of level 3 incident management teams within the CFS; the installation of new safety features on appliances; the purchase of new personal protective clothing for our CFS; and the upgrade of the CFS State Coordination Centre, as well as the development of its Bushfire Intelligence Cell. There is a long list, and I think it would be entirely wrong for the honourable member to say that nothing has been done.

Dr Bob Smith also specifically recommended that we have a legislative review in relation to bushfire mitigation and prevention. We have been consulting with different stakeholders for the past few months. As I indicated yesterday, that is now in process, and those recommendations will be made to me as the minister. They will feed into and coincide with the review to which we are committed with the SAFECOM Act, and that will be in October 2007.

The Hon. CAROLINE SCHAEFER: I have a supplementary question. Why has it taken over 12 months to act on Dr Smith's recommendation for a legislative review?

The Hon. CARMEL ZOLLO: As I said, over the past few months we have been consulting with the various stakeholders as to the best way that this review could occur. We had the election in between, which held up things for probably two or three months. But it is now well in train, and that will happen as outlined yesterday in the ministerial statement. At the very latest, it will coincide with the opening up of the act to see that review, as was committed to when the legislation was passed last year.

CRIME STATISTICS

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Police a question about the latest crime figures from South Australia Police.

Leave granted.

The Hon. B.V. FINNIGAN: In recent months, crime rate figures from the Australian Bureau of Statistics and South Australia's Office of Crime Statistics have indicated downward trends in crime rates in South Australia. Will the minister explain whether the latest crime figures from South Australia Police also show a downward trend?

The Hon. P. HOLLOWAY (Minister for Police): I thank the honourable member for his question. I am happy to report that the new police figures for the 2005-06 financial year showed 10 000 fewer victim reported offences. The official South Australia Police crime statistics for the 2005-06 financial year show that crime rates against property fell by 6.7 per cent, while crimes against the person rose slightly by 1 per cent. Overall, crime rates in South Australia fell 5.8 per cent in 2005-06, following similar falls of 7.2 per cent in 2003-04, and 6.6 per cent in 2004-05. That represents more than 36 000 fewer offences in South Australia since 2002-03.

The data show that SAPOL has built on its solid achievements in previous years, and that means that South Australians can feel safer than they did four years ago, because the likelihood of them becoming a victim of crime has significantly decreased. Community safety is a top priority for this government, with funding for SAPOL reaching record levels—more than $545 million for the 2006-07 financial year, and that represents an increase of more than $42 million, or 8.4 per cent on last year's budget. It also means, of course, that there are more police on the beat in

South Australia than ever before. The government is committed to providing a further 400 additional police on top of the 240 provided in our first term.

These SAPOL 2005-06 crime rates data show that this investment in community safety is reaping dividends. Importantly, these figures follow ABS and Office of Crime Statistics data, which both show downward trends in crime in South Australia. According to the SAPOL statistics, the biggest falls for 2005-06 occurred in the areas of theft and illegal use of motor vehicles, down 20.9 per cent; serious criminal trespass (shop), down 18.8 per cent; rape and attempted rape, down 17.9 per cent; theft from motor vehicle, down 15.7 per cent; property damage from arson explosives, down 12 per cent; non-aggravated robbery, down 7.6 per cent; and property damage other than arson and explosives, down 6.8 per cent.

The increased number of police, together with SAPOL programs targeting offences, such as car theft and serious criminal trespass, are having a significant effect on crime. However, it is clear that more needs to be done to reduce crimes against the person. While the 1 per cent increase last financial year equates to just 211 extra offences, I am keen to see these crimes return to the downward trend recorded in previous financial years. The SAPOL data also show an increase in the detection of public order offences that do not involve specific victims. These offences generally reflect a proactive policing approach, with police generally aiming to maintain or increase detection of public order offences.

I believe that our police are doing a great job, and offences recorded as a result of proactive policing have shown significant increases in the detection of firearm or weapon offences, up 17.4 per cent; the detection of drug offences, up 17 per cent; and the detection of drink driving offences, up 10.9 per cent. This is the product of having more police on the beat in South Australia.

I think that it is also worth pointing out that our police in South Australia also continue to be rated highly with the public. A 2005-06 public survey, to be published in full in next year's report on government services, reflects a high level of public approval and satisfaction with SAPOL's services. The survey shows that 81.8 per cent of South Australians are satisfied with police service in their most recent contact; 81.1 per cent believe that the police perform their job professionally; 83.7 per cent have confidence in the police; and 78 per cent believe that the police are honest. There is no doubt that we are fortunate in South Australia to have a well-resourced, dedicated and professional police force that continues to build on its successes in reducing crime throughout our communities.

The Hon. R.D. LAWSON: I have a supplementary question. Will the minister confirm that the crime rates across the whole of Australia have been declining in recent years but that the rest of Australia has a declining rate faster than that of South Australia? What explanation can the minister give for the fact that South Australia has lagged behind the rest of the country in reducing crime rates?

The Hon. P. HOLLOWAY: That is an easy thing for the honourable member to allege. I have not seen the most recent statistics from other states, but I will see what information is available in relation to victim-reported crime in other states. However, nothing can deny the fact that, over the past three years, there have been substantial decreases in victim-reported crime within the state, and that coincides with the significant increase in police resources that have been provided by the Rann government.

The Hon. T.J. STEPHENS: As a supplementary question, is it true, minister, that murder is up by 10 per cent in this state over the past 12 months? How can you congratulate yourself on law and order when the most serious of crimes is rampantly out of control?

The Hon. P. HOLLOWAY: The fact is that the overall crime rate in this state has fallen substantially over the past few years.

Members interjecting:

The Hon. P. HOLLOWAY: Well, if one went back a few years to the time of the bodies in the barrel, the murder rate at that time would have nearly doubled because of the bodies discovered at that time.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: No, but the murders would not have been then, either. The murder statistics are not an accurate reflection of the general crime that affects the people in this state. The murder rate here is very low by world standards. It does fluctuate from year to year, but it is a very low figure, particularly compared with many parts of the world. I am very pleased that the overall crime rates in this state are down by nearly 6 per cent, following the trend in the previous two years.

I am sure that you could always find in statistics, and in that very significant reduction, where there will always be particular categories that fluctuate. What is important is the bottom-line figure, where there are something like 36 000 fewer offences affecting the public in this state compared with some years ago.

The Hon. NICK XENOPHON: I have a supplementary question. Will the minister provide details of trends as to clearance rates for crimes in terms of the number of apprehensions and convictions for those who have committed offences?

The Hon. P. HOLLOWAY: The conviction rate is really a matter for the Attorney-General, and I will see whether that information is available for the member.

An honourable member interjecting:

The Hon. P. HOLLOWAY: The clearance rates—I will take that question on notice and provide the honourable member with the information.

An honourable member interjecting:

The Hon. P. HOLLOWAY: I can understand—

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

The Hon. P. HOLLOWAY: Okay, the member is right. Let us go back to what happened under the Liberal government. It is about time she was reminded again. Okay, we know how smart they are. Let us all reflect back on what happened in 1997 because that is when the police force in this state dropped to 3 410 officers—the lowest level for many years. The lowest for many years. That is why, since the restoration of police numbers under this government, the crime rate has fallen dramatically. It has fallen dramatically because this government cares. It cares about the safety and security of people in South Australia and, because we have put in resources, the runs are on the board.

Members opposite might not like it but, if they remember what happened during their period in government, they should be hanging their heads in shame. I am sure if they search around they can find something in the statistics that might give them some little comfort but, how ever one looks

at the overwhelming trend in crime in this state, there has been a massive reduction. The resources that this government has provided to the police are unprecedented. Members opposite should be hanging their heads in shame, rather than making these petty comments.

The PRESIDENT: I must remind the minister that even friendly interjections are out of order.

The Hon. A.M. BRESSINGTON: I have a supplementary question. Will the police minister clarify whether the government or the police department have undertaken any kind of research to show a downward trend in the actual reporting of crime?

The Hon. P. HOLLOWAY: The reporting of crime is recorded through ABS statistics. The ABS, as well as the statistics it provides on victim reported crime, also conducts a survey (as I understand it) that goes directly to people and asks them about their interaction with crime. That gives a check, if you like, through the statistics on the reporting rate. It my understanding that those statistics also show that there is a decrease in crime which suggests that the reporting of crime is not a factor.

The Hon. D.G.E. HOOD: I have a supplementary question. In light of the minister's sharing the details of the decline in the crime rate in South Australia, and in light of the Rann government's tough stance on the fight against crime, will the minister confirm that a tough stance against crime, including drug-related crime, actually is a strong deterrent against using drugs and being involved in other crime?

The Hon. P. HOLLOWAY: The point the honourable member makes is important. I had the pleasure recently of visiting some police forces in New York and Los Angeles. The current police chief in Los Angeles, Bill Bratton, was the originator of the Zero Tolerance crime policy in New York. He is also the author of the Compustat system which utilises crime statistics and which has been applied for some years in the police force in this state. Under that system, police in all local service areas have to front up every month or so to their peers to explain the crime statistics. If there is a rise in any area, they have to justify or explain why that has happened and what action they are taking in a proactive way to reduce crime. I think that all derives from the Zero Tolerance policy that was adopted originally in New York and which has served to make that city one of the safest cities of its size in the world, compared to where it was many years ago. I have no doubt that tough action in relation to these issues is effective.

The Hon. J.S.L. DAWKINS: Will the minister bring back details of the manner in which transit police will combat the doubling of crime levels on the train system, particularly on the Adelaide to Gawler line?

The Hon. P. HOLLOWAY: The honourable member's question is a very good illustration of the sort of response I was just talking about with the Compustat system where, as has been reported in the paper this morning, there has been an increase in reported incidents in a particular section of our transit system, and because those statistics are readily available now and the police are responding to that, extra resources have been applied to addressing that particular problem. It is a classic example of how the police are proactive in dealing with areas of outbreak of crime. I am happy to get further details on that, if they are available, for the honourable member.

The Hon. R.D. LAWSON: Given the fact that the government has issued a press release based on information contained in the Police Commissioner's report, given the fact that there is an obligation on the police minister to table that report in parliament, and given the fact that the police report is presently on the web, will the minister indicate when he received the Police Commissioner's report and when it will be tabled in this place?

The Hon. P. HOLLOWAY: I have received the report of the Police Commissioner and it has been referred, as it normally is, through to the Premier's office for the arranging of tabling. I expect it is in the system somewhere and that it will be tabled on the next sitting day.

EATING DISORDERS ASSOCIATION OF SOUTH AUSTRALIA

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about the Eating Disorders Association of South Australia.

Leave granted.

The Hon. A.L. EVANS: In this state the Eating Disorders Association of South Australia provides information and support to people with eating disorders, their friends and families. It is a not-for-profit organisation, which receives private donations on top of funding via the state Mental Health Unit. EDAsa also plays an active role within schools, educating students, staff and families on body image and eating disorders through an initial presentation.

Statistics reveal an increase in the incidence of eating disorders in the state, and the problem is especially prevalent among our young females. The number of young people seeking help for eating disorders from EDAsa has risen by almost 30 per cent in a year. In some cases these clients require high levels of care and assistance on a round-the-clock basis. Given the recent large increase in demand, we are advised that EDAsa is struggling to cope on its current budget allocation. Further, it is now obliged to charge schools for its presentations, and some schools cannot afford its attendance. My questions are:

1. Does the minister recognise that eating disorders are an increasing concern, with more young people experiencing negative body image issues or developing conditions such as anorexia and bulimia?

2. Does the minister consider that current funding for the Eating Disorders Association of South Australia is adequate?

3. Has the minister had any discussions with the Minister for Education and Children's Services regarding the development of a school education program to focus on eating disorders, including childhood obesity and its links with self-esteem and body image issues?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for his important questions. The issues surrounding eating disorders are, indeed, very important as young people come under increasing pressure to take on adult concepts of beauty and such like, and this can lead to self-harm behaviour such as anorexia nervosa and bulimia. These are serious matters, not just for young girls but also for young boys. This is a policy area that cuts across a number of portfolio areas, including the Department of Health and the Department of Education and Children's Services.

I certainly acknowledge the pressures on young people around eating disorders. There is a range of pressures on our

funding programs; we are always weighing up priorities across a number of very important program areas, and this is one of those. To the best of my knowledge, the EDAsa has not raised these issues of concern with me. I do not know whether it has raised them with the departments of health and/or education; we would need to check with them. In relation to discussions with the education minister, to the best of my knowledge she has not raised these specific areas of concern with me; however, I would be pleased to follow them up.

The Hon. S.G. WADE: I have a supplementary question. When the minister follows up with the other ministers, will she also undertake to discuss with them the potential impact that health promotion programs which address obesity may have on eating disorders so that, as the attention of young women and men is drawn to the need to maintain a healthy body, they are also not being put in a situation where those susceptible to eating disorders become more at risk of that sort of behaviour?

The PRESIDENT: I remind honourable members that supplementary questions have to be directed as a question rather than an explanation. There was a question in there but there was a lot of explanation as well.

The Hon. G.E. GAGO: The healthy eating programs are, again, outside of my portfolio responsibilities; however, they are connected and overlap in some respects. Healthy eating programs are very positive programs that emphasise the importance of eating healthy, nutritional food and eating regularly. I fail to see how that could possibly lead to exacerbating anorexia. Nevertheless, these matters are connected and I am happy to take them up with the relevant ministers.

KANGAROO ISLAND

The Hon. I.K. HUNTER: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about wilderness protection.

Leave granted.

The Hon. I.K. HUNTER: Kangaroo Island is a unique environment and, because it is an island, its ecosystems are particularly fragile. From its rugged wave-battered cliffs to thick forests and windswept coastal habitats, the island is home to a diverse range of plant and animal life. Will the minister inform the chamber what the government is doing to better protect the fragile environments of Kangaroo Island?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his question and for his ongoing interest in these important matters. I am pleased to inform the chamber today that the Rann government has announced new measures to achieve that goal through the extension of wilderness protection areas on Kangaroo Island. South Australia's highest coastal cliffs and important breeding habitats for threatened bird species will be better protected by these measures. An extra 200 hectares has been added to the existing Cape Torrens and Western River wilderness protection areas on the island's north coast. This takes the total area of Cape Torrens and Western River under protection to 3 328 hectares.

The area is an important breeding habitat for the osprey and white-bellied sea eagle, and these additions will ensure the protection of outstanding wilderness values in the area. It is important that we recognise and conserve the diverse range of habitats that these wilderness areas offer, from coastal heath to riverine forest, as well as to conserve this example of rugged terrain of the western end of Kangaroo Island. Kangaroo Island is renowned throughout the world for the wilderness experience it offers visitors, and this proclamation further supports the valuable role of the island in the state's tourism economy. The Wilderness Protection Act 1992 provides for land of high wilderness quality to be proclaimed as wilderness protection areas and to be managed to protect those wilderness values. Cape Torrens and Western River were both upgraded from conservation park status to wilderness protection areas in 1993. Nine wilderness protection areas exist in South Australia, protecting 687 000 hectares. These additions to Kangaroo Island's protected areas are the result of extensive investigation and public consultation. I acknowledge the role of the Wilderness Advisory Committee in working with the state government to bring about these important additions.

The Hon. M. PARNELL: I have a supplementary question. Can the minister please advise what additional resources will now be allocated to these additional protected areas on Kangaroo Island?

The Hon. G.E. GAGO: It is always disappointing. This government works extremely hard to expand our conservation parks and wilderness areas. This government has added hundreds of hectares to our parks. It is always disappointing, when we raise these issues and announce these matters, that all we do is get whacked here and whacked there. It is really disappointing, because this government has done more for our natural parks and wilderness areas than most. These wilderness areas come under the management of our Department of Environment and Heritage. They will be managed in the same way as our other parks where problems are identified or priority areas need special management. They are put into that management program and addressed accordingly.

POLICE, TASER GUNS

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Police questions about police taser guns.

Leave granted.

The Hon. T.J. STEPHENS: The Police Association of South Australia has called on the police department to begin equipping each and every police officer with taser X26 stun guns for their personal safety. These taser guns are already in limited use, but there are only six of them and they can be used only by STAR Group officers. As members would know, these weapons stun offenders without causing long-term damage. The 50 000 volt blast causes a person's muscles to be disabled, resulting in the person collapsing, which allows threatening or violent offenders to be immediately apprehended. I recently raised in this council the disgraceful increase in assaults against police—some 38 per cent. In light of these facts, my questions are:

1. Why is it that only a handful of STAR Group officers have access to the taser X26 stun gun?

2. Has the minister directed the Police Commissioner to investigate the police association's proposal?

3. Will the minister investigate the costs involved in the implementation of what would be an effective weapon to assist our police in the fight against crime and for their own personal protection?

The Hon. P. HOLLOWAY (Minister for Police): Again, when I was in the United Kingdom, I had the oppor-

tunity not only to see how these taser guns were operated but also to operate one myself—not on a human being, I hasten to add. The fact is that taser guns, as the honourable member correctly said, are used by the STAR Group. The STAR Group also has other sophisticated weapons, simply because it is the unit within South Australia Police that is best equipped and best trained to deal with dangerous offenders. Of course, it is the practice of the police force that officers do have weapons for their protection. However, if there is a dangerous situation, where they are likely to encounter someone who, for whatever reason, is presenting a danger, the STAR Group is the appropriate section of the police force to deal with those dangerous situations.

Those are operational matters for the Police Commissioner, and I believe that his interpretation of that is entirely appropriate. Police officers are issued with weapons for their protection, and they also have capsicum sprays and other sprays for their protection against offenders who are out of control and presenting a danger. I believe the Police Commissioner is the appropriate person to determine what level of protection is best suited for police officers, and I am sure he has regular discussions with the Police Association. However, given the information with which I have been provided and having seen the research that is being undertaken in the United Kingdom in relation to these weapons, I have no doubt that the policy that is currently employed by the Police Commissioner is correct and in the best interests of the police force and the community.

The Hon. T.J. STEPHENS: I have a supplementary question arising from the answer. Does the minister think that six taser guns for the whole of South Australia is an acceptable level?

The Hon. P. HOLLOWAY: Perhaps the honourable member should listen. As I have said, I think the Police Commissioner is the best person to determine the appropriate equipment for the police force. I indicated that some research is being done; at least they are being improved. Apparently, there are some deficiencies with taser guns—they have a limited range—if they do not work effectively. It is important that any officers using those taser guns have plenty of training and practise in their use. If the Police Commissioner decides that it is better that that equipment be used by the STAR Group and that they be engaged in such situations, that is the policy I support.

PORT STANVAC

The Hon. G.E. GAGO (Minister for Environment and Conservation): I seek leave to make a ministerial statement about the Port Stanvac refinery.

Leave granted.

The Hon. G.E. GAGO: Earlier today, I was asked by the Hon. Mr Ridgway two unrelated questions regarding the Port Stanvac refinery. After consultation with responsible officers, I am advised of the following. The EPA was consulted and involved before the mothballing of Port Stanvac was extended earlier this year. As part of the extension, Exxon Mobil has agreed to undertake remediation work on the site. Under the new agreement, Mobil will also provide a progress report every six months on all research and remediation activities to an independent site environmental auditor and also to the EPA. There is nothing in the agreement between the state government and Mobil that would exempt the company or Port Stanvac from the proposed site contamination legislation.

LAURA STATE EMERGENCY SERVICE

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the Laura State Emergency Service road crash rescue team.

Leave granted.

The Hon. R.P. WORTLEY: Will the minister please provide information on the team's performance at the World Road Crash Rescue Challenge, which was held recently in South Africa?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his most important question. As many of you would be aware, the Laura SES road crash rescue team is a particularly skilled group. We are lucky to have its expertise to respond to crashes on our roads in the Mid North. On 29 November last year, I advised members of the team's success at the Australasian Road Crash Rescue Challenge in New Zealand. As a result of that success, the Laura SES team, as the top SES team in Australasia, won the right to participate in the World Road Crash Rescue Challenge, which was held in Cape Town from 9 to 13 October.

The Laura unit was the first South Australian unit to receive a nomination for the World Challenge. Members would be aware that the team achieved an outstanding result at the World Challenge, with an 11th overall placing. In the Rapid Extrication class the team blitzed the field with a first. This result is extraordinary. This was the only volunteer team competing in a field of 26 from around the world, and the result shows that the team has proved itself on the world stage. My congratulations to team members Edward Davenport, Robbie Klemm (team captain and unit manager), Geoffrey Klemm, Michael Victory, Scott Watson and Peter Zwar. This team continues to go from strength to strength.

They were state champions in 2003 and 2004 and went on to their New Zealand success last year. I congratulate them and wish them well in their future endeavours. Words of appreciation also go to the other members of the Laura SES unit who provided a great deal of support to team members. I am certain that their families and workplaces all provided support in the lead up to and in preparation for the challenge.

PACIFIC GULL

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Environment and Conservation a question about the Pacific gull.

Leave granted.

The Hon. SANDRA KANCK: I was rather shocked to read, in the latest issue of the Nature Foundation's newsletter *Nature Matters*, about the status of the Pacific gull. The article states:

> There is evidence that its population size is falling, its range contracting, and that it could become extinct.

According to this article, worldwide there is a population of only 8 900 of these birds, yet no conservation status has been assigned to the species. Here in South Australia we have only 142 breeding pairs, found on 33 islands. I saw them in April when I made a trip to the west coast but had no idea that they were so endangered. My questions to the minister are:

1. Why does the Pacific gull not have any conservation status in South Australia, given that there are only 142 breeding pairs in this state?

2. What action does the minister propose to take to place this species on an endangered list?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I am not aware of the status of the breeding stock of this bird. I am happy to have that matter looked into and an assessment made as to whether there is a risk of endangerment to this particular species. After that, I will be happy to bring back a response.

COURT PROCESS TASK FORCE

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Leader of the Government, representing the Attorney-General, a question.

Leave granted.

The Hon. R.D. LAWSON: In today's *The Advertiser*, on page 8 there appears an article under the headline 'Task force to speed up court processes.' The report states:

> A government task force to address unacceptable delays in the criminal justice system will be announced today.

I remind the Council that, on 8 June 2004, the same newspaper reported, in an article by Sean Fewster:

> A panel of judges, prosecutors and a prominent criminal lawyer will tackle the slipping standards in the criminal justice system.

That sounds very much like the committee which is to be established by the government today which, according to the article in *The Advertiser*, will comprise 10 high profile members of the legal community, chaired by the Solicitor-General, Chris Kourakis QC, and comprising other persons. Judge Paul Rice will liaise with the group, which will have its first meeting this month.

Following the announcement in June 2004 that there would be a high level committee to examine the unacceptable delays in the state's criminal jurisdiction, it was announced that yet another review was undertaken, the first having been undertaken by a group including the DPP and chaired by Justice Duggan. That one comprised former chief executive officers of the Department of Justice, namely, Mr Kym Kelly and Mr Bill Cossey, and, according to the Attorney-General in estimates last year, he was pursuing the recommendations being made by those persons, and it was once again mentioned that Judge Paul Rice would be liaising. My questions to the Attorney are:

1. Is this announcement today an admission that earlier attempts by the government made two years ago to speed up the processes of the criminal court have either not been implemented or not been successful?

2. Will timelines be put on this particular committee to report so that measures can be implemented to reduce the unacceptable delays in our criminal justice system?

The Hon. P. HOLLOWAY (Minister for Police): I will refer that question to the Attorney and bring back a reply.

GAMBLING OFFENCES

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Police questions about gambling offences.

Leave granted.

The Hon. NICK XENOPHON: I refer to the SAPOL statistical review, summary of offences reported or becoming known to police, which indicates that, under the category of 'Other betting and gaming offences', there were 21 such offences in the 2003-04 year, it jumped to 307 in the 2004-05 year and dropped to 113 in the 2005-06 year, and I am grateful to the minister for providing me with the 2005-06 financial year details. My questions are:

1. Can the minister explain the large fluctuations in the number of offences in the 'Other betting and gaming offences' category referred to for the three financial years?

2. What specific offences do these statistics refer to; and can the minister provide details of those, including the location at which the offences were committed and the type of venues where they were committed?

3. Can the minister provide details of which offences were prosecuted and the outcome of such prosecutions for the three financial years referred to?

4. What involvement, if any, did the office of the Liquor and Gambling Commissioner have in the investigation and reporting of offences referred to; and what is the relationship between the SA Police and the Commissioner's office in terms of the enforcement of gambling and liquor licensing legislation?

The Hon. P. HOLLOWAY (Minister for Police): I think it is probably best that I take that question on notice and get a detailed report from the police in relation to as wide a range of offences as possible. Clearly, there are other betting and gaming offences, which excludes offences against the lotteries act and in relation to the TAB and bookmaking, of which there were none in either 2004-05 or 2005-06. There were no offences in the lottery area in 2004-05 and two in 2005-06. Under 'other betting and gaming' there is obviously a wide range of offences from gambling on poker to cock-fighting, and all sorts of things might come under that. It is probably best that I get a report from the police to provide some details.

In relation to the clearance rate of the offences, the statistics for the 2005-06 year show that there were 17 arrests, 91 reports, and two are listed as offences cleared otherwise, for a total of 110. I will get the rest of the information that is available from the police in relation to the details of that particular category.

POLICE, OPERATION ALCHEMY

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Police a question about SAPOL's Operation Alchemy.

Leave granted.

The Hon. J. GAZZOLA: Media reports suggest that in recent months there has been an increase in the theft of metals, such as copper, from locations including building sites and houses under renovation. Will the minister explain how SAPOL is responding to this increasing crime?

The Hon. P. HOLLOWAY (Minister for Police): While the strong rise in commodity prices on international markets is obviously good news for our mining companies—and as the Minister for Mineral Resources Development I am certainly pleased that commodity prices are assisting in increasing exploration and interest within our state in relation to mining development—like all news there is always another side to it. It appears that those high commodity prices do have a downside. Recyclable metals, such as copper, aluminium and brass, appear to have become an ideal target for thieves, especially from building sites and homes that might be undergoing renovation. I am also aware of a report of some copper piping being stolen from a church. It was reported

only when people noticed water coming out of the ground because they had taken the pipe without even bothering to turn off the water—but that is another story.

I understand from media reports that since April SAPOL has received more than 1 100 reports of such thefts. The rise of this crime is affecting home owners, the housing industry, scrap metal dealers and even electricity and water suppliers. I note that this morning ETSA issued a warning about the dangers of people attempting to steal electricity wires. In response, SAPOL has launched Operation Alchemy, which aims to reduce the theft of semi-precious metals across the state.

The Hon. B.V. Finnigan interjecting:

The Hon. P. HOLLOWAY: Except that his was unsuccessful. He might have tried to turn the base metal into gold, but he was not successful. The key to Operation Alchemy will be close cooperation between police, the building industry and the community. People are encouraged to report to police any unusual activity on or near building sites, homes that are being renovated, or existing homes, especially if it appears metal building materials are being removed. For instance, if someone is removing copper piping from a building and looks suspicious, I ask people to call the police or Bank SA Crime Stoppers on 1800 333 000.

SAPOL also intends working with scrap metal dealers and associated businesses to try to make it more difficult for stolen metals to be disposed of by offenders. In this regard the state government is also considering whether the relevant legislation—the Secondhand Dealers and Pawnbrokers Act—needs tightening. Scrap metal dealers in South Australia are covered by this act. One of the options that could be considered is a Canadian computer model which links all such businesses and records all transactions, allowing police to quickly monitor activity.

Under this system police can quickly spot registration numbers or other identifying marks on stolen material. Under Operation Alchemy, police in local service areas will work with local communities and other government agencies to develop and implement strategies to reduce the theft of semi-precious metals. Again, if anyone believes they have information about suspicious activities on or near building sites, especially if that information relates to the theft of metal materials, they should contact the police or Bank SA Crime Stoppers.

REPLIES TO QUESTIONS

ROAD SAFETY

In reply to **Hon. J.S.L. DAWKINS** (6 June 2006).

The Hon. CARMEL ZOLLO: I advise that as with all road safety advertising campaigns, the government's inattention campaign for 2005-06 has been delivered to both metropolitan and regional audiences. Television and radio advertising as well as advertising on petrol bowser pumps were the primary communication tools used.

The *Good Drivers Just Drive* television commercial, which is on air this month and was introduced in February this year, is being aired on stations including:

- GTS/BKN which has the potential to reach 98 200 people aged 18 and over (data for people 16 and over is not available) in Coffin Bay and Port Lincoln, the Eyre Peninsula, the northern part of the Yorke Peninsula, Port Augusta and around Peterborough and Burra.
- WIN TV in the Riverland which has the potential to reach 28 600 people aged 18 and over in the Riverland and surrounding area.
- WIN TV in Mount Gambier which has the potential to reach 62 800 people aged 18 and over living in the South East

The inattention campaign 2005-06 commenced in August 2005 with radio commercials targeting hand held mobile phone use while driving. The current television commercial, launched in February this year, was this month supplemented with new radio commercials focusing on various inattentive behaviours depicted in the television commercial.

Regional residents may have heard advertising on:

- 5AU AM which broadcasts to the northern part of the Spencer Gulf, covering Port Pirie, Whyalla and Port Augusta.
- 5CS AM and Magic 105.9 FM which broadcasts to Whyalla and Port Pirie and across to Jamestown in the west.
- 5CC AM and Magic FM (5CC FM) which broadcasts to Port Lincoln and as far north as Kimba and Elliston.
- 5MU AM and Power FM (5MU FM) which broadcasts as far north as Swan Reach and as far south as Victor Harbor and Meningie.
- 5RM AM and Magic FM (5RM FM) which broadcasts to the Riverland.
- 5SE AM and Star FM (5SE FM) which broadcasts to the south east, covering Mount Gambier, Millicent, Naracoorte and surrounding areas.

Advertising on petrol bowser pumps could be seen at 75 petrol stations, state-wide from 12 February to 10 April and 1 to 30 June 2006. About 40 per cent of these petrol stations are located in regional areas including Lower Light, Hahndorf, Angaston, Birdwood, Clare, Mannum, Loxton, Murray Bridge, Tailem Bend, Two Wells and Victor Harbor.

CASINO

In reply to **Hon. D.G.E. HOOD** (8 May 2006).

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

1. An offence does not occur (either on the part of the minor or the casino) unless an under-age person actually gains entry into the casino.

In the past 12 months, there have been no incidents of minors gaining access to the Casino, which have been prosecuted, and no fines have been imposed.

2. The maximum fine of $10 000 has not been imposed to date.

3. Security staff at the casino have successfully identified and prevented the entry of approximately 1800 under-age or suspected under-age people per month, indicating the approved procedures and policies are being followed.

RAPID BAY JETTY

In reply to **Hon. D.G.E. HOOD** (9 May 2006).

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

1. The government has responded to the petition from Friends of Rapid Bay Jetty by holding talks with the group as well as other interested parties in the region including the Yankalilla District Council.

These meetings have been used to redefine the options for the area to meet the community needs of access to the deep water environment around the "T" section of the jetty. These negotiations are continuing.

2. The Leafy Seadragon (*Phycodurus eques*) is South Australia's marine emblem. Leafy Seadragons are only found in Southern Australian waters. The South Australian Dragon Search Project has recordings of Leafy Seadragons from Ceduna to Kangaroo Island and the South East of the State. The majority of South Australian sightings have been in Gulf St Vincent, including Rapid Bay.

The *Syngnathidae* family, which includes the Leafy Seadragon, was given full protection under the *Fisheries Act 1982* as per Gazette of 25 January 2006. Therefore any species that belongs to that family is a legally protected species. Taking of any individual from South Australian waters requires a permit.

The Coast Protection Board and the Department for Environment and Heritage has been working proactively in partnership with the Department of Primary Industries and Resources and other organisations, such as the South Australian Tourism Commission, the Marine Discover Centre, Marine Life Society of South Australia, WWF, Threatened Species Network and The Marine and Coastal Community Network, to produce educational material to make South Australians and tourists aware of the existence of the Leafy Seadragon and the need for its protection. Examples of this work include a Code of Conduct with guidelines for divers to reduce their

impact on Seadragons, a brochure on South Australia's Dive Secrets that includes information on Environmental Awareness and Marine Protection, and a Leafy Seadragon Education Kit for Primary Schools.

3. In close consultation with the community, the government has developed a range of options to provide access to the diving and fishing sites at Rapid Bay. The options are being further developed and costed and will be discussed with the interest groups, including the Friends of Rapid Bay Jetty, before making a final recommendation on how best to provide access to the site.

DNA TESTING

In reply to **Hon. R.D. LAWSON** (8 June 2006).

The Hon. P. HOLLOWAY: The destruction provisions of the *Criminal Law (Forensic Procedures) Act 1998* (CLFPA) for suspects are found in section 44C. Destruction is not required if a person becomes a person to whom Part 3A of the Act applies.

A person is a person to whom Part 3A applies if, according to section 30 (3), the person—

(a) is serving a term of imprisonment, detention or home detention in relation to an offence; or

(b) is being detained as a result of being declared liable to supervision by a court dealing with a charge of an offence; or

(c) is convicted of a serious offence by a court; or

(d) is declared liable to supervision by a court dealing with a charge of a serious offence.

Part 8A of the *Criminal Law Consolidation Act 1939* (CLCA) sets out the mental impairment provisions, specifically in section 269N B(3) which provides that if a court is satisfied on the balance of probabilities that the defendant is mentally unfit to stand trial, the court must record a finding to that effect and declare the defendant to be liable to supervision under this Part. The provision for the making of supervision orders is subsequently allowed for in section 269O of the CLCA.

The legislation provides, where persons have been charged with a serious offence, and are declared liable to supervision, for their DNA profiles to be dealt with under section 30(3) of the CLFPA and therefore placed onto the offenders index of the DNA database without the need for destruction under section 44C.

CHILD SEX OFFENDERS REGISTRATION BILL

In committee.

(Continued from 28 September. Page 798.)

Schedules 1 to 3 and title passed.

Bill reported with amendments; committee's report adopted.

Bill recommitted.

Clause 3.

The Hon. P. HOLLOWAY: I move:

Page 5, after line 9—

Delete paragraph (c) inserted by amendment No. 1 of the Hon. Mr Xenophon.

This amendment is the same as the amendment in the name of the Hon. Nick Xenophon. Members will recall that, last time we debated this bill, the Hon. Nick Xenophon moved an amendment that, it was generally agreed, would be the subject of further consideration by members during the break. That has now occurred. The Hon. Nick Xenophon has come back with a modified amendment. The government will still oppose that amendment. However, given that his amendment has changed, we will support the first three amendments, and then the real debate will come with respect to a later amendment.

The Hon. NICK XENOPHON: What the minister has said sums it up fairly well. I note that the opposition and, indeed, some of my crossbench colleagues who supported me in relation to my initial amendment about electronic tracking did so on a conditional basis subject to some further research being obtained, which I provided to members earlier this week. I did not have the research with me at the time that I moved the amendment, but it indicates that there have been more difficulties than I thought in respect of the GPS tracking devices and, in particular, the Minister for Corrective Services in Western Australia (Hon. Margaret Quirk) in a media release in July this year said that devices that were supposed to track offenders in real time had been unable to do so in trials.

It seems that the technology is there, but not quite there in terms of being as effective as it ought to be, and so, for that reason, I will be seeking an alternative amendment to which I will speak in due course. Unfortunately, more needs to be done in respect of the technology. I am grateful to my colleagues who supported my amendment, but I understand fully that that amendment was supported on a conditional basis subject to further research being undertaken.

The Hon. P. HOLLOWAY: It was probably remiss of me in those initial remarks not to put some further information on the record in relation to the original proposal of the Hon. Nick Xenophon and also to answer some questions that were asked, so perhaps I will do that now. First, I remind members that the government opposed the Hon. Nick Xenophon's amendment on two main grounds: first, the sheer cost of conducting the monitoring; and, secondly, that the technology is unproved. As to cost, we have discussed informally the cost of acquiring and operating the necessary equipment with experts in the field. They want to remain off the record, but their advice is that the devices that have been trialled cost about $5 000 each, plus about $3 per day to link into the GPS system. The necessary supporting technology costs about $30 000 and must be regularly upgraded at about $6 000 to $7 000 per year.

We have obtained figures from the Office of Crime Statistics and Research about the number of registrable offenders who would likely be subject to monitoring under the Xenophon amendments. They are: those sentenced for class 1 offences only, 661; those sentenced for both class 1 and class 2 offences, 139; and those sentenced for class 2 offences only, 225. That is a total of 1 025 offences. These figures indicate that there are at least 661—and potentially 1 025—offenders who would be subject to these orders just to begin with, let alone later additions. Further, the Office of Crime Statistics and Research has advised that it has probably underestimated the number by 5 to 10 per cent. I am advised that this figure does not include juvenile offenders. This means that, if we just take the estimate of $5 000 per device and the associated cost, the set-up cost could well exceed $5 million for adult offenders alone at the start of the system.

Added to this must be the cost of monitoring; that is, employing police officers to monitor and analyse the information supplied by the devices. Even if only three or four officers were engaged on this task, the cost would be around $150 000 to $200 000 per year. SAPOL has advised that, at this stage, it does not have the technology or the resources to do it. There are three other matters to report to the council since the debate. First, the Western Australian government has conducted a review of the technology for GPS monitoring of offenders. The results were less than satisfactory, so much so that Western Australia has aban-

doned its immediate plans to implement GPS tracking. Secondly, the government argued that tagging sex offenders does not have the crime prevention effect that its proponents think. On 12 October 2006 that was confirmed when it was reported in the United Kingdom that offenders wearing electronic tags and being monitored by private companies had committed more than 1 000 serious crimes.

Thirdly, we have tracked down the Florida legislation relied upon by the Hon. Mr Xenophon (Senate Bill sb2278c1). Most of the act is what is referred to as 'an offence severity ranking chart' of offences relating to the failure by a sexual predator or sexual offender to comply with certain reporting requirements. At the end, though, the act provides at section 948.30 that for a 'probationer' or 'community controllee' whose crime was committed on or after 1 September 2005 and who was tried as an adult:

> (a) is placed on probation or community control for a violation of specified chapters of the act where the victim was 15 years of age or younger; or
> (b) is designated a sexual predator pursuant to section 775.21 of the act; or
> (c) has previously been convicted of an offence under specified chapters of the act involving unlawful sexual activity where the victim was 15 years of age or younger, the court must order mandatory electronic monitoring as a condition of the probation or community control supervision.

Plainly, this is less than the Hon. Mr Xenophon was intending. First, it is not a condition of registration—it is a condition of probation, not parole or an equivalent order. Arguably, it is a soft option; that is, it is an incentive not to send the offender to prison but, rather, put him on strictly supervised probation. Secondly, it applies in limited circumstances: it is not retrospective; it does not apply to juveniles; and it applies only where there is a certain kind of sexual offence against a child under 15, or the offender being released is designated a sexual predator, which looks like an habitual sexual offender category. So it applies only to major sex criminals who get a non-custodial sentence. We do not know how many of those there are, but it would be very few, I would suggest. Therefore, even if we had the money and the technology and even if it all worked, the precedent, I would argue, is very limited in its application.

The Hon. NICK XENOPHON: The UK statistics to which the minister referred in terms of the 1 000, or so, offences that were committed while these people wore electronics tags begs the question: how many more offences would have been committed if they had not been tagged? Presumably, because they were tagged, the act of tagging may have made a difference in terms of them being apprehended in the first place. I still believe that the day will come for this technology and that it will be a very useful tool to monitor these repeat offenders to ensure that they do not offend and, if they do, that they will be brought swiftly before the courts and given appropriate punishment. That is the intention. I know the minister has said that it is a very limited precedent that will be set here, but the idea is that this is technology that is potentially very useful. However, I acknowledge, given the Western Australian trials, that we are not quite there yet.

The Hon. R.D. LAWSON: The response of the government is regrettable. It is true that the Hon. Nick Xenophon, in moving this amendment to give the court power to impose as part of an order a requirement for electronic monitoring, used the Florida example where there is a GPS system. However, the honourable member's amendment was not limited to GPS systems at all: it was simply related to the capacity of the court—in a case where it considered a person posed a serious risk to the sexual safety of a child or children—to impose a requirement for electronic monitoring. The minister's response to this is that this will be vastly too expensive, because we will have 600 offenders, hundreds of others, juveniles and all the rest of it. It was never envisaged in this amendment or by the honourable member that every sex offender would be required to submit to electronic monitoring. This provision barely gave the court the power, in an appropriate case, to direct electronic monitoring.

It is true that the GPS system of monitoring trialled in Western Australia has not worked. Apparently, according to the minister, they are not proceeding with that particular trial. I remind the committee that a vast array of electronic monitoring devices are available and are being used in correctional systems across the world; GPS is but one of them. It is obviously the most sophisticated and the most expensive, but there are other electronic monitoring systems which are referred to in the literature and, in particular, in a paper by the Australian Institute of Criminology entitled 'Electronic monitoring in the criminal justice system', which was issued in May 2003.

Even since that time, there have been great advances. That paper helpfully describes the sort of systems that are available. For example, passive systems are used where the wearer of a device is periodically contacted by telephone to ensure that they are where they are supposed to be. The individual's identity may be verified by such means as a password, a device that the subject wears or a biometric, such as a fingerprint or retinal scan. We can actually make sure that people are in the place where they are supposed to be.

There are other active systems not involving GPS, which utilise a device worn by the individual that continuously emits a signal to a corresponding device in the person's home, and relays the signal to a monitoring station. If the wearer strays away from home or breaks the device, the authorities are alerted. A variation of this system utilises mobile equipment that detects the presence of an individual's device. An officer can drive past the designated place to ensure that the wearer is there. Active systems primarily seek to enforce detention, although they may be extended to achieve restrictions and surveillance, as well. Of course, there are also the global positioning systems that apply in some American states.

According to the minister's response, the government is also concerned about the cost. It is interesting to note that in Georgia, for example, the laws require that a GPS monitoring system be funded by the offender. There is a cost, and they use this philosophy: 'There is a cost associated with your criminal activity. If you want to remain in this state after you serve your time in prison, then you're going to have to wear and pay for one of these tracking devices.' Florida, Georgia, Oklahoma and Ohio also require offenders to pay for their own GPS monitoring. There are solutions other than the rather dog in the manger approach of the government.

Whilst we on this side are not convinced that these systems can be readily implemented in South Australia, we do believe that there is sufficient evidence that they work and can be adapted to work in other places, and we believe that the amendment originally proposed by the honourable member was reasonable, because, as I say, it did not impose an obligation in every case for some monitoring device to be used; it only gave the court power to order it in limited circumstances.

I have a question for the minister before I indicate a response to the amendment now proposed by the Hon. Nick Xenophon. I understood from the earlier committee debate that the government's response was, 'We are already looking at these things, we're already trialling them, we are already devising them, examining them.' However, if one listened to the minister's answer a moment ago, he was clearly ruling them out—they are too costly, they do not work, everybody has tried them, what is the point of them, we have too many offenders, etc. If that is the attitude of the government, it will not even trial these things. I ask the minister: is it true that the government will not be trialling electronic surveillance devices of any kind in the near future, that it will not even examine them, that it has ruled them out?

The Hon. P. HOLLOWAY: I am sorry that the honourable member talks about a dog in the manger attitude. We are not saying that this technology does not have promise. I do not think that anyone would say that. Again, I refer to the recent trip I had in the UK, where I saw how some positioning devices attached to cars, combined with the automatic numberplate recognition in use in the United Kingdom, really provide some great breakthroughs in crime solving in that jurisdiction.

In the case of parolees or people whom the government believes need to be monitored, it certainly does have potential. In fact, we so agree that it has potential that, at the last election, in our election policy we promised to commit $200 000 towards it. I am advised that that money has been allocated for the Department for Correctional Services to undertake an investigation of the potential of this technology in 2007-08. The department advises that the groundwork for this feasibility study is already underway. The department has consulted industry about adapting existing technology for use in the monitoring of offenders. South Australia is also cooperating at a national level.

The department has representatives on the National Correctional Services Emerging Technologies Working Group, which comprises representatives from all states and territories and New Zealand. This working group is also examining satellite tracking technology, along with other emerging technologies in the correctional services area. I will defer any further discussion until we reach that amendment.

Amendment carried; clause as further amended passed.

Clauses 4 to 59 passed.

Clause 60.

The Hon. P. HOLLOWAY: I move:

Page 31, after line 32—Delete paragraph (ga) inserted by amendment No. 2 of the Hon. Mr Xenophon.

The same comments apply to this amendment as applied to the first amendment.

Amendment carried; clause as further amended passed.

Clauses 61 to 66 passed.

New part 5A.

The Hon. P. HOLLOWAY: I move:

Page 35, after line 25—Delete new part 5A inserted by amendment No. 3 of the Hon. Mr Xenophon.

Again, the comments I made in relation to the previous two amendments apply. This is similar to the amendment moved by the Hon. Nick Xenophon. Essentially, this removes the new part that was the original amendment moved by the Hon. Nick Xenophon to insert the provisions relating to electronic detection. The Hon. Nick Xenophon seeks to replace this with another clause, but I think we both agree that the existing one needs to be removed.

The Hon. R.D. LAWSON: Mr Chairman, could you tell me how this is to be put procedurally?

The CHAIRMAN: I will put it that new clauses 66A to 66H stand as printed. If you do not want that, you would vote no; if you do, you would vote yes. A no vote will take them out.

The Hon. R.D. LAWSON: If that is carried, the Hon. Nick Xenophon's amendment will not be put at all.

The CHAIRMAN: No; his is the same. The Hon. Mr Xenophon has the new clause 72A and that will be put; that is separate.

New clauses 66A to 66H negatived.

Clause 67.

The Hon. P. HOLLOWAY: I move:

Page 35, lines 29 and 30—Delete 'unless the disclosure is made in accordance with the information disclosure principles set out in schedule 2' and substitute:

unless—

(a) the disclosure is only of information of a prescribed kind and is made to a police officer for law enforcement purposes; or

(b) the disclosure is made in accordance with the information disclosure principles set out in schedule 2.

In the course of ongoing consultation with SAPOL about its requirements for monitoring compliance with the Child Sex Offenders Registration legislation the government has determined that a further amendment to the bill is necessary. Originally, the government intended that operational police would gain access to the information necessary to monitor compliance by accessing the register. As such, clause 61 of the bill confers on the Commissioner the power to issue guidelines about access to the register or part of the register. Disclosure of information from the register was intended for purposes other than monitoring compliance. Hence, the information disclosure principle in schedule 2 of the bill that governed disclosure of information from the register does not make allowance for disclosure to police officers for the purpose of monitoring compliance with the act.

SAPOL has advised the government that it no longer intends granting officers other than members of the Sex Crimes Investigation Branch access to the register. Rather, in order to monitor compliance by registrable offenders, SAPOL intends notifying operational police about registrable offenders through the police PIMS system. The PIMS system is effectively a secure intranet that is used by operational police officers to conduct checks on persons in the course of their duties. It includes details such as a person's status as a witness, victim or offender; whether they are subject to a restraining order; whether there are any outstanding warrants relating to them; or whether they are a person of interest in the investigation of an offence. Honourable members may have seen the PIMS screens attached to the dashboards of police cars.

In terms of maintaining the confidentiality of the information contained on the register, the government believes this is preferable to granting operational officers access to the register. It is also, according to SAPOL, a lot easier from a technical point of view. It will, however, require an amendment to clause 67 of the bill to ensure that the information disclosure principles in schedule 2 of the bill do not apply to disclosure to police officers. To ensure the type of information that may be disclosed to operational police is appropriately limited, clause 67 as amended will disapply the information disclosure principles only for information disclosed to police for law enforcement purposes and, importantly, only for prescribed details.

The Hon. R.D. LAWSON: Will the minister indicate what is envisaged will be covered by the expression 'prescribed details'?

The Hon. P. HOLLOWAY: My advice is that that is still being negotiated with SAPOL, but it would obviously be more limited than the information that is available on the register itself.

The Hon. R.D. LAWSON: Will the minister indicate how these details will be prescribed, and will the prescription be a public document?

The Hon. P. HOLLOWAY: They will be prescribed by regulation, which I think answers the next question.

Amendment carried; clause as amended passed.

Clauses 68 to 72 passed.

New clause 72A.

The Hon. NICK XENOPHON: I move:

New clause, after clause 72—Insert:

72A—Investigation and report on electronic monitoring

(1) The Minister must, not more than 1 year after the commencement of this section, appoint an independent person to carry out an investigation and review concerning—

(a) systems available for electronic monitoring of persons; and

(b) whether the use of any such systems in this State would be of benefit for the purpose of monitoring the movements of registrable offenders or any particular classes of registrable offenders; and

(c) the feasibility of introducing requirements for the use of such systems in this State and the costs likely to be involved in the use of such systems.

(2) If the person appointed under subsection (1) is of the opinion that a trial of any systems available for electronic monitoring of persons is necessary or desirable for the purposes of the investigation and review, and advises the Minister of that opinion, the Minister must provide any assistance reasonably required for the conduct of such a trial.

(3) The person appointed under subsection (1) must present to the Minister a report on the outcome of the investigation and review not more than 2 years after the commencement of this section.

(4) The Minister must, within 12 sitting days after receipt of a report under this section, cause a copy of the report to be laid before both Houses of Parliament.

I have already indicated that I was prepared to withdraw my previous amendments, given the research that was undertaken and the matters that the minister raised, to an extent, about the current technology that exists. As the Hon. Robert Lawson has pointed out, it is not just GPS tracking; there are other methods of electronic monitoring that may be useful in dealing with these sorts of offenders.

That is why I have moved this amendment that would require that the minister, not more than one year after the commencement of this section, appoint an independent person to carry out an investigation and review in relation to: the electronic monitoring of persons; whether the use of any such systems in this state would be of benefit for the purpose of monitoring the movements of registrable offenders or any particular class of registrable offenders; and also the feasibility of introducing a requirement for the use of such systems in this state and the cost likely to be involved in the use of such systems. Further, if the independent person appointed believes that a trial would be necessary or desirable with respect to electronic monitoring, the minister should provide any assistance reasonably required for the conduct of such a trial, and that there be a report on the outcome of the investigation not more than 2 years after the commencement of this section, and that it be tabled in parliament.

It is quite prescriptive and I know that governments generally do not like this degree of prescription in legislation, but I think that parliament does have a role to play here. I think it is an important enough issue to be elevated to the extent that there be an independent report, and that there be a report to parliament. Such a report will not be useful just in relation to these sorts of offences, because I believe that there will be great benefit in having an independent report on this issue in relation to a whole range of other offences. So this is, in a sense, a fallback position, given the amendment that I withdrew previously. I believe that a lot of use and a lot of good can come out of having this process as envisaged in the amendment before the committee.

The Hon. P. HOLLOWAY: As I indicated earlier, the government opposes the amendment. Proposed new section 72A would require the minister, not more than one year after commencement of the provision, to appoint an independent person to carry out an investigation and review of electronic monitoring. This independent review is to be required to examine the systems available for electronic monitoring, whether any of the available systems would be of benefit to the monitoring of registrable offenders or any particular class of registrable offender, and the feasibility and cost of introducing such a system. The minister must provide assistance to the independent person to allow for a trial of any available system if the person considers a trial to be necessary or desirable. The independent person must report within two years and the minister must table the report in both houses within 12 sitting days of the report.

As already indicated, the government promised at the last election to fund a feasibility study of satellite monitoring technology and the potential for its use in monitoring serious repeat offenders. Now, $200 000 has been committed to this study, which is to be conducted by the Department of Correctional Services in 2007-08, and I advise that the department has indicated that the groundwork for this feasibility study is already under way. Given its commitment to the work already undertaken, the government sees no reason to mandate a feasibility study in legislation, nor does it see any benefit in it being conducted by someone outside of government.

In any event, it is not clear just what the Hon. Mr Xenophon means by 'independent person'. Presumably this means someone free of government control, and this would rule out the Department for Correctional Services, the police, the Parole Board, and so forth—in other words, those agencies that have the expertise and experience in monitoring offenders. An independent person would also, presumably, rule out an industry expert who had any connection with any of the companies developing the type of technology under consideration. I suggest that this would reduce the pool considerably—and, if a truly independent industry expert could be found (under those definitions), it is likely that he or she would be very expensive indeed to engage.

There is no precedent for a review of this kind to be mandated in state legislation, and I strongly suggest that there is no reason to do so now. Unlike proposed new section 72A, every other legislative requirement for a review—for example, section 194 of the Gene Technology Act 2001 and section 38 of the Construction Industry Training Fund Act 1993—is concerned with a statutory regime, a body, or a regulatory system which is established by the relevant legislation or with the operation of the legislation itself. The Hon. Mr Xenophon's amendments do not require a review of the child sex offenders registration legislation or even a review of the operation of the act—they require a review of technology.

Again, I make the point that I made when opposing the original amendments: the Hon. Mr Xenophon's push for satellite tracking of registrable offenders is misplaced. It appears to be founded on the idea that satellite tracking can be used to monitor registrable offenders so that they may be prevented from going to places they are not supposed to go to—presumably schools, kindergartens, and playgrounds, etc. While these sorts of restrictions may be true for offenders who are subject to parole or licence conditions or for people who are subject to paedophile restraining orders, it is not necessarily so to registrable offenders.

The child sex offenders registration legislation will not, and is not intended to, restrict the registrable offender's movements except in so far as they will be prohibited from engaging in child-related work—something that GPS monitoring will be unable to detect. It is for these reasons that the government believes that proposed new section 72A is unnecessary and may slow down the review process currently underway while also making it more expensive. Its inclusion in this legislation is misplaced.

The Hon. R.D. LAWSON: We do not believe this is an ideal solution, but the Liberal opposition is prepared to support the Hon. Nick Xenophon's amendment. For the minister to complain about the Hon. Mr Xenophon requiring an independent review because there would not be anyone who is independently available is, I think, nonsensical. If there is to be a review of this it should be by someone who is not hired by the minister or answerable to the minister's directions or the like; it should be someone who is independent. The government appears to be working on the basis that this will be a difficult task.

When one looks at what is happening in other places in the world it is clear that what the Hon. Mr Xenophon is proposing is not something that might be called cutting-edge technology. His proposed review is not limited to GPS monitoring; it is simply electronic monitoring of persons and, as I indicated earlier in the committee stage, there are many forms of electronic monitoring available and more are becoming available all the time. We do not live in isolation here, and I think it is worth reporting to the committee the situation in, say, California.

In August last year Governor Schwarzenegger endorsed the Sexual Predator Punishment and Control Act, legislation that would stiffen punishment for certain sex crimes and create lifetime monitoring and residence restrictions for incarcerated sex offenders released back into the community. That bill apparently foundered but the learned author of the paper that I am reading, Professor Peckenpaugh, describes the situation in California where there are 21 435 registered sex offenders. That figure reflects the prisoners required to register under California's existing sex offender registration law. It is a massive issue in that jurisdiction. The situation in other American states is similar, although not as large. It is clear that a number of other American jurisdictions are wrestling with the appropriate form of monitoring as a way of addressing this issue. Professor Peckenpaugh says:

> California politicians are not alone in thinking that electronic monitoring and residency bans can be effective means of control. In 2005, seven states passed laws requiring certain paroled sex offenders to be electronically monitored—in Florida, Ohio and Missouri legislators mandated that certain offenders be monitored for life. Last year, Michigan approved 1 000-foot residency restriction around schools, bringing to 16 the number of states that have barred released sex offenders from living near schools, day care centres, school bus stops or parks. Not all proposed residency bans were enacted—the Texas legislature rejected a measure to bar sex offenders from living within 1 500 feet of school bus stops. . . As this legislative activity makes clear, electronic monitoring and living restrictions are the touchstone of current political efforts to deal with sex offenders that have been returned to the community.

The minister is saying that we are not monitoring our sex offenders; in fact, we have a passive register, and sex offenders on our register are free to do what they like and they are subject to very few restrictions. Maybe that is the case under the existing legislation, but the review proposed by the Hon. Nick Xenophon will inform the parliament whether or not we should be going further, whether or not we should be adopting some of the measures that have been adopted elsewhere. The review will enable us to examine dispassionately what is happening: how effective it is, what the cost effectiveness of it is, and what the options are available to us.

I think it is a reasonable measure, especially in light of the fact that we are in an emerging field. If we do not have a provision of this kind, I can assure the committee that nothing will be done. Things will drift on. The government will say, 'We are going to do it after the next election or whenever.' But the parliament will have lost an invaluable opportunity to ensure that this government is being held to its rhetoric of being tough on paedophiles.

The Hon. P. HOLLOWAY: I think it is absolutely extraordinary that a QC, a person eminent in the law, should support an amendment that turns legislation into a joke. The honourable member talked about what happens in other jurisdictions in terms of investigating this technology—

Members interjecting:

The Hon. P. HOLLOWAY: And they are, but I bet none of them would put into legislation that there is to be a review of technology. It is one thing to have legislation provide for reviews of acts and their provisions—that is not uncommon—but to have a piece of legislation require an independent person to conduct a review of technology is something that would be hard to find in any other legislation anywhere in the world. I just think it is ludicrous to suggest that. The government has already said yes to looking at this technology, but let us do it by utilising the people who know something about it—namely, the Department for Correctional Services—instead of bringing somebody in at huge cost, and for what purpose? The people who have been dealing with this kind of technology every day are in correctional services. The government has promised $200 000, which is already set aside for them to investigate these measures. To put in a piece of legislation a requirement of a review of technology with some inevitably vague time lines does not really help the case, and that is why the government will strongly oppose the measure.

The Hon. D.G.E. HOOD: With respect to the $200 000 that has been allocated at the moment for the investigation, will the minister clarify whether a portion of those funds is specifically to investigate these types of technologies and, if so, whether there will be some reporting back to the parliament or some official mechanism of reporting to create some level of accountability with respect to that investigation?

The Hon. P. HOLLOWAY: All I can say is that it was a promise at the last election that we would fund a feasibility study of satellite monitoring technology and the potential for its use in monitoring serious repeat offenders. That money is already in the budget and it has been committed to the study, which will be conducted by the Department for Correctional Services in 2007-08. In terms of accountability, if that money is provided by the taxpayer—as it is—obviously, any reports

and any outcomes to the government are available under FOI or anything else, or if the minister decides to declare it publicly. That is obviously a matter for the minister, and I cannot commit for another minister.

The point I want to stress, though, is that to require an independent review in legislation is unprecedented. If we are going to start running government by amendments to bills, where are we going to end up if we are just directing what are really these sorts of studies, which I would argue would be better done not by an independent person but by the agencies themselves? Why do we need an independent person to do it? If these things are beneficial for agencies such as Correctional Services, then, of course, they will advocate and promote them. You do not need an independent person to do it if they have benefits. This technology is changing all the time, and I think everyone here concedes that. In five years the technology will have moved considerably ahead of where it is now—and probably five years after that it will be even farther ahead, and so on. Obviously, at some point, many of the problems can be addressed.

Just to give honourable members an example of one of the problems that we have with the current technology, I am advised that the battery life is perhaps one of the biggest issues with these home tracking devices. Who is responsible when the battery runs out on these things: is it the offender or the department? Clearly, technology will improve the life of these things. As I understand it, it is simple technical issues like this that are worrying the departments that are at the forefront at the moment. If the batteries keep running out, what do you do about it, who is to blame, and what is the legal position? It is issues as simple as these that are really at the forefront of the practical debate at this time.

The Hon. R.D. LAWSON: I think there is a certain amount of naivety in the minister's response. He is suggesting that the department should be looking at this, that the government relies on the department. Every department has its own priorities for what it might want to do. For example, in Correctional Services the departmental executives might have a priority to pursue which they regard as higher than electronic monitoring. It is very easy for an executive in the Department for Correctional Services to de-prioritise electronic monitoring. That is fair enough. I do not blame them for that; they have priorities.

This bill actually says that this parliament has a particular priority, and we want to have this looked at by someone independent. You might be prepared to put it behind other issues; we think that, because of developments elsewhere, it is something that should be examined by an independent person. You will have your own agendas, and they can be perfectly legitimate agendas—

The Hon. P. Holloway interjecting:

The Hon. R.D. LAWSON: I have every expectation that the word 'independent' will be well understood by the government and it will appoint, if required by the legislation, someone whose independence will not be challenged, who will not be a supplier of particular technology and who will not be someone who has indicated already that electronic monitoring is a waste of time. It will be someone who shows a degree of independence to this particular task. 'Independent experts' are well understood in general parlance and I do not believe the government will be so disingenuous as to say, 'We don't understand what this says when we're required to do something that is independent.' If the government has any query about it at the time, no doubt it can come to the parliament and say, 'We're proposing Mr X or Professor Y: does the Hon. Mr Xenophon regard him as someone who is independent?'

That is a furphy. This is not opening the floodgates to independent reviews of every form of technology that might exist. This is actually requiring the government to examine something that is being examined elsewhere and being trialled elsewhere and the literature on which is voluminous. We in the parliament want to know whether this technology will work, whether it is cost effective etc. We are not saying this is necessarily going to lead to the government being required to spend millions of dollars. Parliament is simply sending a clear legislative signal that this is what we want. I have often said in the past that, traditionally, parliaments in the Westminster model pass laws that create offences or empower governments to do things. What we are interested in traditionally is banning things or penalising things.

In the United States, for example, laws are passed all the time that require executive government to do things: actually require programs to be implemented. All the programs that our governments introduce, whether in mental health through the Health Department, are done administratively by executive government. By and large, we sit by passively, appropriate the money for the departments, and they do what they want to do in their answer on parliament. I actually favour our adopting more the American style, where the parliament actually passes a law that requires executive government to do something, rather than simply creating penalties for citizens. This is a very small example of what I regard as a good innovation.

The Hon. P. HOLLOWAY: I wish to make one point because I think it is important that we finally deal with this bill one way or the other. The ultimate customer of any technology is the government, and the government would be totally imprudent if it did not itself review that technology. As the customer of any technology, the government is bound to do it. Whatever an independent person might do, the government would then have to. If we did not, what would the Auditor-General, quite rightly, be saying about us if we go and buy something that the agencies using it have not themselves been involved in reviewing? This can only delay and add cost to the process, in any case.

The Hon. D.G.E. HOOD: As far as I can see, the real issue is the reporting back to the parliament. It would give me comfort if I had some sort of assurance that that was going to take place at some stage. Would the minister like to comment on that?

The Hon. P. HOLLOWAY: As I said, that is really a question for the Minister for Correctional Services: I cannot answer on her behalf. At this stage, I do not think there is any point in holding up the bill. We reiterate the government's position. There is probably no reason why any information undertaken with taxpayers' money should not be made available. That is the principle of the Freedom of Information Act. However, it is not my department: I am not at liberty to give that undertaking on behalf of the minister.

The Hon. R.D. LAWSON: Just in relation to that, I should enlighten the Hon. Dennis Hood. When we passed the tort law reforms a couple of years ago, all sorts of undertakings were given about reviews that would be undertaken. This minister himself, as Attorney-General at the time, said there would be an undertaking that there would be an investigation into the highway immunity rule, for example, one of the rules that was covered. We have never seen that review. Written into other pieces of legislation there were requirements for reviews, and we are assured that they are being undertaken.

But, frankly, absent a piece of legislation and a positive requirement to do something, experience will tell you that people, with the best will in the world, say they are going to do something but it does not happen unless you have legislation to require it to happen.

The committee divided on the new clause:

AYES (12)

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

NOES (7)

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

PAIR

Wade, S. G.	Zollo, C.

Majority of 5 for the ayes.

New clause thus inserted.

Clause 73, schedule and title passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

UPPER SOUTH-EAST DRYLAND SALINITY AND FLOOD MANAGEMENT (EXTENSION OF PERIOD OF SCHEME) AMENDMENT BILL

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. SANDRA KANCK: I move:

Page 3, lines 26 to 30—

Delete the definition of land transfer finalisation date and substitute:

land transfer finalisation date means 19 December 2007

This bill extends the life of the USE scheme. What I am intending to do with amendments Nos 1 and 3 is to maintain the status quo; that is, the bill going out of existence on 19 December this year. Although this first amendment does not specifically deal with that, it is the first time in the bill that we have a reference to the extension. Therefore, I will use this amendment as a test clause.

I will not labour the issue. I think I put my arguments very strongly on the record during my second reading contribution. As I said, I believe that this will end up being one of the greatest conscious acts of environmental vandalism that this parliament will be party to, with the extension of this scheme. As I interjected during the second reading contribution of the Hon. Mr Ridgway, and yesterday with the minister when she was summing up, I think this will be a case of throwing good money after bad. Just because so much money has gone into a scheme in the first instance simply does not justify continuing to put that money in.

I would wager $200 with the minister (if I am allowed to do so, Mr Xenophon) that, in 10 years, of the existing permanent wetlands, they will all have become semi-permanent and, of the current semi-permanent wetlands, they will have dried out. I am putting it on the record that I would be very happy to wager that. I am happy to put it on the record and have all the members here as witnesses to the fact that I have laid that bet, because I feel so confident that what we are doing in extending this scheme is the wrong thing.

The Hon. D.W. RIDGWAY: I rise on behalf of the opposition to indicate that we will not be supporting the Hon. Sandra Kanck's amendment. As I made very clear in my second reading contribution, the Liberal Party believes that, having spent some $75 million by the completion of the scheme, we are duty-bound to make sure (and this will be the effect of a subsequent amendment that I will move) that that scheme is managed properly and effectively for the taxpayers and the landowners who have paid that money. In my view, it would be negligent for the scheme to cease at this point. Also, I do not think the honourable member realises that, if we knock off this bill, the South-East Catchment Management Drainage Board still has the power to construct drains, and will continue to do so under the scheme. I really do not think that the honourable member would achieve what she is trying to achieve by knocking it off. We do not support the amendment.

The Hon. G.E. GAGO: The government opposes this amendment. The Upper South-East region comprises about one million hectares, and has been progressively developed for agriculture and horticulture over more than a century. It is one of the most productive regions in this state. We know that the development of this land has irreversibly changed the face of the landscape, including fundamental changes to the hydrology and hydrogeology of the region.

The Upper South-East Dryland Salinity and Flood Management Program, as we know, was developed in the 1990s to address community concerns about dryland salinity, water logging and ecosystem fragmentation and degradation. As has been noted in this place before, we cannot turn back the clock to some historical point in time: it is just not possible. However, clearly, what we can, and must, do is seek to manage this landscape to sustain its essential environmental and agricultural values in perpetuity.

The USE system is a $49.3 million program of works. It underpins this legislation and aims to manage dryland salinity, mitigate the impact of prolonged flooding, ensure environmental flows to key watercourses and wetlands areas and protect important biodiversity assets. The Upper South-East is fundamentally delivering all these goals on a vast landscape scale unequalled in the country. This was a challenge that was always going to be complex and difficult and, in one way or another, controversial—which it has been.

The amendment of the Hon. Sandra Kanck assumes that the act will expire on 19 December. Obviously, this is not the government's intention. The government's intention is that existing compensation provisions continue and be extended beyond the proposed new expiry date of the act. This recognises that it can take some time after completion of construction to return all surplus land to landholders. The amendment proposed by the Hon. Sandra Kanck would result in land transfer and compensation provisions ending before the completion of works under the proposed revised period of the act. It is for these reasons that we oppose the amendment.

The Hon. M. PARNELL: I support the Hon. Sandra Kanck's amendment. I do so after having considered all the evidence that I have received from local landholders and evidence that I have seen in my role on the Environment, Resources and Development Committee, which leads me to believe that the engineering solutions are not the answer they were touted to be. I am not convinced that the outcomes in relation to salinity—and certainly not in relation to bio-

diversity—have been achieved, to date. I accept what the minister says, that we cannot wind back the clock, but that does not mean that we need to throw good money after bad, as the Hon. Sandra Kanck put it. It has been put to me that ending this scheme now would result in a lot of unfinished or unconnected plumbing—the analogy that has been used in the house of pipes that do not go anywhere.

However, I think it has already been pointed out that there are other mechanisms if the government is determined to proceed using other pieces of legislation. The minister made the point about compensation that those compensation provisions would not be available. My understanding is that no compensation has ever been paid under this legislation, anyway, so I am not sure that that is the problem that it has been painted to be. Consistent with my approach to support this scheme coming to an end, I support the Hon. Sandra Kanck's amendment.

The Hon. G.E. GAGO: In response to the honourable member's concern about compensation, no compensation has yet been claimed, nor paid—but certainly not claimed.

Amendment negatived; clause passed.

Clause 5.

The Hon. SANDRA KANCK: I move:

Page 4, after line 4—Insert:

(1) Section 43(1)—Delete 'Environment, Resources and Development Committee' and substitute 'Natural Resources Committee'.

Given that the majority of members in this place have decided that this scheme should have continued life, then oversight of the scheme becomes much more important. Part of this bill removes any parliamentary oversight. Currently, the Environment, Resources and Development Committee has oversight up until (I think) 19 December this year. If this bill is passed (with the support of the opposition) in its current state there will be no parliamentary oversight. Given the potential for the environmental damage that this scheme can cause, I think it is vital that parliamentary oversight continue.

I have a private member's bill at the moment, which suggests that we should change that oversight from the current Environment, Resources and Development Committee to the Natural Resources Committee, because the Natural Resources Committee is vitally concerned with natural resources management and water in this state. Rather than simply going to status quo with the current act (which is the Environment, Resources and Development Committee), my amendment seeks to maintain parliamentary oversight through one of our committees. However, the committee which I believe is more suited to handle that matter is the Natural Resources Committee.

The Hon. M. PARNELL: I support this amendment. I believe that the Natural Resources Committee is an appropriate vehicle for parliamentary scrutiny. I remind members that we now have a Natural Resources Management Act, which incorporates the old water resources act, as well as incorporating the laws that we had in relation to soil degradation (the old land care legislation). That bundle of responsibilities under the Natural Resources Management Act, I think, fits quite nicely into the domain of the Natural Resources Committee, and it should have oversight.

The Environment, Resources and Development Committee, on which I am pleased to serve, has a lot of work cut out for it in terms of its scrutiny of all the changes to planning schemes (probably hundreds of them over the period of a year), and they take up a lot of the committee's time. This is a sensible amendment. It puts the parliamentary scrutiny with the best-placed committee to handle it.

The Hon. D.W. RIDGWAY: The Liberal opposition supports this amendment to have the parliamentary scrutiny of this act shifted from the Environment, Resources and Development Committee to the Natural Resources Committee. The Hon. Sandra Kanck moved this amendment either in the last parliament or earlier in the year—it was some time ago. Our party room supports it not only for all the reasons outlined by the Hon. Mark Parnell but also because, originally, the Natural Resources Committee was set up as a River Murray committee, and we know that this particular scheme discharges into the Coorong which, effectively, is part of the whole Murray mouth network. They are all so interconnected, it seems logical that the Natural Resources Committee have the parliamentary oversight over the act. I am sure that it would not preclude the ERD Committee calling the scheme program managers at any time to provide an update of what is going on. I am sure those officers would be happy to do that. The opposition feels that the Natural Resources Committee is the most appropriate committee.

The Hon. G.E. GAGO: The government supports this amendment. I have expressed preference in the past that the reporting remain with the ERD Committee of the parliament, as I am a former member of that committee. This amendment recognises the valuable knowledge and insight this committee has accumulated about the Upper South-East program; and, in the past, I have raised concerns that that experience would be lost. I have some concerns that a change to the reporting relationship to a parliamentary committee could disrupt that continuity of government. It is a very large and complex area. Having said that, however, I recognise that the terms of reference of both the Environment, Resources and Development Committee and the Natural Resources Committee are sufficiently broad enough in relation to the management of the environment and natural resources for them to have oversight of this USE program, and therefore it could sit quite comfortably with either of those committees.

I recently spoke with both presiding members of those committees and afforded them the courtesy of at least discussing with them the implications of this proposed amendment. At that time, neither of them had been approached by any other member of parliament; they may have since, and I would hope they have. Having spoken to both chair people, they believe that this reference could sit quite comfortably in the terms of reference of either committee, and both feel comfortable either way. In the spirit of bipartisanship, I am prepared to accept the amendment.

Amendment carried; clause as amended passed.

New clause 5A.

The Hon. D.W. RIDGWAY: I move:

New clause, page 4, after line 5—

After clause 5 insert:

5A—Insertion of section 43A

After section 43 insert:

43A—Upper South East Drainage Network Management Strategy

(1) The Minister must, by 19 December 2009, prepare a strategy to be called the *Upper South East Drainage Network Management Strategy*.

(2) The Strategy must set out—

(a) the proposals of the Minister in relation to the management of Project works in the Upper South East; and

(b) the proposals of the Minister in relation to the management of the key environmental features and

significant agricultural issues in the Upper South East; and

(c) the priorities that the Minister will pursue in the management of the key environmental features and significant agricultural issues in the Upper South East, insofar as they may be relevant to the Project.

(3) The Strategy must not be inconsistent with the State NRM Plan.

(4) The Strategy must take into account—

(a) the provisions of any relevant management agreements under this Act; and

(b) the provisions of any relevant regional NRM plan under the *Natural Resources Management Act 2004*; and

(c) the provisions of an any relevant environment protection policy under the *Environment Protection Act 1993*; and

(d) the provisions of any statutory instrument under a related operational Act (insofar as is relevant to the operation of this Act and reasonably practicable); and

(e) any other matter prescribed by the regulations.

(5) The Minister must review the Strategy at least once in every 3 years.

(6) The Minister may amend the Strategy at any time.

(7) The Minister must, in relation to any proposal to create or amend the Strategy—

(a) prepare a draft of the proposal; and

(b) seek, and have regard to, the views of all relevant Ministers and prescribed bodies in relation to the proposal.

(8) The Minister must cause—

(a) a copy of the Strategy; and

(b) a copy of the Strategy as amended from time to time; and

(c) a report on any review of the Strategy conducted for the purposes of this section, to be furnished to the Natural Resources Committee of the Parliament.

(9) The Strategy is an expression of policy and does not in itself affect rights or liabilities (whether of a substantive, procedural or other nature).

(10) In this section—

related operational Act means an Act declared by the regulations to be a related operational Act;

relevant Minister means a Minister responsible for the administration of a related operational Act;

Upper South East includes any other area of the State—

(a) that is connected to the Project Area by means of a watercourse; or

(b) that is connected with the Project Area in a significant way by virtue of the fact that processes (including natural processes) or activities—

(i) that occur in the other area have a significant effect on the environment or agricultural production in a part of the Project Area; or

(ii) that occur in a part of the Project Area have a significant effect on the environment or agricultural production in the other area; or

(c) that is declared by the regulations to be within the ambit of this definition.

As I indicated in my second reading speech, the Liberal Party believes that there is a real need for some sort of overarching management plan or strategy that brings this whole project together. We heard the minister yesterday in her summing up of the debate talk about the parallel development of the Bald Hill drain and bringing up water from the Lower South-East drain. Those things are outside the whole scope of the original scheme, and there is a fair bit of disconnection—and I spoke to some of the minister's departmental people this morning—in the community because they do not quite understand the full outcome of the project. Is it all about salinity management? Is it about wetlands management? Is it about bringing the two together and getting a reasonably good outcome?

We know that a number of landowners are not happy at all. To add a bit of weight to that particular argument, at the next opportunity I will table a petition. There are 472 residents who have signed a petition to stop the Didicoolum drain. I spoke to those people and said that I think that, from the Liberal Party's point of view, we would not be opposing it, but we are very happy to table the petition on their behalf, because it just demonstrates that there is strong community feeling about aspects of the whole project. The Liberal Party believes that it is important to try to embrace that in an overall management strategy that gives some clarity to the community about the final outcomes.

Hopefully, we have only another three years left to construct the last remaining part of the drainage network. As we heard earlier, some $75 million has been spent. The community needs to have some certainty about exactly what the long-term planning strategy is for the management of the water resources in the South-East—not just the Upper South-East. We know that the southern lagoon of the Coorong has suffered quite a significant amount of degradation. The advice we received a few years ago was that it was a hyper saline environment and that, no, we should not put fresh water in it, or water that is not as saline as the Coorong. Our thinking has changed. I think the ERD Committee may have alluded to it yesterday when we were updated by the program managers who said that a lot of archaeological work has been done in the Coorong area. They have now realised that it is an area that received a big flush of freshwater. In fact—and I think I have said this before, and I will say it again—the local Aboriginal inhabitants in that part of the world have often spoken anecdotally about their elders having heard the roar of the water entering the Coorong at Salt Creek.

I have also heard that there were some 50 000 pairs of breeding swans on the Coorong some 50 years ago; we do not see that sort of activity and life there any more. This overall management strategy of the Liberal Party has included in this extension of period amendment bill some clarity for the community and some certainty about the legislation's long-term intentions.

I would hope that the things we see in the strategy are decisions on who will actually manage the whole scheme at the end of the construction. Will it be the NRM Board? Will it be the South-East Catchment Water Management Board? If you are going to have many hundreds of kilometres of drains (and I forget the exact number), who will pay for the maintenance? Who will pay for the staff to monitor the salinity levels and the water levels? It is important that all these sorts of activities are brought together so that the community can have some sort of long-term understanding, and I am sure that they will also want some input as to exactly what is decided.

I suspect that we will find that we have a pretty unique network of drains. We can put in weirs and seals so that we can manage a whole range of activities, whether it be draining salinity or putting fresh water into wetlands. I would hope that, in the long term, we can get a significant amount of water from the Lower South-East, bring it up in the north-westerly fashion it used to flow before European settlement and try to get a big chunk of it into the Coorong.

We have heard again today that we are faced with more water restrictions in the Murray, and an article in *The Advertiser* today states that it looks like we will have only 25 or 30 weeks of water left in the Murray, so the Murray Mouth

and the Coorong will really get no benefit from the River Murray in the short to medium term. They may get some benefit from getting water from further south. Those are the sorts of things that the Liberal Party would like to see included in this management strategy. We also believe that updates on the management strategy should be incorporated into the annual report and the management strategy reported to the Natural Resources Management Committee.

We are also a little concerned that, if this bill expires in 2009, this management strategy may then expire. My amendment No. 2 ensures that this management strategy stays in place once this piece of legislation lapses. I suspect that we will have to come back in three years maybe not to extend it but to finalise where the management responsibility lies for the significant investment that will have been made in this area by the landowners and the taxpayers of South Australia and Australia. With those few words, I commend the amendment to the committee.

The Hon. M. PARNELL: I am going to support this amendment. Whilst I did have a preference for this act being wound up sooner rather than later, if we are to continue it in operation the greatest level of scrutiny we can possibly get is my preferred option. It is good to see that the amendment refers to links with the new Natural Resources Management Act. It is also interesting to me that the Hon. David Ridgway has such great insight into the thinking of this place that he has already built into his amendment reporting to the Natural Resources Committee of the parliament. He clearly has his finger on the pulse of this council.

It seems to me that the additional work required of the managers of the scheme through this amendment is not that much greater than what they tell us they are doing anyway in terms of their strategic planning. The program managers said that they have to come to grips with the post-legislation arrangement and with how we incorporate the future management of the drains. Therefore, I support the amendment.

The Hon. G.E. GAGO: The government also supports the amendment. Such a strategy is consistent with the work already being developed by the South-East Natural Resources Management Board and the Upper South-East Program and complements the management planning requirements of the South-East Water Conservation and Drainage Board. A consistent approach towards water management in the South-East is something that this government is obviously committed to and continues to work towards.

I will also speak to amendment No. 2. I stress that the government acknowledges that there is a range of views in relation to this drainage system and that it is quite controversial. We have consulted very broadly and we are certainly prepared to listen to all points of view. I am interested in the petition put forward by the Hon. David Ridgway and I will look at that with interest.

I think it is also worthwhile noting that fewer than 10 landholders have properties along the proposed new Diddicoolum drain. I have been advised that only one of the less than 10 who have properties along the drain opposes the drain being put in place. I acknowledge that the drain obviously has broader implications than just the properties that run alongside it, but it is worth knowing that there are only 10 who have properties alongside the drain. In relation to amendment No. 2, again, the government does not oppose this amendment at this time, although I note that ongoing management arrangements will be considered as part of the review of the South Eastern Water Conservation and Drainage Act that the government is about to commence.

The Hon. SANDRA KANCK: Given that a majority of members of this chamber are going to pass this legislation, I will be supporting this amendment. In terms of the people who are running this scheme in the South-East, they need to have somebody riding shotgun over them all the time. With this amendment and also with the Natural Resources Committee having some oversight, I think we have some capacity to keep these renegades under control.

The Hon. D.G.E. HOOD: I indicate Family First's support for the amendment. The simplest way of putting it is that it is an important reason and there is too much money involved not to have an adequate management plan.

The ACTING CHAIRMAN (Hon. R.P. Wortley): It is good to see all this bipartisanship.

New clause inserted.

Clause 6.

The Hon. D.W. RIDGWAY: I move:

Clause 6, page 4, after line 19 insert—

(6b) The expiry of this Act does not affect the Upper South East Drainage Network Management Strategy under section 43A and the Minister must continue to review the Strategy in accordance with the requirements of that section until 2015.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments; committee's report adopted.

The Hon. G.E. GAGO (Minister for Environment and Conservation): I move:

That this bill be now read a third time.

I thank members for their contributions to the debate on this bill and for their support in passing it. I was particularly interested to note many of the perspectives contributed, particularly by the Hon. David Ridgway, based on his strong local knowledge of the region and his vote of support for the bill. I was also very pleased to have received the proposed amendment to the bill from the Hon. David Ridgway relating to the provision for an Upper South-East Drainage Network Management strategy.

As I have indicated previously, such a strategy is consistent with the work currently being developed by the USE program and the South-East Natural Resource Management Board and complements the management planning requirements of the South-Eastern Water Conservation and Drainage Board. A consistent apprapprooach to water management in the South-East is something to which this government is very committed and we continue to work towards.

The extension of the Upper South-East Dryland Salinity and Flood Management Act will allow for necessary consultation and important technical investigations to continue and for the establishment of on-ground works to improve the management of land for primary production, while also protecting key wetlands from degradation. It will also continue to provide a platform to secure valuable biodiversity assets under the stewardship covenant through the Biodiversity Offset Scheme and other related incentive programs. Your support today for the bill affirms the strong support given by the South Australian parliament for the establishment of the Upper South-East program in 2003 and will ensure the program's successful completion.

Bill read a third time and passed.

MAGISTRATES (PART-TIME MAGISTRATES) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 31 October. Page 823.)

The Hon. D.G.E. HOOD: I rise to support the second reading of this bill. I have one concern, which I will ask the Leader of the Government to consider as an addition to this bill, or at least give the government's perspective on it, and that concerns the disclosure of financial interests of magistrates. I have other comments also, which I will get to shortly.

The bill seeks to amend the Magistrates Act 1983 to allow for part-time magistrates. As the Hon. Robert Lawson pointed out recently, it also provides for the appointment of a resident magistrate to a country area, and I will deal with that issue first. To my understanding, the problem with appointing full-time magistrates as resident magistrates in country areas is the concern that they will not be kept fully occupied. I believe, for instance, that the recently appointed resident magistrate in Berri must travel to other parts of the state, or indeed to Adelaide itself, to sit on other circuits.

I recruited one of the staff in my office from a legal practice in Berri—a fine young man by the name of Rikki Lambert—and he has been a terrific addition to our office, so I feel we can offer some insight on the merits of having a resident country magistrate. A resident magistrate can develop an understanding of local issues, pressures, place names, etc. Lawyers and prosecutors often need to explain to visiting magistrates where certain places in their area are, or who the relevant service providers may be. For instance, in considering bail for a defendant it helps for a resident magistrate to know the real prospects for access to social services, such as mental health, Anglican Community Care and, for example, Offenders Aid and Rehabilitation Services housing. A resident magistrate can know the relevant distances if, for instance, a person is ordered to stay well away from a co-accused or an alleged victim, and therefore be better informed of the real prospects of a breach of bail.

Local knowledge is in fact invaluable; as is usually the case. Indeed, a resident magistrate can also be in regular dialogue with community corrections, local police, the local legal profession and other participants in the justice system to be appraised of available services and case flow management approaches in his or her particular court. However, on the down side there is a real risk that the resident magistrate will develop bias—or perhaps perceived bias is a better way to put it—or seem, from one side of the adversarial system, to be favouring the other. The resident magistrate in Berri, for instance, is a former police prosecutor and magistrate Kitchin is a former legal practitioner, and I understand that both have readily put their past practices behind them and are doing a good job in their respective positions. It takes a person of incredible integrity and character to live within a community and yet remain at arm's length from that community with respect to their involvement in the law. No doubt the Chief Magistrate and others look for that attribute in candidates for placement as resident magistrates when they are considering who to place in those positions.

There is great benefit in having resident magistrates but, in fairness, I want to honour what the Hon. Robert Lawson contributed about former Supreme Court chief justice King and others holding the view that visiting magistrates offer a better service. From a purely legal perspective there is much to desire about having visiting magistrates, as one must prove their case to a truly impartial observer and decisions can be said to be free from bias or preconceived notions about local situations or about the accused themselves. However, I think it is important to bear in mind the percentage of matters that actually go to trial in the criminal arena. A great number of matters are settled without going to trial and therein lies, I think, one positive argument for having a resident magistrate.

One of the biggest problems with visiting magistrates is that some are perceived as sometimes being softer than resident magistrates, and this can result in some lawyers adjourning matters so that their client does not appear before a perceived tougher magistrate. A lawyer would also call on their client's matters for sentencing earlier if there was a perceived softer magistrate sitting that week. You cannot have that abuse of process with one resident magistrate; he or she ought to be consistent in their approach, because they are there at all times and would deal with all of the cases.

I want to summarise these thoughts on the merits of resident magistrates by saying that the concept of visiting magistrates also has merit. For that reason I think it beneficial for a continuation of the apparent policy we are seeing in country court lists, whereby the resident magistrate does not sit all the time in one location. They may sit elsewhere from time to time—for example, to run a trial in another location where the resident magistrate is disqualified. A foreign magistrate, if you like, would sit locally. I think such flexibility and mobility of magistrates for a small proportion of their time is beneficial to them and, indeed, to the Magistrates Court system as a whole. Family First agrees with granting the new power to the Chief Magistrate to direct a magistrate to serve in certain places and trusts that he or she, and the others responsible, heed the debate on this issue by the state's elected representatives and strive to strike the right balance on questions of local knowledge, bias and case flow management, as I have outlined.

I now turn to the question of appointing part-time magistrates specifically dealt with in this bill. The bottom line is that Family First supports this approach, as it conceivably assists (as other honourable members have already pointed out) women, for example, to continue a career whilst balancing their family life, and Family First acknowledges the government's move in this instance to improve the family life of working women in particular. There are some women in the magistracy and legal profession who would be excellent part-time magistrates when family or, indeed, other pressures require them to pull back from full-time employment. Of course, in increasing numbers men are likely to want to avail themselves of the opportunities that a part-time position offers, and we would certainly support this. However, I do hope that these appointments are truly part-time, because I have seen that, with part-time positions such as chaplaincy in schools, for instance, as well as part-time youth workers and the like, their workload often ends up being a de facto full-time job. That is something that will need to be monitored, and I hope the Chief Magistrate, whoever that is ultimately, can ensure that the work/life balance for part-time magistrates can be maintained.

I would also like to comment on justices of the peace. In country areas where a magistrate is not available—for instance, for urgent bail hearings—justices of the peace are called in to adjudicate. The parties have rights of appeal, first by a telephone review by a magistrate in Adelaide. I think it is much better to have a part-time magistrate to deal with such matters. Invariably, it seems that justices of the peace

will suffer a successful appeal from their decision, whereas the part-time magistrate will likely be less prone to successful appeal, thus introducing an inherent efficiency to the system. Having said that, those urgent bail hearing scenarios would need to be factored into a part-time magistrate's time allocation, otherwise that could intrude upon the part-time magistrate's case load.

The immediate past president of the Law Society raised, during her tenure, whether a part-time magistrate would be able to convert to full-time practice. We see no reason why not, but it appears to us that no provision for that is made in the bill. For instance, if a woman converts to part-time status to have a child, and then that child begins school or has adequate child care arrangements in place, why should that magistrate not be entitled to resume the position full-time, just as they would in most other professions? We would be grateful for clarification in the summing up or committee stage on that point.

I raised an issue in my opening remarks concerning disclosure of financial interests. There are sound reasons, as the immediate past president of the Law Society said in her column in *The Advertiser*, for disclosure to apply to all magistrates. I note that is not the case in this bill. It is conceivable for a full-time magistrate to have business interests that ought to be disclosed so as to avoid conflict of interest. This is not about invasion of privacy but about avoiding conflict. To my mind, either you have all magistrates declaring their interests or you have no declaration by any of them and, importantly, instead, a protocol within the magistracy to ensure all interests are disclosed. We believe in open and transparent justice and, if this has not been addressed, it should be. Again, we look to the government in its summing up to clarify its position on this matter. In summary, Family First supports the second reading of the bill, and we look forward to the government's closing remarks.

The Hon. J. GAZZOLA secured the adjournment of the debate.

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 1 November. Page 871.)

The Hon. R.I. LUCAS (Leader of the Opposition): Before listing a series of questions for the Leader of the Government and other ministers to consider for the committee stage, I want to refer to two final general issues. I was struck in the past 24 hours by statements made by the education minister, Jane Lomax-Smith. It is an example that many of us are seeing, sadly, from too many government ministers: arrogance and bold-faced untruths being perpetrated by ministers of this government. Yesterday, I referred to statements made by this minister in relation to the basic skills testing. She made a number of statements, one of which was an attack on the former government by saying that, previously, there were no extra investments, larger class sizes and no particular programs to focus on basic skills, and that we have to get the basics right.

The minister conveniently has a very short memory because for most of its existence—and, certainly, during the eight years of the last Liberal government—the Labor Party, together with the Australian Education Union in South Australia, led the charge against the introduction of basic skills testing in our schools in South Australia. Under the policies of the Labor Party and the teachers' union, both of those institutions trenchantly fought the introduction of basic skills testing by the former Liberal government in the period 1993 to 1997. We had debates in this place, motions were moved in the parliament and public statements were issued by the Labor Party, through its education spokespersons at the time, trenchantly opposing the introduction of basic skills testing in South Australia.

As I said in my contribution yesterday, the education minister, Jane Lomax-Smith, is obviously working on the Goebbels principle that it does not matter how bold faced and untruthful it might be if you say it often enough, loud enough—and sweetly enough, on occasions—you will convince, hopefully, a number of people out in the community that it is correct. People ought to know—and certainly those within education do know—that it was the Labor Party who fought, together with the unions, the introduction of basic skills testing. If minister Lomax Smith's party had had its way, we would not even have literacy and numeracy tests in schools, in relation to making any sort of independent judgment, on a state or national basis without progress of our students through the school years. During that particular period, we had industrial action, and we had teachers refusing to supervise the test and their classroom students. The union, overtly and covertly supported by the Labor Party, advocated mass industrial action and encouraged teachers not to participate in the testing during that period.

During that period of 1993 to 1997, there was certainly a comprehensive and well funded early years strategy and, while difficult decisions were taken elsewhere to make savings, most of the savings were diverted into extra speech pathologists, extra special education help in terms of special education teachers, and providing additional funding to schools that had higher than expected numbers of students requiring additional help in literacy and numeracy. I do not want to enter a debate into what the government has done in relation to an early years strategy. Certainly, anything in relation to a greater priority for identifying learning difficulties in the early years will have my wholehearted support. But I think the arrogant attempt to rewrite history in relation to this by this minister, sadly, is testimony to the behaviour and performance of many ministers in this government. Sadly, the comfort of an election win seems to have gone to the head of some ministers, such as minister Lomax-Smith, Treasurer Foley and others, and we are seeing that arrogance permeate through not only their private and personal behaviour but also their public performance and statements.

The second general issue I want to touch on is the keeping of election promises and the breaking of election promises. In the estimates committees there were a couple of extraordinary references that really need to be placed on the public record. We know that after the previous election in 2002 we had the infamous statement of this government's moral underpinning in the immortal phrase of Treasurer Foley that he and the Rann government had the moral fibre to break their election promises and that we in the Liberal Party did not have that same moral fibre to break our election promises—and that has been their moral underpinning from day one. I guess, to be fair to the Treasurer and the Premier, they are proud of the fact that they have the moral fibre to break their election promises.

We also had the extraordinary statement in the estimates committees on 18 October in relation to one of the significant broken promises from the 2006 election campaign. That put

simply was that Treasurer Foley, on behalf of the government, made it clear that any additional Public Service positions in respect of police, nurses or teachers would not be funded by any cuts in Public Service positions elsewhere; that is, they would be additional Public Service positions and they would not be funded by cuts in other positions. The clearest exposition of that policy was in a radio interview Matthew Abraham and David Bevan conducted with the Treasurer on 16 March this year, as follows:

> Mr Foley: We at this point are looking at about 800 additional vital public servants in our promises to date, that is 400 police, 100 teachers and 44 new medical specialists.
>
> Matthew Abraham: And you won't fund those by getting rid of other jobs?
>
> Mr Foley: No.

He was quite explicit that the additional teachers, police etc. would not be funded by cutting public sector jobs in other areas. We now know that that promise, if it was ever intended to be kept—and the cynics amongst us doubt that—has been well and truly broken since the election and certainly in this budget. When the Treasurer was called to account during the estimates committees and asked:

> Okay, do you, at least, now concede that you did not tell the truth to Matthew Abraham in that particular interview? Do you, at least, acknowledge that your statement to Matthew Abraham, that is, that you would not cut other public service positions to fund these, was wrong? What is the moral underpinning of the government's new position now?

It is as simple as this:

> Do not refer to me a transcript of something that I might have said on radio with Rob Lucas' good mate, Matt Abraham.

Just as an aside, I think Matt Abraham would be appalled to know that he was being referred to as Rob Lucas' good mate. The Treasurer went on to say:

> I am not coming in here to be held accountable for a set of words that I said to Matt Abraham.

This is the moral underpinning of this Treasurer and this government. He says, 'I am not coming into the parliament to be held accountable for a set of words that I'—that is, the Treasurer—'said to Matt Abraham.' What on earth is this government and this Treasurer coming to? This is the same man who, in 2002, set the moral underpinning of this government by saying 'You lot don't have the moral fibre to break your promises.' Now his moral underpinning for 2006 to 2010 is: 'If I have said anything publicly on the radio, I am not going to be held accountable for anything I have said to Matt Abraham'—or, I presume, to anyone else, for that matter. 'Whatever I say publicly', evidently, 'on behalf of the government, I the Treasurer, we the government are not going to be held accountable in any way for anything we might have said publicly.'

Frankly, even government members, I hope, would be appalled at the fact that their senior representatives are adopting a moral underpinning for their approach to government along the lines that Treasurer Foley has again outlined in the estimates committees. It is outrageous; it is disgraceful; it is unacceptable; and the Treasurer, the Premier, ministers and any backbencher who has the temerity to poke his or her little head up above the parapets to support the Treasurer ought to be soundly condemned for supporting this sort of moral underpinning for a government. If you cannot stand by whatever it is that you said publicly and, if you have been wrong, admit that you have been wrong; if you have broken your promise, admit you have broken your promise; or, if you have adopted a new position, at least say that.

But to adopt a position in an arrogant way to say, 'I'm not going to be held accountable for anything I've said to a journalist in a public interview,' two days before an election—which obviously influenced hundreds and, possibly, thousands of people in terms of the position they adopted at the election two days later—is an appalling indictment not only on the man, the individual, but on the cabinet and on the government and, as I said, on anyone who has the temerity to be prepared to say that they support that position for their representatives in the cabinet.

Also in the estimates committees, we had the issue of the promise that health and education would be quarantined from any efficiency dividend. Of course, that promise has now been broken. The efficiency dividend and other savings in health would accumulate about $170 million towards any additional spending, contrary to the promises that they made. When a number of promises that the government made prior to the election were highlighted, what was the Treasurer's response? The Treasurer's response in relation to these issues was that we have new definitions now of 'promises'. There are the spending promises and the non-spending promises and, clearly, what he is arguing is: 'If it was a spending promise, we think we have kept all the promises: but, if we made a promise in relation to quarantining, education or health cuts, or if we made a promise in relation to no cuts in the public sector to pay for extra police, that is in some way something different.'

I refer members to page 13 of Estimates Committee B of 18 October where Mr Foley says, 'Every election spending promise made by the Labor government has been delivered.' This was in response to a series of questions about broken promises in relation to quarantining, health and education, etc. He then moved to the new mantra and said, 'Every election spending promise has been delivered.' So we have the South Australian Labor government's classification, in hindsight, of its promises. There are certain promises it will argue it has kept and, as it did in the budget speech—quite untruthfully, in my view—it said every promise it had made had been kept when, clearly, they have not. As I have said, we have statements from the Treasurer indicating he will not be held accountable for public statements he made on behalf of the government to members of the media, which makes clear the approach the government is adopting.

I want to move to a series of questions that I have placed on notice, as I indicated yesterday. The first question relates to an issue I referred to last night, which is the issue of the Labor costings document which referred to $7 million of annual savings from 2006-07 onwards, and the question was whether there were, from the 2006-07 budget onwards, $7 million in savings factored into the budget forward estimates. During the estimates committee, the Treasurer said, 'That was decided prior to the budget coming down, and my advice is that it is factored in. We have to check whether the $7 million number is correct, but that was factored in prior to the budget.'

My specific question is: what does the Treasurer mean by his response? Certainly, if it was factored into the forward estimates prior to the mid-year budget review in February 2006, that is clear. That would mean that it had already been factored in prior to the mid-year budget review and that the Labor Party was not in a position to claim further savings of $7 million a year against the mid-year budget forward estimates, and that would be a further error in the Labor Party costings document.

If the government is now claiming that it was not factored into the forward estimates prior to the mid-year budget review, that in some way it was factored in between the mid-year budget review and the issuing of the budget in September of this year, we seek clarification from the Treasurer of that because, in Budget Paper 3, the various decisions that were taken between the mid-year budget review and the September budget are outlined and there is no reference to $7 million in energy savings from 2006-07. So, if the government's position is that it has been factored in but between the mid-year budget review and the September budget, can it explain why it is not referred to in Budget Paper 3 where all other decisions between the mid-year budget review and the September budget have been outlined?

The next question relates to the cost of consultancies for shared services. Again, this was touched on in the estimates committee, but we specifically seek the total cost of consultancies entered into by DAIS, or indeed any other agency, including Treasury, in relation to the notion of the shared services concept; the names of the individual consultants; the expenditure on each of the individual consultants and the total aggregate expenditure; and whether or not, in each of those cases, the consultancy had been let after an open request for tender.

The next question is in relation to the Greg Smith review. Will the Treasurer indicate why Mr Smith was required to conduct the expenditure review and why the Treasurer believed that the Under Treasurer Mr Wright and current Treasury staff were not capable of conducting that expenditure review of the shape and structure that Mr Smith was asked to conduct? Also, what was the total cost of the Greg Smith consultancy?

The next question relates to the decision taken by the government to reverse a previous position of the former Liberal government. Under the former Liberal government there was a small shared services concept between the Department of Treasury and Finance (of which I was the minister) and the Department of the Premier and Cabinet. That is, for reasons similar to the notion of a shared services concept, this government is talking about Treasury providing payroll and other related services to Premier and Cabinet, so Premier and Cabinet did not have to provide those particular services. One of the first decisions taken in 2002 was to reverse that decision of the former Liberal government. When asked about it in the estimates committee, the Treasurer said he knew nothing about it. We seek an explanation as to who made the decision and the reasons for it. Was it Mr McCann, CEO of the Department of the Premier and Cabinet? Is the Treasurer indicating it was not approved either by him or the Premier? I find it hard to believe that Mr McCann could make such a decision without any approval from the Treasurer or the Premier to reverse a shared services concept—albeit a small concept—between two significant departments in the public sector.

The next series of questions relates to the government's public-private partnership in the education field, which the government has designated Education Works. First, I have a question to the Minister for Education and Children's Services. Was the minister correctly quoted in the *Sunday Mail* when she said that a supposed super school would still be built in the region, even if all the schools did not agree to close? I will explore that concept. If there are five or six schools and one or two of those five or six schools does not agree to close, is the minister correctly quoted in the *Sunday Mail* when she says that she is going ahead with the supposed super school concept? If that is the case, how does that affect the financial underpinning of the concept? The financial underpinning is on the basis of 17 schools and preschools being closed and constructing six new schools. If a number of those schools do not close, the savings from land sales and recurrent spending in terms of staff and overheads would not be achieved to the same level. Therefore, it would affect the financial underpinning of the proposed public-private partnership.

Again, I have a question for the Minister for Education and Children's Services. Will the minister outline to the Legislative Council what facilities a supposed super school—which is a primary school—would have that the most recently built new primary school, probably in the Mawson Lakes or Seaford area, does not have? What specific facilities, in terms of equipment, structure, size or space, will a supposed super primary school have that the most recently built primary schools do not have? Similarly, what supposed curriculum advantages will a super primary school have over an equivalent sized existing primary school—certainly one of those built more recently? No-one is arguing the point that a school of 500 will be able to do more than a school of 100 under the current arrangements and structures without a PPP. What we want to know is: what is supposedly super about these super primary schools as compared to any new primary school which could have been built, or which already has been built, under the traditional procurement method?

As a former minister for education, I believe there is little likelihood of a minister for education's being able to demonstrate that the title 'super school' is anything other than political spin by this government to camouflage the fact that schools are being closed to build new schools. In relation to curriculum and the building of primary schools, there can, and will, be precious little difference. If one looks at the schools in New South Wales built under the PPP model and compares them to the primary schools in South Australia, one will see that precious little difference exists.

The second area relates to secondary schools, or the R-12 school concept, and the same question is directed to the minister: what facilities will the R-12 school have, in relation to secondary school offerings? To my recollection, no new R-12 schools have been built. Certainly, R-12 schools have been constructed out of existing schooling arrangements: we have area school options that go from reception through to year 12 in a number of country communities. However, in terms of the secondary component of the reception to year 12 schools, what are the facilities or equipment offerings that will supposedly justify the title of 'super', compared to any existing secondary school offerings, such as Brighton High School or Marryatville High School or any of the quality secondary school offerings throughout the metropolitan area? Specifically, what equipment or facilities will be offered in a super school that do not already exist in some of our existing government secondary schools?

Similarly, what curriculum offerings, in the secondary school component of these R-12s, will be offered that are different from, or wider than, any equivalent sized existing government secondary school? If one of these schools is to have a secondary component of 1 000 students, comparing it to an existing school such as Brighton or Marryatville, which have 1 000 students, for example (if they do), what additional curriculum offerings will be offered in the super schools?

The only way in which additional offerings can be made is if the super schools are to be staffed at a more favourable

level, with more teachers and staff, so that additional curriculum offerings can be made. If that is to be the government's position, so be it: one can understand the claims that are being made. However, thus far, that answer has not been provided. All we have heard from the ministers is that bigger schools can provide more curriculum offerings. That is true, but that can be achieved without having to go down the PPP path at all. We are looking for specific responses to those questions.

To continue with Education Works, I refer to Budget Paper 3, page 2.26. There is a series of budget lines there about which we seek an explanation from the minister. The first is 'Education Works-implementation teams', $2.5 million in the first year and $6 million over the next three years. Can the minister outline what expenditure is included in those lines? Does it include expenditure on consultants that would be available to both the department and schools if that is required? Similarly, there is a separate budget line 'Education Works—support for implementation', which is $500 000 in each of the first two years. What specifically is that money to be expended on; and why is that accounted for differently from the implementation team's line just above it?

Thirdly, there is a line 'Education Works—public private partnership', which indicates nothing in the next two years, but $9.5 million in the third year and $13 million in the fourth year. When that question was put to the Treasurer—that is, whether or not the $13 million was what the total annual payment to the private sector would be for the six new schools—the Treasurer said, 'Yes, that would be, but it might also include some money for consultants'. As I said, there is already a separate line on implementation teams which would seem to take care of consultants and others, and so we seek clarification from the minister as to whether the $13 million is the estimate of the annual payment to the private sector for $134 million worth of public-private partnered schools. If that is the case, it does seem to be a high figure: it is almost 10 per cent of the annual payment.

If that is to be made over 20, 25, or 30 years, I would imagine those within the Labor caucus ought to be asking whether that is a value for dollar public-private partnership. Certainly, we in the Liberal Party are the last to be arguing against a sensible involvement of the private sector. It is you, Mr President, and your colleagues who have railed against privatisation for eight years—and we know that a number of you from the Left are obviously strong supporters of this new privatisation of government schools in South Australia. However, in signing up to this particular model, it might be worthwhile some of you asking questions of minister Lomax-Smith and the Treasurer about what it is you are signing up to and what the cost will be.

Further down page 226 of Budget Paper 3 is 'Education Works—land sales': $6 million in two years; $17 million in the third year; and $7.5 million in the fourth year. We seek clarification that that is the estimate of the land sales for the particular 17 schools and pre-schools that either will be closed down or, in some cases, I assume, sold to the private sector to build the six new schools; or does that include other land sales as well? We also seek clarification of exactly what the government's estimate is—and we accept that that might change with the passage of time. Is it correct that the government's best guess at the estimate—that is, what it has used so far of the six new schools—is $134 million, as outlined in the various statements made by the minister, the Treasurer and others in the budget and subsequent to the budget?

Another figure of $216 million has been used, which relates to other upgrades of school infrastructure and, in some cases, the $216 million figure has been referred to the six new schools. We seek clarification as to whether the $134 million public-private partnership proposal is the estimate of the cost of building the six schools, and that the additional expenditure (which takes it up to $216 million) is expenditure on other schools which might enter into other rationalisations or closure arrangements. Along those lines, if one looks at Budget Paper 3, page 226, there is a line 'Education Works—upgrade of existing infrastructure': $7.3 million this year; $16.09 million next year; $21.05 million the following year; and $10.5 million the year after that. That is about $56 million over four years. The question is: are those payments of $56 million over four years an investment in upgrading schools that are not part of the $134 million public-private partnership proposal and, if it is, will that funding involve further closures of school and pre-school sites over and above the 17 that are targeted for closure as part of the six new school concept referred to as Education Works?

If the 17 schools and preschools are closed and six new schools are built as proposed, and taking into account the existing staffing arrangements (that is, with no changes in the existing staffing arrangements), will the Minister for Education confirm that the six schools will require fewer teachers and school service officers under the existing staffing formula than the current 17 schools and preschools would require, and will she also confirm that they will generate significant financial savings? In relation to those significant financial savings, another reference on page 226, under 'Education Works—Operational efficiencies from new investment', indicates that in 2007-08 there is $4.6 million in savings; in the following year, $10.9 million in savings; and in the fourth year, $16 million in savings from the new investment.

We seek clarification as to whether those three estimated payments/savings are being collected into the Consolidated Account (that is, going back into Treasury and the budget) and not savings being kept in the education and children's services budget? Is the approximately $31 million or $32 million in savings over three years savings from the closure of 17 schools and preschools and the building of six new schools, and is that approximately $31 million to $32 million being taken out of the education budget and put into Consolidated Account as part of the budget savings from the education sector?

I turn to the PPP project for the new detention facilities. When one looks at the detail of the PPPs for Education Works one sees there is much greater clarity in terms of the claimed costs, payments and savings. However, when one looks at the detention centre proposal one sees that there is not the same level of detail. My understanding from my colleague is that, from the Corrections estimates, the new detention facilities (in excess of $500 million) are scheduled to start operation in around 2010-11. If that is the case, significant activity must be occurring during the budget forward estimates period, because the budget forward estimates go right through to 2009-10.

If it is intended to open public private partnership detention facilities in excess of $500 million, a series of things and events must be occurring, certainly in the last two years of the forward estimates. As we have seen in education, documented lines refer to payments, savings, costs, etc., but

there is not the same level of detail in relation to the detention facilities. I seek from the government its current estimates in relation to the implementation costs and its estimates of land sale values, as has occurred in education.

If it can estimate its payments to the private sector of being up to $13 million a year for $134 million worth of schools, what is its estimated annual payments to the private sector for correctional services facilities in excess of $500 million? It will be a nonsense for the government to claim that it cannot reveal that, because it has revealed that in the budget documents in the education PPP. As a concept, philosophy and principle, there is no difference in relation to a PPP for schools or detention facilities. We are seeking from the appropriate ministers detail in relation to the proposed detention facilities in excess of $500 million.

In relation to both PPPs, the critical question about the impact on the state budget accounts was addressed briefly in the estimates committees. The Treasurer indicated that, in relation to the PPP for education, the government believes that the up-front cost—the $134 million—would not impact on the state's balance sheets. He stated: 'We think this transaction will be non balance sheet impacting.' I must say, he surprised me.

In relation to the $517 million detention facilities, he was asked whether, as an example, when built, the total cost (which is estimated to be $517 million) would be added to the net debt figure. The Treasurer's response was:

> No. We do not believe it will be. We do not expect that to be on our balance sheet. That is why we are using public/private partnerships.

I am surprised at that; nevertheless, that is the government's position. We seek clarity from the Treasurer as to upon what basis he believes the detention facility, in particular, will be non balance sheet impacting and will not add to the state's net debt figure. As we know, the state's net debt is blowing out in terms of the general government sector from some $200 million to $700 million, or so. If the $500 million has to be added to it, it will go out to $1.2 billion, so it is obviously a significant issue in terms of the reported net debt figures for the state.

Allied to that, the state has just been through a PPP, albeit a small one, in relation to prisons and court facilities. We seek from the Treasurer how that has been accounted for in relation to the state budget figures. Was that 'non balance sheet impacting', to use the Treasurer's phrase? Is that how it has been accounted for in these budget documents? Was there a discussion with the Auditor-General in relation to the accounting treatment of the PPP for police stations and courthouses? If there was, what was the advice from the Auditor-General in relation to the appropriate accounting treatment for that particular PPP, which was conducted with the firm Plenary Justice?

I move to the issue of the public sector cap. Prior to the budget, the Treasurer said that the budget papers would include Treasury's advice on what the cap would be for the public sector. When asked in the estimates committee, the Treasurer moved away from that advice which he had given previously. The Treasurer was asked: what is the cap? Is the cap the 76 654 full-time equivalents estimated for total public sector employment for 30 June 2007? As I said, he moved away from that notion. He stated:

> The number is being worked through. We have further work to do to finalise that number between Treasury and other government agencies. We hope to have that number consolidated by the end of the calendar year.

I seek a commitment from the Treasurer that, when that decision is taken by the end of the calendar year, he will, either through correspondence or through the next opportunity in the parliament, make that particular number publicly available in terms of the cap. Can the Treasurer also confirm that not only will there be a cap for the public sector as a whole but that it is still his intention to have a cap for each individual agency, as he indicated previously.

A question was asked of the Treasurer about the reasons for a significant discrepancy between the estimates of total public sector employment produced by Treasury in the budget papers and the Office of Public Employment. The Treasurer was very critical of the Office of the Commissioner for Public Employment. He said, 'We do not have full confidence in the numbers that OCPC has produced.' Has either the Commissioner or the Treasury produced a reconciliation of the two figures as at 30 June 2005? If so, can they provide an explanation as to the discrepancy of 2 878 full-time equivalent Public Service positions supposedly existing as at 30 June 2005? Allied to that, I put this further question to the Treasurer: when Treasury includes in the budget papers the number of full-time equivalent positions as at 30 June 2006 (or any year, for that matter), can Treasury indicate whether it is an actual full-time equivalent headcount number (and I am not talking about part-time positions) or an approved headcount number for departments and agencies?

I will explain the question. As at 30 June, in any agency, such as Treasury perhaps, if there are 200 funded positions there may well be 10 positions vacant as at 30 June, or as at the last pay day in June, because people have died, got a promotion to another agency, left the public sector, or whatever it might happen to be. So, when the census or the headcount is done at that time, there is a full-time equivalent funded position but no-one is actually in the position. I am seeking clarification as to whether the Treasury numbers included in the budget papers are funded positions, or perhaps 'approved positions' is a better way of putting it, as opposed to warm bodies, full-time equivalents, actually working on 30 June of a particular year.

My next questions relate to the shared services concept and the savings. The budget documents include claims of eventual savings of some $60 million a year from the shared services concept. When the Treasurer was asked about this, he indicated that Greg Smith's advice was that they would get $50 million of shared services savings and $30 million of savings from ICT, giving a total of $80 million. The government then discounted the number back to $60 million to put the number into the budget.

First, can I clarify that the $30 million of ICT savings have nothing to do with the shared services concept and are related to the ICT tendering processes entered into by the government some three years ago to replace the then existing EDS contract? If the shared services contract does not go ahead, will either the claim of $30 million of savings (and I express some scepticism about the level of that) or some lower level of savings accrue irrespective of whether or not the shared services concept goes ahead? I seek clarification from the Treasurer that that is indeed the case—that the ICT savings really were decisions taken some time prior to Mr Smith and have nothing to do with the work that Mr Smith might have done.

In relation to the cost of the South Road transport project, the government's position (which I will not enter into debate about this afternoon) is that it could not reveal the extent of any blow-out in relation to the South Road underpass project

because it was in the final stages of delicate negotiations, etc., with one particular tenderer. Can I confirm with the Treasurer that the government has not reached that stage in relation to the South Road/Port Road/Grange Road project and that the government has not entered into final stage negotiations with a particular tenderer? If that is the case, can the Treasurer or the Minister for Transport indicate why the government is not in a position to be able to indicate in the current estimates the extent of any budget blow-out in relation to that project?

I move now to the position of contingencies. In Budget Paper 4, Volume 1, on page 3.29 in the administered items for the Department of Treasury and Finance we see the usual lists of contingency provisions: employee entitlements, investing contingencies and supplies and services. There were some extraordinary responses from the Treasurer in respect of this area when he was asked about the extent of these provisions. The Treasurer said:

> To protect the government's negotiating position, we have moved contingencies. We do not want to be up-front in our budget papers with what we expect to be the wage outcomes of government and we have mechanisms by which we can move some contingencies to meet the outcome of wage negotiations.

Certainly, one of the reasons for having contingencies is that a government does not want to reveal the extent of its capacity to pay for additional wage increases, but what the Treasurer seems to be indicating is that he is going to move out of the supplies and services contingency money into paying additional employee entitlements, if that is indeed what he wants. If that is the case, I think there are some significant issues.

In looking at the contingency provision for entitlements last year I seek clarification from the Treasurer. At the start of the year the budgeted contingency was $69 million. The Treasurer is now reporting that for 2005-06 the result was $148 million. Will the Treasurer outline how he believes that increase in expenditure ought be interpreted? Is it accurate, for example, to interpret that as meaning that there was $148 million of additional expenditure going into employee entitlements—some $80 million or so more than had been budgeted? Will the Treasurer explain why, for this current year, the employee entitlement provision is only $19.9 million? In particular, can we clarify whether the Treasurer's answers given in the estimates committees suggest that he is able to move money from the contingency provisions for supplies and services ($102 million) into the employee entitlement contingency? If that is the case, does it make any sense at all to break up the contingency provisions into three sub-categories, rather than putting it all together?

If that is what the Treasurer is suggesting, is that, indeed, consistent with the Treasurer's instructions and other guidelines, and are there any concerns from the Auditor-General, given what the Treasurer seems to be flagging that they are intending to do? I also specifically seek clarification from the government about what other specific budget lines are in the administered items for Treasury (or, indeed, any other budget line controlled by the Treasurer) that provide either specific contingency or headroom for the government in terms of meeting unexpected costs. Are these three lines the extent of any contingency that the Treasurer has, obviously bearing in mind, as we have seen in past years, if an extra $600 million in revenue comes through the door obviously that is a different contingency?

If the budget is adhered to, are these the only specific lines and contingencies available to the Treasurer and to the government under the current structure of the budget documents? In the estimates committee a specific question was put to the Treasurer in relation to estimated increases in staffing in the public non-financial corporations sector and the financial corporations sector up until 2010. The Treasurer said:

> . . . but I assume that those numbers are published in their annual reports.

I indicate to the Treasurer—he might not have had a look at some of the annual reports in recent times—that that is certainly not the case. Given that that is not the case, can the government provide those estimates of increases to numbers, if indeed the government has them? The other point I would make is that the Treasurer said:

> That is not the focus of the budget. These entities provide dividends to government.

I highlight to the Treasurer that a number of the organisations in the public non-financial corporations sector do not pay dividends to the government. I think the Treasurer is confusing a limited number of those organisations, particularly in the financial corporations sector and some of the public non-financial corporations sector with the majority, where a significant number of those organisations do not pay dividends to the government.

The Treasurer was asked a question in relation to a claim by the Public Service Association in a press release dated 27 September 2006, where the PSA said that it met with the chief executive of the Department of the Premier and Cabinet and 'stated that in a meeting with Warren McCann, the CEO of the Department of the Premier and Cabinet, it was said that there was a requirement that all positions at ASO level 6 and above, as well as other equivalent positions, be advertised externally or suspended from that date'. I seek clarification as to whether or not that is indeed the case, that the requirement for those positions to be advertised externally has been suspended from that particular date by the chief executive of the Department of the Premier and Cabinet. If that is the case, can the CEO of the Department of the Premier and Cabinet indicate the reason for that edict from Mr McCann?

In relation to the capital investment statement, Budget Paper 5, and the Port River Expressway, the estimated total of the Port River Expressway is listed as $175 million. However, a federal Department of Transport and Regional Services press release of 9 May 2006 states that it is a $202 million project. Can the Treasurer or the Minister for Transport advise the reason for the discrepancy between $175 million and $202 million and, indeed, which figure is correct in relation to the Port River Expressway project?

This is a question for the Treasurer and/or the Minister for Health. The evidence to the Public Works Committee on 19 October 2005 about stage 3 of the Queen Elizabeth Hospital redevelopment project indicated that the estimate then for stage 3 was $197 million. Given that the cost of stage 2 has most recently been estimated at $120 million, giving a total of $317 million for stages 2 and 3, is that the latest estimate for stages 2 and 3, or is it correct that there has been a further blow-out in the total costs of stages 2 and 3?

If that is indeed the case, does the Treasurer still stand by his comment that there have been no blow-outs on the Queen Elizabeth Hospital project? Thirdly, can the Minister for Health detail the costs of all scope services and reconfiguration changes that have increased the cost of this project from the original estimate of $41.6 million, which was included in Budget Paper 5 of the 2002-03 budget, when the estimate for

building stages 2 and 3 was $41.6 million? As I said, can the Minister for Health outline all scope, service and reconfiguration changes that have increased the cost from $41.62 million to $317 million?

In relation to payroll tax, Business SA has put a submission to the government, opposition and others. It believes that the payroll tax-free threshold should be lifted from $504 000 to $800 000. Can the Treasurer advise what the cost to revenue would be for each of the forward estimate years for such an increase, and what the cost would be of an increase in threshold to $650 000? Also, if the Treasurer adopts the same position as he adopted in the estimates committees—that is, to criticise the opposition for being lazy—is he prepared to give an undertaking that the opposition can have access to the baseline data from within Revenue SA which would allow estimates of the impact of such a payroll tax-free threshold change?

Similarly, in relation to Business SA's request regarding a reduction in the rate, can the government indicate what would be the cost per year to reduce the payroll tax rate, first, to 5.25 per cent and, secondly, to 5 per cent? Again, if the government is not prepared to do that is it prepared to provide access to the database to allow the opposition to undertake those calculations? The Treasurer said, 'You can get the data and do you own calculations,' so if the Treasurer refuses access to the data from Revenue SA can he advise exactly where the data can be obtained so that someone other than the government can undertake the calculations?

In relation to TVSPs that were offered prior to 30 June this year, can the Treasurer indicate whether the cost of those TVSPs was a centrally provided for cost from Treasury, or were the individual departments and agencies responsible for the cost of the TVSP for offices within their particular department or portfolio?

In relation to the education portfolio, can the Minister for Education and Children's Services provide the number of full-time equivalent speech pathology positions within the Department of Education and Children's Services and its equivalent agencies for each year from 1996 through to 2006?

Under Highlights for 2005-06 in the Department of Treasury and Finance, it states:

> Continued to work collaboratively with the portfolios on a range of issues identified during, and since completion of, the expenditure reviews of the education, health, families and communities, justice and DAIS portfolios.

Have all these reviews been concluded, and can the Treasurer provide some detail on what changes have been implemented so far?

Again under the Department of Treasury and Finance, page 3.3, will the Treasurer provide to the committee at a later date a table outlining how the South Australian government's timetable for the removal of the IGA taxes (as agreed with the commonwealth) compares with other states? Also, under Highlights for 2005-06, page 3.5, it states, 'Secretariat to the review of priorities undertaken by an independent consultant' and, under Targets for 2006-07, it states, 'Assisting with implementation of the review of priorities.' Will the Treasurer indicate what the review of priorities was; who was the independent consultant; what was the cost; and what is being implemented?

On page 3.6, listed as part of the Investing Payments Summary table, the works in progress indicate that in 2005-06 $8.6 million was budgeted for expenditure on the Taxation Review Management System Project. In the same table, the estimated result reveals that none of this money has been spent on this project. Will the Treasurer explain this underspend and also explain why the 2006-07 budget allocates only $1.3 million to this project and has not carried forward the $8.6 million underspend? On page 4.11, the fourth paragraph states:

> Specific Purpose Payments (SPPs) for government schools are estimated to decrease by 2.1 per cent in 2006-07 to $185 million, primarily reflecting cessation of a Department of Education and Children's Services project that had been funded by the Commonwealth.

Will the Treasurer or the minister advise what the project was and why the project was stopped?

Under highlights for 2005-06, on page 3.5, it states: 'prepared discussion paper on cost effectiveness indicators'. Who prepared the discussion paper and what issues were raised in it? Is a copy of the discussion paper publicly available? On page 3.2, the Work Force Summary table shows that there is an increase of 50 full-time equivalent staff going into the department in 2006-07. Will the Treasurer outline which branches of Treasury the increase of 50 full-time equivalent staff is going into in 2006-07? On page 3.17, will the Treasurer outline, with respect to his department and all portfolio agencies reporting to him, what were the total costs spent on conferences in 2004-05, 2005-06 and what is estimated for 2006-07?

Under highlights for 2005-06 on page 3.5, it states: 'finalisation of reviews of Treasurer's Instruction 17 and the guidelines for the evaluation of public sector initiatives in response to recommendations from the Economic Development Board for implementation in 2006-07'. What changes, if any, were made to the guidelines? Given that Treasurer's Instruction 17 is publicly available on the Treasury web site, and the guidelines which form part of this instruction are not publicly available on the web site, is the Treasurer prepared to make available to the opposition and the parliament a copy of those guidelines? In relation to the Treasury, on page 2.11 of Budget Paper 3 savings initiatives, departmental efficiencies, efficiency dividend and superannuation service efficiencies are outlined. Will the Treasurer, in relation to his own department, outline what departmental efficiencies and efficiency dividend changes will be made to achieve the savings that are outlined on that page?

Finally, in relation to fines and penalties, in Budget Paper 3, page 3.21, the fines and penalties line shows a 2005-06 estimated result of $74.5 million and, in the 2006-07 budget, a figure of $106.9 million, increasing to $133.3 million in 2009-10. Will the government provide a breakdown for each year of what comprises these figures in the fines and penalties line? We understand that the majority of that relates to speed or traffic offences from police, as I will refer to later in relation to the SAPOL budget papers, but it appears there is still a not insignificant percentage of that fines and penalties line which must refer to other departments and agencies in relation to fines and penalties. Will the Treasurer provide a breakdown of the respective components of that? This was an issue that I raised in question time this week because, under the SAPOL budget (Budget Paper 4, Volume 1, page 4.4), Infringement Notice Scheme—Expiation Fees, there is a figure of $76.3 million. I am assuming that $76.3 million must be a component of the $106.9 million to which I referred earlier. So, really, we are trying to find out what the other $30 million or so included.

In relation to the $76 million included in Volume 1, page 4.44, other traffic infringements notices are referred to which add up to $16.7 million in terms of expiated returns.

If one looks at the reply Deputy Commissioner White gave in the estimates committees, there is a line which says, 'Traffic infringement notices, $16.7 million,' yet he has separate figures for speed cameras (mobile), $19.7 million; speed cameras (fixed), $22.3 million; and red light cameras, $13.3 million. He then has another category called 'traffic infringement notice', $16.7 million. I would like to see some explanation as to what they are if they are not any of the three previous categories. He then has another category of 'other expiation notices', $4 million. I want to clarify: are those other expiation notices related to traffic and speed and other traffic offences, or do they include other expiation notices such as drug expiation notices, for example, for marijuana and other issues like that?

I thank members for their patience. Hopefully, this will prevent an overly long and extended committee stage of the Appropriation Bill debate, which is entirely possible under our procedures. I seek a commitment from the government to get as much of that information back before the budget passes. We can certainly enter into discussions in relation to commitments for anything that is too difficult by way of further correspondence.

The Hon. R.P. WORTLEY secured the adjournment of the debate.

ADJOURNMENT

At 6.22 p.m. the council adjourned until Tuesday 14 November at 2.15 p.m.