LEGISLATIVE COUNCIL

Wednesday 30 May 2007

The PRESIDENT (Hon. R.K. Sneath) took the chair at 2.18 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Police (Hon. P. Holloway)—

Rules of Court—
Supreme Court—Supreme Court Act 1935 Workers Compensation Tribunal—Supreme Court Rules and Conduct of Proceedings

By the Minister for Environment and Conservation (Hon. G.E. Gago)—

South Australian Council on Reproductive Technology—Report, 2006.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the second report of the committee.

Report received.

QUESTION TIME

POLICE, BULLYING

The Hon. D.W. RIDGWAY (Leader of the Opposition): I seek leave to make a brief explanation before asking the Minister for Police a question about victimisation and bullying within SAPOL.

Leave granted.

The Hon. D.W. RIDGWAY: For nearly 12 years a senior constable has attempted to have police investigate allegations of victimisation and bullying within the police force. On raising the possibility of taking the matter outside SAPOL, he received the following order from a superintendent:

> As an officer of SAPOL of a senior rank to you I direct that you are not to discuss or promote the issue you raise outside of SAPOL in any form. Should you do so, you may be subject to a breach of the Code of Conduct and Police Regulation. Any such incident would be referred for investigation.

My questions to the minister are:

1. Under what circumstances are these types of orders, which prevent police officers from going to their member of parliament, their lawyer, SafeWork SA or the Police Association, placed on members of the police force?

2. How many similar orders have been issued in the past 10 years and, in each case, why?

The Hon. P. HOLLOWAY (Minister for Police): He is at it again. Now all the members of our police force are bullies. He attacked them yesterday and said that they are all incompetent, but they are not—

The Hon. J.S.L. Dawkins: They are your words.

The Hon. P. HOLLOWAY: That is what he was suggesting, and he is doing it again. I think it is about time that the shadow minister for police started to support the police, rather than putting a whole series of unsupported allegations in this place, which seek to undermine public confidence in the police. I would have thought that, if the Leader of the Opposition is going to make allegations of this nature, he should at least seek to raise them with the appropriate people or he should be prepared to back them up.

The question that the Leader of the Opposition asked was something in relation to police bullies. If the honourable member—or anyone—has an allegation, they should raise it with the appropriate authorities. The South Australian police force does have a code of conduct. Because of the information that is available to them, of course, we expect their conduct to be at a higher level than that of general members of the community—and appropriately so. They are also, because of their capacity—

An honourable member interjecting:

The Hon. P. HOLLOWAY: What bullying? Again, we have someone saying that our police are bullies. The Liberal opposition is making these allegations that the police are bullies. There are proper procedures with respect to the police force, as is the case with the Public Service or any other organisation—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —in relation to this matter.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes, the member is embarrassed. So he should be. He makes these allegations, but he knows what will happen out there.

Members interjecting:

The PRESIDENT: Order! All members should be embarrassed about the way in which they are behaving.

The Hon. P. HOLLOWAY: There are proper procedures in place for the police, as there are in the Public Service and other areas, for any allegations that are raised. If people believe that they are being victimised in any way, there are appropriate procedures they can take to deal with those things. If people do not use the appropriate means to make allegations, they would be in breach by their conduct. I did not make up the rules with respect to the police: they have been around for many years. They were there under the previous government. They are there for the protection of the public and of police officers.

The Hon. J.M.A. Lensink: You've had five years.

The Hon. P. HOLLOWAY: I have had five years, so the member reckons that I—

The Hon. J.M.A. Lensink: That is your excuse for everything.

The Hon. P. HOLLOWAY: So, what should happen? The deputy leader of the opposition is suggesting that I should rewrite the police rules. That is what she is effectively saying; that it should be me, as Minister for Police, rewriting the rules according to which the police should behave. The new Leader of the Opposition has been shadow police minister for about a month, and he is effectively saying that I should be directing the police in operational matters, and that I should be directing the police force about what—

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

The Hon. P. HOLLOWAY: She is saying it again. She said it is my job, and that I should be directing the police in operational matters. I suggest to the deputy leader that she go and read the Police Act—which was passed under her government, when Trevor Griffin was the attorney-general. If she reads the act she will understand the responsibilities. They are all there: all the answers to the questions asked by the Leader of the Opposition and all the interjections are there under the Police Act. There are proper procedures set out by this parliament.

This parliament has passed a law which sets out my functions as police minister and the responsibilities of the Commissioner of Police in relation to the operation of the police force. There are also sections that set out the disciplinary procedures and all the other operational issues in relation to the police force. It is not appropriate for ministers to direct the police force. That was recognised by my predecessors. Just read what Robert Brokenshire said when he was minister for police. I have quoted him on a number of occasions.

The Hon. J.S.L. Dawkins interjecting:

The Hon. P. HOLLOWAY: He was no good, you reckon? The Police Act sets out the responsibilities. There are also laws in relation to people seeing members of parliament, lest it be suggested that I am in some way saying people should not see their member of parliament, because that appears to be the innuendo coming from over there. We all know what the rights and responsibilities are for members of parliament. We all know what the rights are for anyone who wishes to come to see MPs, we all know that they are protected in relation to that, but there are organisations, such as the police force, the Public Service and so on, that have laws set down by this parliament that determine their behaviour, and people should abide by them.

The Hon. D.W. RIDGWAY: I have a supplementary question. I repeat: under what circumstances are these types of orders, which prevent police officers from going to their member of parliament, lawyer, SafeWork SA or the Police Association, placed on members of the South Australian police force?

The Hon. P. HOLLOWAY: There are laws which govern the rights and duties of lawyers. There is parliamentary privilege and there is legal privilege, but there are also codes of conduct and behaviour set out in the Police Act, or under the authority of the Police Act, in relation to the behaviour of police officers. Police officers sign those when they join up and agree to be bound by them. If the honourable member wants to ask a specific question, something with detail, then I can look at it, but all he is doing here is making some vague piece of innuendo that somewhere, somehow some police officer has either been bullied or seen bullying or victimisation and that he cannot go and see his member of parliament. If the honourable member wants to come up with some specific details then we can deal with it, but it is really not helping anybody just to go around in circles with these vague accusations.

FLINDERS CHASE NATIONAL PARK

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Environment and Heritage a question on the subject of the Flinders Chase National Park.

Leave granted.

The Hon. J.M.A. LENSINK: Members may recall the tragic drowning of two men that took place at Remarkable Rocks in Flinders Chase National Park, Kangaroo Island, on 9 November 2003. These deaths were followed by a coronial inquest, which was reported on 10 August 2006. In giving evidence in, I think, July 2006 (from my reading of the Coroner's report) the conservator of Kangaroo Island and the most senior officer of the National Parks and Wildlife Service, Mr Mark Herrmann, told the Coroner that the dangerous zones at the site, where people can slip and fall into the sea, had not been declared in accordance with section 42(1) of the National Parks and Wildlife Act, which provides:

> Where the Minister is satisfied that it is expedient for the purpose of protecting human life or conserving native plants or animals, the Minister may, by notice published in the Gazette, declare any portion of the reserve to be a prohibited area.

Section 42(3) provides a disincentive for anyone to enter such a prohibited area by creating an offence which attracts a fine of $1 000. The Coroner stated in the report:

> It is unfortunate the department has not put the declaration in place. It seems that the signs were in place some time ago. I consider that the declaration should have been placed in the gazette, as required by section 42(1), much sooner than this. However, I note the department has made considerable efforts to upgrade the signage and safety of the area and it is a pity that it should let itself down by failing to deal with an important procedural matter such as the declaration itself.

My question is: will the minister confirm whether that declaration has been gazetted; and if not, why not, and when is that likely to take place?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for her question. This was indeed a very tragic accident that resulted in death, and the Coroner's inquest that followed made certain comments and recommendations in relation to that. It was some time ago that I looked at this, but I recollect that I was advised that all appropriate upgrades in signage and zoning of areas that could be considered to be potentially dangerous had been addressed.

Obviously, it is most important that these reserves are maintained in such a way that visitors can not only enjoy the natural beauty of our coast and inland areas but also do so in a manner that is safe for themselves and their families. I am advised that all upgrades have been completed and new signage put in place, and I am also advised that all other matters raised by the Coroner have been addressed.

The Hon. J.M.A. LENSINK: I have a supplementary question. Do I understand from the minister's answer that a gazettal of the prohibition will not be undertaken?

The Hon. G.E. GAGO: As I stated, the advice I have been given is that all the recommendations made by the Coroner have been addressed.

SCHOOL CROSSING, NAIRNE

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Road Safety a question relating to a school crossing.

Leave granted.

The Hon. S.G. WADE: In 2001 the Department of Education and Children's Services commissioned a report into the safety of the road crossing outside the Nairne Primary School. Since 2001 the issue of the safety of students at the crossing has continually been raised by that excellent member, the member for Kavel; however, to date, no action has been taken to address the safety of the children. Minister Zollo's response in June last year was to assure the public that she would be 'working with [her] cabinet colleagues and local government to ensure that traffic management, along with pedestrian and cycling safety, are a priority in future development proposals.' However, the Department for Transport, Energy and Infrastructure has ruled out any upgrade of the crossing. At the same time, the department has installed a red light and speed camera a few kilometres east of the same road at the on-ramp to the freeway. By definition,

the freeway is not accessible to cyclists and pedestrians. My questions are:

1. Will the minister explain how installing a red light camera at the on-ramp shows the government's alleged priority for pedestrian and children's safety as opposed to an upgrade of the school crossing at Nairne?

2. Will the minister advise whether both these projects were subject to a consistent risk assessment; and, if so, did the school crossing show a lower risk than the freeway junction?

The Hon. CARMEL ZOLLO (Minister for Road Safety): I thank the honourable member for his question. I am advised by the department that, as part of South Australia's ongoing red light/speed camera program, a new camera has been installed on the Mount Barker interchange ramp to Swanport. The program is prioritised according to the number of crashes at intersections. There is absolutely no connection between congestion issues at the Nairne Primary School crossing and the demonstrated crash problem at the intersection where the speed camera has been installed. I think I remember that the last time I addressed this question in the council I commented that it was possibly the worst planning I had ever seen around a school, and I still believe that is the case. This is a very large primary school with, now, a large catchment area in a very narrow, dead-end street. I think that, ultimately, this problem will have to be addressed as a planning issue.

In regard to the Nairne Primary School, departmental officials have been present during ongoing discussions between the District Council of Mount Barker, the Department of Education, and the school itself. The most recent meeting was held in March this year and, at that meeting, the Department of Education further discussed with the council various options for alleviating the carparking and safety issues on Saleyard Road (which the school faces) which come under the care and the control of the council.

I am always concerned for the safety of our schoolchildren, and the further meetings with the Department of Education will, I am certain, continue to be constructive. It does require all the agencies and the district council to work together to alleviate the problems that are there. The department, over several years now, I think, has undertaken some audits of the area and there have been some minor improvements to assist in the design concepts but, ultimately, it will need the goodwill of a number of agencies and the district council itself.

The Hon. S.G. WADE: I have a supplementary question. Given the minister's failure to assure the council that a risk assessment was made on either of these projects, would the minister—

The PRESIDENT: You just asked your supplementary. 'Given the minister's failure'—that is an explanation.

The Hon. S.G. WADE: Has either project been subject to a risk assessment?

The Hon. CARMEL ZOLLO: I apologise. I thought that had been advised to the council previously in the response I had given. On 28 June an 11-hour traffic and pedestrian movement survey outside the Princes Highway/Woodside Road junction, the Princes Highway/Saleyard Road junction, and the South Terrace/Market Place junction was undertaken. A cadastral survey was undertaken to identify services, property boundaries and features to refine concept plans for improvements at the junction of Princes Highway and Woodside Road. All of this, I am certain, will assist in determining any land acquisition and service relocation and enable refinement of the likely cost of the concept.

The department has also confirmed the feasibility of creating a new junction with Princes Highway if the option of extending Walker Court is pursued in the future by the District Council of Mount Barker. It has developed several preliminary concept designs, including the option for a signalised, staggered T-arrangement, a realignment of one leg to form a four-way signalised intersection, and the option of a roundabout at the junction. Estimates for the options are being developed.

There was a meeting in June, as I said, and another one on 1 March this year. It was recognised that traffic congestion at the intersections of Princes Highway/South Terrace/ Saleyard Road/Woodside-Nairne Road is compounded by the no-through road arrangement of Saleyard Road and the peak traffic demands of the school. That is essentially what it is. On this basis there is a need for the Mount Barker council, the school and the associated traffic congestion on Saleyard Road and its junction with Princes Highway to be managed. Of course, one solution for reducing the traffic congestion at the Princes Highway/Saleyard Road junction is to provide an alternative road link to the school and, of course, in that way you distribute the traffic loads.

A new road link could be considered to Market Place, or Walker Court could be extended to provide a new junction to the Princes Highway. An outcome of the last meeting was that the Department of Education will further discuss with the council various options for alleviating carparking and safety issues on Saleyard Road. DETEI is aware that some discussions have already taken place. As I said, I thought the honourable member already had that information.

The Hon. SANDRA KANCK: I have a supplementary question. Has the government investigated the compulsory acquisition of land to extend the road or is it leaving that up to Mount Barker council and, if so, can Mount Barker council compulsorily acquire property?

The Hon. CARMEL ZOLLO: I will have to get some advice in relation to the information the honourable member seeks and bring back a response.

KANGAROO ISLAND CAPITAL WORKS

The Hon. R.P. WORTLEY: Will the Minister for Urban Development and Planning explain how the government is assisting Kangaroo Island council to undertake a number of important capital works projects at the four major townships on the island?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): The state government will provide more than $332 000 for the important capital works projects mentioned by the honourable member in the Kangaroo Island townships of Kingscote, Parndana, Penneshaw and American River. The council will receive $332 575 from the government's Places for People scheme for the council's Four Centres project. The council will also contribute $90 000 towards the capital works projects, taking the total project cost to $422 575. The funding will be spread between the four townships. The council previously received Places for People funding to prepare an urban design framework and master planning for the four townships. This latest grant will enable the council to begin implementing the recommendations of the master plan.

The 10 projects should deliver important benefits for the communities in each of the four Kangaroo Island townships. I understand that the council has already carried out preliminary design work for the 10 projects, with input from a number of local artists. The projects focus on the entrances to the townships, including highway alterations, new signage and tree planting. In American River, a limestone wind shelter to allow retired members of the community to socialise has also been proposed, while in Penneshaw work on a multipurpose civic square will be undertaken. The entrance work will be important for tourism and local businesses, while the wind shelter and civic square proposals will benefit those communities and their social interaction. I also understand that community volunteers will help to implement the projects from groups such as Kangaroo Island Community Education and Landcare. All these projects will also deliver significant tourism benefits for Kangaroo Island.

More and more people are visiting the island, with data showing that from December 2005 to December 2006 the number of domestic visitors to Kangaroo Island increased by 45 per cent, and the number of international visitors increased by 11 per cent. Improving entrances to the four key townships on the island can only help to increase these visitor numbers even further. Grants under the Places for People scheme are made to councils through the Planning and Development Fund, which is a statutory fund established to support open space projects. As many honourable members will be aware, the Places for People scheme is an urban design grant program with the principal objective of revitalising or creating public spaces that are important to the social, cultural and economic life of their communities. A secondary aim of the program is to foster a culture of strategic urban design within councils, establishing practices that will benefit future public realm of projects.

The funding is provided for urban design frameworks, master plans, design guidelines, detailed designs and capital works. Grants totalling $7 million have been provided to councils throughout the state since the Places for People program began in 2002. This funding has helped to facilitate approximately 130 projects across South Australia, with individual grants ranging from $5 000 to $750 000.

I think that the awarding of this grant to Kangaroo Island will not only benefit that community but will also signify the strong support the Rann government gives to people in regional areas. I note that most of these grants are on a fifty-fifty basis. We recognise that Kangaroo Island has a very small population, but the high level of government funding given to Kangaroo Island is because of the large number of tourists who travel there.

UPPER SOUTH-EAST DRYLAND SALINITY AND FLOOD MANAGEMENT SCHEME

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Environment and Heritage questions about distortions of a CSIRO report to justify the extension of the Upper South-East Dryland Salinity and Flood Management Scheme.

Leave granted.

The Hon. SANDRA KANCK: In November 2005, CSIRO scientist Dr Glen Walker provided a position paper for the Upper South-East program. He argued that the rising watertables and dryland salinity had been caused by a change in water balance on the dunes, and he suggested that this could be redressed by revegetation of 90 per cent of the 'dunes and associated areas'. He did not say 'all the land in the Upper South-East'. I am informed that the dunes and associated areas make up 37 per cent of the Upper South-East land; so 90 per cent coverage of 37 per cent equates to revegetation of about one-third of Upper South-East land. In relation to the early stages of restoration of vegetation, Dr Walker also said:

> During this initial period the use of engineering to protect valuable land or environmental areas may be considered.

I note the word 'may' and its specificity to 'valuable land or environmental areas'. He did not say 'the whole of the Upper South-East'. Subsequently, a member of the Upper South-East program, Mr Michael Leak, attached his own summary to Dr Walker's paper. It states:

> There would need to be 80 to 90 per cent of the land surface covered with deep-rooted vegetation. . . This was considered to be an unattainable target. Consequently, an engineering solution in the form of drainage is required. . .

Of course, Dr Walker did not say '90 per cent of the Upper South-East land': he said '90 per cent of the dunes and associated areas'. An Upper South-East landholder, who has drawn this to my attention, stated in a recent email:

> Leak's (mis)interpretation then appears to have become the official CSIRO position quoted by DWLBC.

In November 2006, when justifying the bill to extend the scheme, the minister said in this chamber:

> The CSIRO land and groundwater specialists. . . have indicated that 90 per cent. . . of the area in the region would need to be covered with deep-rooted vegetation. . . This was considered to be an unattainable target, and it was therefore considered that a complementary engineering solution would be necessary.

Now that sounds very similar to what Mr Michael Leak had to say. Local farmers are telling of a lowering of the water levels in their bores, and the Padthaway Irrigators Association, members of which joined a protest on the Kyeema property, are very concerned about what further drains will do for their grape production. My questions are:

1. In advising the parliament of the CSIRO recommendations in November last year, had the minister read Dr Walker's paper, or was she simply quoting a member of the Upper South-East project who had misquoted Dr Walker?
2. If she has not read Dr Walker's paper, will she now do so and compare it against the summary provided by Michael Leak?
3. Given that Dr Walker's recommendation was effectively for one-third coverage of the Upper South-East and up-to-date information suggests that now approximately 300 hectares of lucerne and 150 000 hectares of native vegetation have been replanted in the area and Dr Walker's target has now been met, does the minister agree that the drains are both unnecessary and a financial impost on the state?
4. How many bores in the Upper South-East have rising, lowering or stable water levels?
5. In the light of the distortion of the CSIRO position, will the minister now order an independent environmental audit of the program?

The Hon. G.E. GAGO (Minister for Environment and Conservation): Fundamentally, this matter is before the courts and will be a matter for court investigation. At this time I am limited to what is appropriate in relation to some of the detail I am able to give today. Certainly, I am able to make general comments and I am very happy to do so. I am happy to answer the questions as best I can. If members are happy to listen I am happy to give my answer. First, in relation to the drain which we are considering at present, we

are looking at a different type of drain from that which has usually been implemented in the South-East drainage system. It is a smart drain. It has been modified—

The Hon. Sandra Kanck: They are all smart, aren't they?

The Hon. G.E. GAGO: It has been significantly modified in relation to the other types of drains that have been put in.

Members interjecting:

The PRESIDENT: Order! Do members want to hear the minister's answer? Otherwise, the minister may as well sit down.

The Hon. G.E. GAGO: I have plenty of time. I have 29 minutes, Mr President, and I am happy to give the detail that I am able to give. The design of this particular drain is quite different from the other sorts of drains that generally we have put in place. I think that is the important difference. I have been asked what some of the differences are. Of course, I am not an engineer but as a lay person I am happy to say in relation to some of the differences that make it a smart drain that it works on a weir system, unlike some of the earlier drains that we have put in place.

Some of the drains that we put in place earlier tended to continue to drain year in, year out, and there were issues about the impact that was having on the depth of the watertable. The smart drains use a weir system so that we can control the drainage. If we want to increase drainage we can remove the weir system, but if we want the watertable not to be lowered any further we put in place the weir system so that it stabilises the groundwater component. That is one important difference.

The other difference is that it allows for freshwater crossover rather than simply a drain intersecting two parcels of land. We now have these crossover sections that allow freshwater flows of surface water to be brought through and over the groundwater drain and those waters to be directed into wetlands. Of course, that is a very important—

Members interjecting:

The Hon. G.E. GAGO: I am happy to answer all the questions, Mr President, because I have plenty of time, and I will go through them one by one. The opposition just needs to relax and I will get to it. That is another very important difference.

Members interjecting:

The Hon. G.E. GAGO: I was asked for the differences in the smart drain and I am answering that question, but I will work through them all. Of course, that is an important difference, because the objectives of the original design of the drainage system were mainly focused on flood mitigation and salinity management. We have learnt over many decades of experience from this drainage system and we have highlighted the importance of environmental values. That is another important aspect of smart drains. It incorporates a third element, which is environmental values.

So, going back to the questions of the Hon. Sandra Kanck, the advice that I have received is that vegetation management in terms of managing the saline water tables and flood mitigation and also trying to retain and preserve environmental values is not enough and an engineering solution is also required. I have been advised that the robust technical basis for the Didicoolum Drain is drawn from a broad range of substantial studies by various independent expert authors undertaken over a period of more than 10 years. I have to say that I have not read every single one of them. Some of them I have read in part but, basically, I have relied on the scientists and technicians to advise me in relation to these many reports which, as I said, have been devised over many years.

This extensive body of work was comprehensively reviewed by a specially established technical panel comprising regional, state and national experts in the fields of hydrology, hydrogeology, soil science, ecology and agronomy. In early 2005 the panel consolidated the findings of these studies into a statement of recommended design principles for the Didicoolum Drain. The Upper South-East program Environmental Management Advisory Group (EMAG) was established to provide independent environmental due diligence and advice to the program board. It includes in its membership representatives from the state and commonwealth government departments for the environment and the Conservation Council of South Australia. So members can see that the expert advice is not just from our own department, which employs people with substantial engineering and scientific credentials, but a lot of the advice has come quite independently from outside the department.

In April 2005, EMAG formally considered the recommended design principles for the drain and advised the Upper South-East Program Board that it accepted the rationale under-pinning the design principles and supported the further development of the drain design, subject to the parallel development of complimentary land management solutions, particularly for the protection of wetlands along the water course. I have also been advised that the Upper South-East Program Board, which includes in its membership representatives from the state and Australian government departments and regional bodies, such as the South-East Natural Resource Management Board, the South-East Water Conservation and Drainage Board, the Conservation Council of South Australia and regional landholders, formally considered the design principles and conceptual design options of the Didicoolum drain, with reference to EMAG's advice, and directed the program team to further develop the preferred conceptual design.

In November 2005, the South-East program advised the then minister for environment (Hon. John Hill) that it had reviewed all relevant information associated with the design of the drains and that all significant matters were resolved to the board's satisfaction. The board then recommended unanimously that the minister approve those design principles, and this approval was granted on 17 November 2005.

I am advised that over the past 18 months the program team has worked closely with all the directly affected landholders along that alignment on a property by property basis to develop the detailed construction specifications. Significant additional soils and groundwater studies have been undertaken and a substantial groundwater monitoring program has been put in place. Throughout the region there are tens and tens of monitoring wells. Some have been there for many years and provide substantial long-term data in that area, and those wells are monitored regularly. There is a substantial database around them.

A study by GHD Pty Ltd in 2004—an international hydrogeology and environmental consulting company—discussed the risk of an open drain along the Marcollat Flat intercepting surface flows to the wetlands. This matter has been addressed, I have been advised, by the proposed drain design, which prevents surface water from falling into the drain and providing the overpasses I was talking about earlier to carry freshwater across into key wetland areas.

This 2005 study by REM Pty Ltd—a consulting company with extensive qualifications and experience in environmental

engineering, hydro-geology, hydrology, environmental science and soil science—made the following significant findings: to provide maximum effect on dryland salinity and to offset potential impacts from groundwater mounding associated with the retention of water within the wetlands a two metre deep drain needs to be constructed along the full alignment of the Didicoolum drain; the drain is unlikely to have a significant impact on stock bores on the eastern side of the drain; and the proposed alignment has an anticipated watertable drawdown of nominally two metres at the base of the drain, tapering to approximately 30 centimetres one kilometre to the east, towards Padthaway, which will significantly reduce the extent of drawdown in targeted areas. I have a list here.

An honourable member interjecting:

The PRESIDENT: Order! The minister does not need any assistance from the backbench. She is doing quite well.

The Hon. G.E. GAGO: There is a list of about 25 technical reports and references, and I do not believe that it is even a comprehensive list of the sorts of scientific and technical knowledge and input that has gone into the consideration of this matter. So, it is completely inaccurate to suggest that there is inadequate investigation or science behind this or to suggest that we have not used some of our best minds to consider these important issues.

STORM DAMAGE

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Leader of the Government a question about storm damage.

Leave granted.

The Hon. CAROLINE SCHAEFER: On 29 March I asked a question of the leader, who was acting premier at the time, about the significant floods in the north of the state after he visited that area, with much fanfare. I asked him a series of questions about what progress was being made. In his answer, the minister said that there was, indeed, significant damage and that it would cost many millions of dollars—perhaps tens of millions of dollars—in relation to roads, and that it would take many months to fix. He went on at some length (not at the same length as his colleague, I might add) to discuss in detail the money which will need to be spent and the local government insurance fund (as he described it) which will need to be used for local roads.

Regional press has reported that the Flinders Ranges council has used all the money it has—almost $400 000—repairing what roads it can, but it has now run out of funding. The council was advanced $100 000 to precipitate some crushing of road metal but, other than that, as I understand it, it has received no answer from the state government or the Local Government Disaster Fund, which is administered by the State Grants Commission. It also has received no answer from the local member. My questions to the minister are as follows:

1. What is being done to expedite funding for the eight councils that have been affected by these floods and, in particular, the Flinders Ranges council, where the worst damage has occurred? What is being done to expedite their payments?

2. What state government funding has been, or will be, spent to fix major roads, culverts, and so on, as the minister discussed?

3. When will people be informed as to how much money will be spent, and when will it be spent?

4. When will the minister provide me with the follow-up information that he promised on 23 March?

The Hon. P. HOLLOWAY (Minister for Police): In relation to the state roads, obviously, some information will be contained in the budget next week, and the opposition will have a chance to raise those issues through the appropriate estimates committees. With respect to articles in the press, the Local Government Disaster Fund is a part of the responsibilities of my colleague the Minister for State/Local Government Relations. I have certainly seen some articles in the press which seem to suggest that there has been some problem in relation to payments from that fund. I am not sure why. Obviously, some issues need to be resolved there. I will refer that part of the question to the minister in another place and seek to obtain a response to the member's question.

The Hon. CAROLINE SCHAEFER: Is it usual for disaster funding to have to wait for the budget to be announced?

The Hon. P. HOLLOWAY: I was just indicating that funding for roads and road maintenance is one of those issues that will be addressed in the budget process. For any issues that need to be addressed, the budget is the appropriate place at which provision is made. I was just suggesting to members of the opposition that they can obviously pursue those during estimates, which, as I said, will not be a long way away.

COUNTRY FIRE SERVICE, HAPPY VALLEY

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the Happy Valley Country Fire Service Brigade.

Leave granted.

The Hon. B.V. FINNIGAN: I note that the minister recently attended the Happy Valley CFS open day and handed over two new firefighting appliances. Is the minister able to provide any details about the brigade, its members and its ability to play a vital safety role in the local community and how the government supports our CFS volunteers with equipment?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): On Sunday 27 May the members of the Happy Valley brigade held an open day. I was delighted to attend and join members of the local community in acknowledging the work of the brigade's volunteers while commissioning two appliances. The brigade has a long history of supporting its community.

The Hon. S.G. Wade interjecting:

The Hon. CARMEL ZOLLO: The honourable member opposite said that no member of the opposition was there. The local member (Dr Bob Such) was there.

The Hon. S.G. Wade interjecting:

The Hon. CARMEL ZOLLO: Well, I didn't issue the invitations. This brigade was formed in 1939 as the Happy Valley Fire Fighting and Prevention Association. The brigade is an active one, with around 44 members, some of whom have very long service with the brigade. The new appliances for Happy Valley will greatly strengthen the brigade's firefighting capabilities. The two new vehicles have different functions appropriate to the risks in the area: one is primarily designed to fight structural fires and the other has a more rural focus. These two new state-of-the-art appliances are further evidence of our commitment to ensuring that our CFS

volunteers are well equipped to undertake their important work.

The safety of our volunteers is a priority for the government and these appliances are fitted with some of the features that recently received the national SafeWork award for the best solution to an identified workplace health and safety issue, as I advised the council earlier this month. The open day was very successful. I was able, as minister, to join members of the local community to show our gratitude to the members of the brigade and to join with them and their families in marking their service to the community. This government is committed to ensuring that our CFS volunteers are equipped with the best available fleet. This financial year 41 new appliances have been delivered to CFS brigades at a cost of $6.2 million, with work occurring on a further 25 at a cost of $1.8 million.

MONTANA METH PROJECT

The Hon. D.G.E. HOOD: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question concerning the Montana Meth Project.

Leave granted.

The Hon. D.G.E. HOOD: Back in February 2007, on the day after I raised this as a matter of interest in this place, my colleague the Hon. Andrew Evans asked the minister a question concerning the Montana Meth Project. I remind members that the Montana Meth Project is a very successful program which has been adopted in the state of Montana in the USA; it has led to massive reductions of the use of methamphetamine in that particular state. Thus far, this project has comprised, in large part, television and radio advertising as well as other community programs. It has actually seen a 70 per cent decrease in workers testing positive for methamphetamine use, a 41 per cent decrease in the criminal community for people testing positive for methamphetamine use, and a 53 per cent decrease in methamphetamine-related crime in the state of Montana.

In response to my supplementary question the minister said, 'I did commit to looking at the material and considering the individual programs.' Given that the minister committed to examining the program some four months ago, my questions are:

1. Has she yet assessed the program, as promised?

2. If so, how does the minister think that the Paint the State contest could be implemented here in South Australia?

3. Does the minister consider that the survey findings released on 7 May 2007 would receive a similar response in South Australia as they did in Montana?

4. Which of the specific programs has the minister and her department determined would be worthy of implementation in South Australia and why?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for his questions. I have had an opportunity to look at the Montana advertising program; it is quite compelling to watch and quite powerful. I am not sure of its suitability here in Australia, but I have asked my department to look at it and assess whether it fits or is appropriate to be included as part of South Australia's education program.

We have a number of education programs here. Of course, the federal government has also committed significant funding—particularly in the last budget—in relation to drug education programs, and I wonder whether the honourable member has also approached the federal government in relation to this particular program. However, I have asked the department to assess this program and provide me with any recommendations it might have in relation to it.

The Hon. D.G.E. HOOD: I have a supplementary question. I thank the minister for her response, but could she give an indication of a time frame regarding when she may be able to provide her assessment and whether there is a likelihood of anything being adopted here?

The Hon. G.E. GAGO: Not as yet.

TEACHERS, MAREE

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Education and Children's Services, a question regarding teacher housing in Maree.

Leave granted.

The Hon. T.J. STEPHENS: Whilst in Maree recently it was brought to my attention that, as well as appearing to be of a poor standard, the community had concerns regarding asbestos content in teacher housing. Honourable members are well aware that exposure to this dangerous substance can be disastrous to health. If it is the case that asbestos is contained in these buildings, the health risk to teachers renting the houses is obvious and quite frightening. My questions are:

1. Will the minister confirm whether there is asbestos in the teacher housing accommodation in Maree?

2. What plans does the government have to rectify the standard of this accommodation?

The Hon. P. HOLLOWAY (Minister for Police): On behalf of my colleague, I will refer that question to the minister in another place and bring back a reply.

WHALES

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

Leave granted.

The Hon. I.K. HUNTER: Recent events at the International Whaling Commission remind us of the global importance and value that whales of all species are afforded. Even though South Australia's earliest European settlement history has strong links to whaling, in these more enlightened times our waters are now a haven for these magnificent, majestic mammals. Will the minister provide the chamber with details on the upcoming whale-watching season?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his important question and for his ongoing interest in environmental policy generally. I think all governments in Australia—and, indeed, the vast majority of Australians—would share the view that commercial whaling should not resume. Fortunately, South Australia is wonderfully placed for locals and tourists alike to enjoy watching these magnificent marine mammals make their annual migration to our southern shores, and I am extremely pleased to report that the first whale sightings of the season occurred recently at the Head of the Great Australian Bight during a Department for Environment and Heritage visit to Bunda Cliffs.

Two adult southern right whales were seen frolicking and moving along the base of the Bunda Cliffs, towards Twin

Rocks. This type of whale usually visits the Great Australian Bight Marine Park from May to October every year, to mate and calve, so our local waters are extremely important to their survival as a species. The Great Australian Bight Marine Park is a multiple-use marine park that helps to protect southern right whales that are mating or calving in the bight.

The sanctuary zone has been protecting southern right whales since 1995. The Conservation and Marine Mammal Protection Zones, which have been in place since 1998, add to the protection of the whales. Boats are not allowed in the zones from 1 May to 30 October each year. The marine park is managed as a partnership between the SA Department for Environment and Heritage and the commonwealth Department of Environment and Water Resources.

The number of southern right whales varies from year to year because whales tend to return and give birth at the head of the bight every three years. Last year was a busy year with sightings of 55 cows, with calves, and 21 other adults. It is truly a majestic experience to witness these beautiful, serene animals going through this ritual. Unfortunately, this year the whales have been a little slower to arrive compared to last year, so I am told we should not expect quite so many whales to visit this year.

I am pleased to report that the DEH staff are involved in the collection and removal of debris that may potentially entangle whales and other sea mammals while they are visiting the head of the bight. We are also contributing towards improving management and understanding of the region through funding a sea floor survey and determining where Australian sea lions are foraging. This work is being carried out in conjunction with the South Australian Research and Development Institute. It is extremely valuable work, indeed.

DRUGS, ROADSIDE TESTING

The Hon. A.M. BRESSINGTON: I seek leave to ask the Minister for Road safety a question.

The PRESIDENT: Do you have an explanation?

The Hon. A.M. BRESSINGTON: No. Can the minister explain the costing for the roadside drug testing pilot program? Has the minister had it brought to her attention that there are other more efficient and less expensive ways of doing roadside drug testing?

The Hon. CARMEL ZOLLO (Minister for Road Safety): The honourable member will probably be aware that, in the previous parliament, a decision was made for roadside drug testing in South Australia. At that time an appropriation of funds was made available. I was not the minister at the time but I am certain that we can get that information for the honourable member. Roadside drug testing is relatively new in terms of road safety throughout the world. We are the third state in Australia to go down that path, although one of the other states (besides Victoria) does not necessarily do random, testing; as I understand, it is simply targeted testing.

The pilot will come to an end on 30 June. There is no sunset clause in the legislation so it will continue. It did require a review to be undertaken and then for the outcome of that review to be tabled. Clearly, within the department, that research is already being undertaken, even as we speak, and we have some dedicated officers between both departments of SAPOL and DETEI. Once the review has been completed it will be tabled in both houses and an opportunity will be available for everybody to debate the legislation. Certainly, from my point of view, the preventative measures in relation to roadside drug testing are very good. Essentially, what you are doing is taking people off the road before they can cause a crash, so it is certainly something I would support. I am not aware of more efficient ones. If the honourable member wishes to chat with or write to me, I am very happy to forward that on to the review process to ensure that her views are reflected in that review.

MATTERS OF INTEREST

ROAD SAFETY

The Hon. B.V. FINNIGAN: I rise today to speak about the importance of road safety, with particular emphasis on road safety in the South-East or the Limestone Coast region. Recently, I attended a simulated road accident at Naracoorte as part of Youth Week, and students from a number of schools were invited to the simulated accident to show the trauma and devastation that can occur in road accidents. The mock accident was staged in the centre of town and involved a couple of vehicles, with emergency personnel arriving and police cars, fire trucks and ambulances attending.

In the mock accident, one youth had perished and a further victim was trapped in the vehicle, so the emergency services worked for over an hour going through the procedures they would undertake in such circumstances, including cutting the roof off the vehicle to free the victim inside. A number of students attended from various local high schools, including students from Naracoorte High School, who played the victims, with realistic make-up and effects.

After the mock accident, the students attending the demonstration moved to the town hall, where there were a number of guest speakers, including Dr Jeff Taylor, a local GP, who spoke about serious injuries and procedures used at the scene of an accident and who stressed the consequences that can result from a medical point of view. Andy Kirk from Allianz Insurance spoke about insurance fraud and particularly about how drivers failing to live up to their responsibilities and duties can affect the outcome in terms of their insurance claims. Mr Daryl Taylor spoke to students about road accidents, particularly about his own experience as a paraplegic as a result of a road accident some years ago. Local police officers also addressed the group, including Sergeant Brown.

It was a very powerful and potent presentation and made clear to the young people that road safety is a very important issue for them to take into account. I think it really struck home to them when they saw and heard people who were involved first-hand with the consequences of road accidents or who have lived the experience themselves. It is rather sobering when you realise that, on the law of averages, amongst the students who were there, based on the number of young people involved in such accidents, one or two will be involved in very serious or fatal accidents over the next few years.

It is a very useful exercise in getting through to local students and young people who are about to drive or who have recently started driving the importance of road safety and what they need to do. I congratulate the Naracoorte and Lucindale Road Safety Group on its involvement in putting

this on and the South Australia Police, the Country Fire Service and the South Australian Ambulance Service for their participation. It was a very useful exercise for the students involved.

The government has recently announced further initiatives to assist in road safety, particularly assisting with the development of the road safety strategy for the South-East, which involves utilising local knowledge to try to address the road toll in the area and reduce the incidence of serious accidents. As my friend and colleague the Hon. Carmel Zollo has said, nobody knows these roads like the people who use them every day. It is very important that we use the local knowledge of people in the community to assist in developing effective road safety strategies for every area.

So, the objective of the road safety strategy for the South-East will be to highlight the key road safety issues and to increase community involvement in addressing road safety. The strategy will also aim to use local government networks and build partnerships to assist in road safety, particularly with community road safety groups. The strategy will also aim to enable the sharing of resources, including promotional campaign material and access strategies that have worked in other places to see whether they can be of use in the South-East, as, indeed, we hope they can be across the entire state.

I congratulate everyone involved in the exercise at Naracoorte recently, and those involved in the road safety community groups, particularly in the South-East area. I commend them for their work and wish them every success, and I hope they will play a vital role in reducing the incidence of fatalities and serious injury on our roads.

ATKINSON, Hon. M.J.

The Hon. R.I. LUCAS: I rise to speak about the Rann government's arrogance and that of its ministers and employees in relation to their dealings with other members, the community and members of the media. In June last year, long-term and respected commentator Greg Kelton said that in his view the government was vying for the title of the most arrogant government he has seen in 35 years.

The Hon. B.V. Finnigan: He was around when you were around.

The Hon. R.I. LUCAS: Well, he has seen 35 years. He was around during Don Dunstan's time and prior to that. He has seen much more than one could imagine. Many examples have been given in terms of the government's handling of criticism, particularly in relation to the Cora Barclay Centre, John Daly and the Land Tax Reform Association, and articles written by *The Australian* journalists who criticised the road transport industry groups and the Port Adelaide bridge.

I want to refer to a couple of more recent examples. While it is fair to say that a lot of evidence has been given to recent committees that casts significant doubt on the integrity and truthfulness of the evidence given by the Attorney-General—

The Hon. P. HOLLOWAY: I have a point of order, Mr Acting President. The former leader of the opposition is making allegations against a member of another place. He can only do so by way of a substantive motion. He has reflected on another member and he should not do so.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): I am listening very carefully and I have not heard anything that is outside standing orders at this point. I am sure the Hon. Mr Lucas will observe that.

The Hon. R.I. LUCAS: Thank you, Mr Acting President; they are just statements of fact. The most recent examples were on 24 May in an interview on radio FIVEaa, which also involved the Hon. Ann Bressington. This is a small example. There was a debate about drug policy and prisons, and so on. Mr Atkinson said:

> Well, Ann is advocating for a core policy which I respect and that is a core policy of. . . confining drug addicts to an asylum cum prison where they will receive compulsory rehabilitation. . . will be effectively imprisoned. . .

The Hon. Ann Bressington said:

> Leon, I'd just like to correct Michael Atkinson on a couple of things. No. 1: I have never advocated asylum or prison.

The Hon. Mr Atkinson then said, 'No, not prison Ann.' I do not have time to read the rest of the contribution, but, further on, the Hon. Mr Atkinson said, ' I didn't even mention the term prison Ann,' and the Hon. Ann Bressington said, 'You did so.' The transcript makes it quite clear that he refers to the term 'prison'. It is on the transcript, yet, point blank, less than 15 seconds later in a debate and an argument with the Hon. Ann Bressington—who, let us be fair, calls a spade a spade and does not beat around the bush in relation to these sorts of issues—he said that he didn't. This Attorney-General says, 'Black is white.' He says, 'I didn't say it,' even though the transcript—

The Hon. B.V. FINNIGAN: I have a point of order, Mr Acting President. Under standing order 193 no injurious reflection shall be permitted upon members of the parliament of this state. The Hon. Mr Lucas is suggesting that the Attorney-General (Hon. Michael Atkinson) has acted dishonourably and misled the public.

The ACTING PRESIDENT: Order! The member will resume his seat.

The Hon. B.V. FINNIGAN: The Hon. Mr Lucas has accused a member of the parliament of lying. He should withdraw.

The ACTING PRESIDENT: The member will resume his seat and not defy the chair.

The Hon. R.I. LUCAS: Mr President, there is a lot of sensitivity—

The Hon. P. HOLLOWAY: I have a point of order, Mr Acting President. We know the Liberal Party, of which you are a member, sir, is breaching all the conventions of this parliament. I suggest that standing order 193 should be—

The ACTING PRESIDENT: The Leader of the Government will resume his seat and the Hon. Mr Lucas will resume his seat. I am listening intently to what the Hon. Mr Lucas is saying. I do not believe he has gone beyond standing orders. I will ask him to keep within standing orders.

The Hon. R.I. LUCAS: Thank you, Mr Acting President. There is a lot of sensitivity from the wholly-owned subsidiaries of the Labor right on the other side on these issues. It is all right for these members to cast injurious reflections on Liberal members, as they do constantly during question time and during the Address in Reply, etc., Mr Acting President. It is like water off a duck's back for most of us but, as soon as there is any criticism of a member of the Labor right—one of their supervisors, owners or manipulators—then sensitivity is felt by other members of the Labor right in this chamber.

The facts are—this is all I am pointing out here—that the Attorney-General quite clearly in the transcript said something and then in debate with the Hon. Ann Bressington basically said to her, by implication, 'That's not true; you're not telling the truth.' He made an accusation or an injurious reflection on the Hon. Ann Bressington. And the proof is in

the transcript. Sadly, this is just an example of how the Labor right and the Attorney-General operate in South Australia. If you cannot be accurate and honest in small things, you cannot be trusted in the big things—it is a simple fact of life, and it is a lesson that could be well learned by the wholly-owned subsidiaries of the Labor right in this chamber.

Time expired.

AUTISM SA

The Hon. I.K. HUNTER: Recently, it was my pleasure to represent the Minister for Disability in another place at the Autism—

The Hon. R.I. Lucas interjecting:

The ACTING PRESIDENT: Order! The honourable member will be heard in silence.

The Hon. I.K. HUNTER: Thank you, Mr Acting President. Recently, it was my pleasure to represent the Minister for Disability in another place at the Autism SA Recognition Awards presentation dinner. These awards promote the acceptance and achievements of people with autism spectrum disorder, and I am pleased that Autism SA has forged a good working relationship with state government agencies. The term 'autism spectrum disorder' has been quite recently coined to group together autism and Asperger syndrome, both of which are usually identified during childhood and are believed to be caused by a physical dysfunction of the brain. The cause of these disorders is unknown but they are characterised by significant impairments in communication and socialisation and, often, repetitive and unusual behaviour.

One person I met on the evening confided in me the details of her unusual behaviour which, frankly, made me blush at first, then evinced from me some considerable concern. She said that, while she could not read novels or fiction, she found reading *Hansard* a great relief—unusual behaviour, indeed—although, of course, it is arguable whether one might consider much of the Hon. Mr Lucas' contribution previously a work of fiction as well. The obvious effects of autism and Asperger syndrome vary widely—

Members interjecting:

The ACTING PRESIDENT: Order! The Hon. Mr Hunter might do best to stick to his text, but he is on his feet and should be heard in silence.

The Hon. I.K. HUNTER: I will always abide by your ruling, sir. Each person will present differently and be affected to varying degrees. The behaviour associated with autism spectrum disorder can also vary within an individual as they grow and develop, experience different environments and respond to situations in their daily life. Needless to say, people with diagnosed autism spectrum disorder need the support of the government, the wider community and their own families. Because of the complexity of the disorder and our relative lack of understanding of its causes, people with autism spectrum disorder are often labelled antisocial or unfeeling in some way.

The work of Autism SA is important in breaking down barriers and promoting understanding, as well as providing services to those in need. It was great that night to hear firsthand the work and growing success of Autism SA and what its efforts meant to the individuals honoured. Over the past 40 years Autism SA (known until recently as the Autism Association of SA) has grown from a small group of parents employing one teacher to work with their autistic children to a support group with over 1 900 clients.

As members may know, Autism SA works closely with government, private donors and business partners in providing a range of services to its growing client base. These include diagnostic and assessment services, employment services, early development and school programs and various types of training and development, as well as general advice, advocacy and the provision of resources. The state government is also happy to work in partnership with Autism SA and Variety in providing a respite house in Craigmore and a soon to be opened and long awaited respite house in the Onkaparinga Hills.

Autism SA has developed a philosophy which informs every aspect of its work. The basic foundation of this philosophy is that people with an autism spectrum disorder have the same rights as other people in society and their interests, and indeed the interests of society, are best served by encouraging integration rather than separation. The Autism SA model is to encourage and support people with an autism spectrum disorder and their families to work with other organisations and governments in a spirit of mutual respect and cooperation.

The recognition awards exemplify this approach. Awards were presented to a diverse range of deserving volunteers, professionals, businesses and philanthropic foundations for their services to autism in this state. I make special mention of the parents and carers who received nominations for recognition awards this year. The work of parents and caregivers in all areas often goes unrecognised and the awards ceremony was a chance for Autism SA and the state government to say thank you.

Kay Sellars has always been a strong advocate for her son and daughter, both of whom have autism. She has been a role model for other volunteers and involves herself in volunteer work beyond autism. Natalie Cook has a son with severe autism. Living in the Riverland she travels tirelessly to get her son the support he needs and to attend training to help her better look after him. Coby Hudson was nominated twice for an award. She has two young sons with autism and Asperger Syndrome and her husband has also been diagnosed with the syndrome. Despite these hardships she approaches life with a positive frame of mind. Samantha Clarke has two young sons with autism and, like Coby Hudson, has a positive outlook and devotes her time to helping her two sons live fulfilling lives. Finally, Geoff and Linda Sandell have two grandsons with autism and work tirelessly lobbying the government, convening support groups and generally advocating and championing the cause.

Time expired.

STATE ELECTORAL SYSTEM

The Hon. S.G. WADE: I rise today to highlight work done by a parliamentary intern who worked with me in the context of the parliamentary intern program run within this parliament by the universities. Having observed the operation of the House of Assembly redistribution processes, I have been concerned for some time that it may be beyond the capacity of a single member district electoral system, even with redistributions based on fairness, to deliver fairness in terms of ensuring that the most preferred political party wins a majority of seats. Confounding factors include Independents, incumbency and shifting coalitions. Under the intern program, I engaged Mr Greg Smith on this issue and he prepared an excellent paper called 'One Vote, One Value:

Representation and Government in South Australia'. Mr Smith explains:

> One vote, one value is a principle that was first employed in the South Australian context as a catch cry to dismantle rural malapportionment. Since then it has been recognised that, although each vote may be equal in securing representation, this does not necessarily guarantee each vote will be of equal value in electing the government.

If one vote, one value is to include choice of government, relative proportionality must be ensured by the South Australian electoral system. The key cause of spurious majorities and artificial minorities in South Australia is what is called the equivalent of gerrymandering: when one party wins more seats because its victories in its constituencies tend to be by a narrower share of the vote.

At the initiative of the Liberal Party in the early 1990s a referendum was held that introduced section 83(1) of the Constitution Act—the fairness clause. This clause charges the redistribution commission with the duty to ensure that if candidates of a particular group attract more than 50 per cent of the popular vote they will be elected in sufficient numbers to enable a government to be formed. There is evidence to suggest that there are numerous difficulties in carrying out this task. For example, Glynn Evans noted the following:

> There is compelling evidence to suggest that the Liberal Party would have won the 2002 election had the boundary changes necessitated by the fairness clause not taken place.

I note that the Liberal Party received 50.9 per cent of the two-party preferred vote in that election. Mr Smith concluded that the fairness clause has failed to give effect to an expanded notion of the one vote, one value principle. In that case, I believe that we should be open to other mechanisms to ensure that the elected government reflects the popular will.

In his intern's report, Mr Smith provided an overview of alternative electoral systems, the first of which is the bonus seat systems, where any party winning 50 per cent of valid votes does not win 50 per cent of the seats, this party is to be given as many seats as it requires to give it a one seat majority, or even up to 55 per cent of the seats, for the sake of stability. This system applies in Malta. The next is the Hare-Clark system, where members are elected from multi-member electorates, with proportionally allocated seats. The third model is the additional member system, where the lower house would have a certain number of constituency MPs and the remainder would be list MPs elected by proportionality. Each voter would have two votes: one for the constituency representative and one for lists at the state level.

The fourth model is the mixed member system. This is a variant of the additional member system, where constituency MPs are elected and an additional group of MPs are allocated to the highest losers from the constituency battles. Fifth is what Mr Smith called the confidence vote system (which he and I discussed), which is similar to the bonus seats system but, instead of allocating bonus seats, what is allocated is bonus parliamentary votes. The extra votes could be exercised, say, by the leader of the party, either for confidence votes only or in all parliamentary votes.

In my view, any alternative system needs to retain the essential features of the Westminster parliamentary democracy, which has served us so well. To this end, I am attracted to either the bonus votes system or the confidence votes system. I thank Mr Greg Smith for his work on the paper, which went above and beyond what I expected. This high quality paper is filed in the Parliamentary Library, and I would commend it to honourable members for their consideration.

Time expired.

FAMILY ISSUES

The Hon. D.G.E. HOOD: Each year 15 May is the United Nations International Day of Families, and I use this opportunity to call on members not to lose sight of family issues during our deliberations in this place. I believe that people increasingly realise that a country can be wealthy, with a strong economy, and yet still have deep social problems. I also believe that Australians deserve politicians who realise that there are some things that are more important than an economic balance sheet on some occasions. I sometimes wonder whether a sole political focus on economics is the reason why, since the 1960s, the marriage rate has reduced by a third in Australia, divorce has doubled, the birth rate has halved, single parent families have trebled and abortion rates, drug dependence, gambling addiction and suicide have all skyrocketed.

I believe that this age of materialism has not truly prospered our nation where it counts. While we live in bigger houses than our parents and have more gadgets, the evidence does not suggest that we are any happier or really any better off, in a broader sense. Indeed, in 2005, there were some 52 399 divorces in Australia, more than one in five Australian families had only one parent and 41.6 per cent of employed males worked over 40 hours a week, which is an alarming increase since 1985. In the past 10 years, the number of people imprisoned has increased by some 45 per cent.

In 2001-02, some 137 938 children were reported abused or neglected in Australia, an increase of 19.5 per cent over the previous year. Of the hundreds of children murdered in Australia over the past 10 years, 65 per cent were the victims of child abuse, neglected and killed in their own homes by their own parents. More than 100 000 Australian women are the victims of domestic violence every single year. Each year, about 2 500 Australians will take their own life, which is an increase of 24 per cent since 1988. Australia and New Zealand have the highest suicide rate in the western world, with suicide the fourth ranked cause of death in Australia. Some 68.9 per cent of Australians believe that the fundamental values of our society are under serious threat, according to a recent survey.

Successive governments—I am not pointing the finger at either government, and I wish to make that clear—in general, have failed to put families before economics, and that has contributed to these very serious and highly alarming statistics. The 2006 data from the Australian Institute found that 77 per cent of surveyed Australians agreed with the statement that the government's prime objective should be to achieve the greatest happiness of people, not the greatest wealth.

In his maiden address to the Australian Senate, Family First senator Steve Fielding noted:

> There seems to be a growing concern that many Australians are there to serve the market, rather than the market being a tool to serve them, especially families and small business.

He went on to say:

> Australians are not economic units, households are not harbours of consumption and children are not commodities.

The focus on wealth can be bad for family life, if it is the primary focus. A recent report from the Relationships Forum Australia in March this year showed conclusively that long

and unpredictable working hours are destroying family life and relationships in Australia. With this in mind Family First has worked to find a middle ground on this issue, particularly on the issue of industrial relations; not to throw out the legislation, as some would, but via amendments to balance job creation with the need for workers to have a family life and a decent rewarding job and decent income.

Family First does not necessarily agree with our Prime Minister that businesses ought to be able to operate 24 hours a day, seven days a week, 52 weeks a year; neither do we agree that working at 1 a.m. is necessarily the same as working at 1 p.m. or that working on a Saturday is the same as working on a Wednesday. We do not agree either that working on Christmas Day, New Years Day or Anzac Day is the same as working on any other single day. We believe in the idea of a day in which there is eight hours work, eight hours rest and eight hours for family and community, for which our grandparents and their parents struggled, and it is indeed a great idea.

Family First believes we need to find ways to promote family life, not to undermine it. That is why we should examine how effective overtime and shift allowances are now in achieving their original purposes. Their original purpose was to deter employers from employing people during socially undesirable hours and for excessive hours. We should develop alternatives if penalty rates no longer achieve these objectives. We should do this at the same time as allowing Australian industry to grow and to continue to employ and enjoy the prosperous times that we are experiencing at the moment.

INDIGENOUS REPRESENTATION

The Hon. R.P. WORTLEY: I rise to discuss the matter of indigenous representation in our media and parliament. On 26 May 2007 it was National Sorry Day and the following day was the 40th anniversary of the 1967 referendum and the beginning of the National Week of Reconciliation. This is a significant time in Australian history and indigenous affairs. Recent campaigns launched by Oxfam and Reconciliation Australia demonstrate that the Australian public are very concerned about matters of reconciliation and indigenous health. Today I would like to focus on the issues of indigenous representation, which has a major influence on public understanding and actions on these matters.

A matter of concern is that indigenous representation is often limited or marginalised in many areas of public debate, including our parliaments and the media. While indigenous issues may be debated in our state parliament, with the intention of representing indigenous interests, it is still a matter of concern that we have no indigenous elected members to do this. This was highlighted during the recent sesquicentenary of parliament, when a statement from the Aboriginal Alliance Coalition Movement was read jointly by the Hon. Sandra Kanck and the Hon. Mark Parnell in this council. The statement, as recorded in *Hansard*, drew attention to this fact. It notes:

> The Hon. Mark Parnell, in his contribution, will read the remainder of this speech on behalf of Aboriginal people in this state, but it is a pointed reminder to us all that our reading of this is precipitated by the fact that Aboriginal people cannot be here to put their point of view, instead we are having to state it for them.

This underlines what is concerning about the lack of indigenous representation.

While others may speak on behalf of indigenous groups at this time, indigenous groups are unable to speak for themselves in the South Australian parliament. I would be pleased if this were to change in the near future. As elected members of this parliament we are in a position to educate and inform others about our national and state democracy. I encourage members to take advantage of this opportunity. When we have a chance to interact with indigenous people interested in greater political engagement or even standing for election, I encourage members to take advantage of such opportunities and offer their encouragement and relate their experiences.

Another influence on public life in this state, and indeed the nation, is the mainstream media. While many people now interact with websites and blogs to become informed about public life, the mainstream broadcast and print media remain significant in providing public information. The politics, laws and issues that affect the lives of South Australians are often communicated to us through the major media, and it can be a primary source of information to many.

It is, therefore, a matter of concern that indigenous representation is often marginalised in the mainstream media. Outside the arena of sport, there are few indigenous representatives directly featured in such media. This means that indigenous groups can face significant difficulty in presenting their viewpoints and messages to a large audience. This is of particular significance when considering issues that affect indigenous communities, but it is also important when considering the broader area of public debate. In his famous Redfern speech, former prime minister Paul Keating stated:

> More I think than most Australians recognise, the plight of Aboriginal Australians affects us all.

He also noted:

> There should be no mistake about this—our success in resolving these issues will have a significant bearing on our standing in the world.

This underlines the importance that indigenous representation has for both our nation and our state. As members of parliament we are in the privileged position of being able to influence the agenda of public debate, and we should consider the role that we can have in increasing indigenous representation in South Australia.

In conclusion, I would like to mention a significant milestone in indigenous representation. I can inform the council that on Wednesday 9 May this year the *Koori Mail* released its 400th edition. As an indigenous-owned fortnightly paper, the *Koori Mail* is a rare indigenous voice in the Australian media and I congratulate the paper and its staff on this great achievement.

Time expired.

COMMUNITY AND NEIGHBOURHOOD HOUSES

The Hon. NICK XENOPHON: Last Thursday I was privileged to open the annual conference of the Community and Neighbourhood Houses and Centres Association (CANH) at Fullarton. Members may know that there are some 84 community and neighbourhood houses, 23 of which are in regional South Australia, and they provide a very valuable role in the community in terms of the courses they offer, the bonds that are formed there, and the opportunities they give to individuals to connect with each other. Courses held at neighbourhood houses are many and varied and include English as a second language and a whole range of courses that provide assistance to disadvantaged people. They are

essentially about community services that give individuals an opportunity to fully participate in their community, and community and neighbourhood houses play a very valuable role in that context.

Community houses remind me of the 1995 book written by Robert Putnam *Bowling Alone: America's Declining Social Capital*. I note that the Hon. Mr Finnigan referred to this publication in his first speech in this place. The central thesis of Robert Putnam's book is that there has been a trend of disengagement in the United States (a decline of social capital) since 1950 which he feels undermines the active civil engagement that a strong democracy requires from its citizens. Putnam's book discusses ways in which Americans have disengaged from political involvement—including decreased voter turnout, public meeting attendance, serving on committees and working with political parties.

Mr Putnam (and I am grateful to the Wikipedia entry in relation to *Bowling Alone*) makes the point that there has been a decline in American membership of social organisations and that that is problematic to democracy. He uses bowling as an example in that, although the number of people who bowl has increased in the past 20 years, the number of people who bowl in leagues has decreased. If people bowl alone they do not participate in social interaction and specific discussions that might occur in the league environment.

In a sense, community enabled houses are an antidote to that trend. They provide activities, they provide interaction, they provide community involvement on a whole range of issues which builds up our social capital. The whole issue of social capital is something that is being looked at across the political spectrum. I note that, in the past two years, the federal Treasurer, the Hon. Peter Costello, has given a number of speeches on the issue of social capital and its importance in the community. That is why I think community houses do have a very key role to play.

What impressed me about this conference with the theme 'Achieving Balance' was the way that it brought together many and varied groups. There was a presentation at the conference in terms of Aboriginal or indigenous health issues within the broader community. That, to me, is indicative of the way that bridges are being built and interactions are being forged. I commend CANH for the conference and for the work done by all the volunteers, from many and varied fields, in the 84 community enabled houses across the state. In regional centres particularly it provides a very valuable role in building up social capital, and I hope that it receives the support that it deserves.

One issue that was raised was the difficulty that community enabled houses have in obtaining public liability insurance with respect to some of their activities, which restricts their activities. I believe there is a positive role for the state government to play in order to facilitate that and I hope it is something that will be taken up by the government in due course, given the extensive research and the concerns that have been set out by the community enabled houses sector.

Time expired.

STATUTES AMENDMENT (GAMBLING REGULATION) BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Gaming Machines Act 1992 and the Casino Act 1997. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

This bill contains a number of measures that I hope will receive the support of this chamber or at least very serious consideration, given the impact of gambling on the community. Just an hour or two ago, a very distressed woman came to centre hall asking to see me or one of my staff. I certainly will not say anything that will identify the person. She was distressed because of gambling losses that she had sustained and the impact that it would have on her family—losses that she sustained in the course of an hour playing poker machines, which took a huge chunk of the family budget.

Whilst I was able to get her in to see a gambling counsellor as a matter of urgency (and I am very grateful to Uniting Care Wesley for being able to see her at short notice), this person was very distressed and worried about the impact on her family and what it would do to her relationship. I certainly hope that she gets the support from the professionals at Uniting Care Wesley and the assistance she certainly deserves and that whatever damage was caused by what occurred today can be rectified—and rectified in the long term.

We know that this is a very significant problem in our community. The most recent report I have relied on is the study in 2001 by the Centre for Economic Studies, which is based at the University of Adelaide, on the impact of gambling. It indicates that some 23 000 South Australians have a gambling problem because of poker machines. The Productivity Commission indicates that some 2.1 per cent of Australians have a problem because of gambling, about 70 per cent of which have a problem because of poker machines. The figures vary. I note that the government's Gambling Prevalence report of late last year indicates a lesser figure, but it was based on using a different problem gambling index. In a sense, you cannot compare apples with apples. My concern is that that study understates the level of problem gambling.

From media reports, I note that a more recent report has been prepared for the Independent Gambling Authority in relation to the prevalence of problem gambling in this state. The report was prepared by Michael O'Neil from the Centre for Economic Studies. He and his centre are very widely regarded throughout the country for the work they do on problem gambling research. I do not think that anyone can reasonably say that they show any bias one way or the other. They have a cold hard look at the figures, they do the analysis, and their methodology is robust and sound. My understanding from media reports is that the report indicates that the problem gambling rates for poker machine addiction are quite significant and are in the order of up to 3 per cent—double the government's estimate in its own prevalence study.

The frustration for me is that that report was prepared some 12 months ago, but it is still in abeyance. I am not sure exactly what has happened. I understand that it is with the Independent Gambling Authority. I do not know whether it is with the minister, the authority, or what the issues are in

terms of signing off on that report, but I think it is important that it is released sooner rather than later, and the sooner we receive it the sooner we can have a public debate on the report in terms of enlightening us about the current level of problem gambling in the community.

This bill proposes a number of measures, which I see as incremental and as further steps in the right direction to deal with the issue of problem gambling. It relates to a number of measures that are quite straightforward (some are technical in nature with respect to matters of administration), but I believe that it will assist greatly in the enforcement of gambling laws in this state. The bill should also be seen in the context of the recent report of the Independent Gambling Authority, entitled 'Review 2006—Regulatory functions: codes of practice, game approval guidelines and gaming machine licensing guidelines.' As part of its statutory function, it must review codes every two years. Along with a number of other groups, including industry, welfare groups and concerned individuals, I made submissions to the inquiry of the Independent Gambling Authority.

Honourable members would be aware of the extensive media in relation to the recommendations made in terms of clamping down on a whole range of matters, such as advertising and promotions. Curiously, there will be an exception if hotels, clubs and poker machine venues have their own code of practice in terms of responsible gambling. I see this as curious. If the authority believed they were a good idea in terms of reducing problem gambling, why let them be exempt from that by virtue of complying with a code when the first preference would be to implement the measures that they believe have merit?

Obviously, as members would be aware, the way in which this current system works is that the effective regulations can be disallowed by either house of parliament. Some of the recommendations included opening and closing hours, that Keno be removed from non-licensed premises and that lottery products be sold only by adults. Those three recommendations could be dealt with only by legislative amendment.

In this bill the measures for both the casino and poker machine venues mirror each other. The bill provides that a condition of the casino licence, and also for hotel and club licences with poker machines, be that surveillance tapes or other electromagnetic records be retained for at least one month and be made available to an authorised officer on request and that there be appropriate signs to indicate that surveillance cameras are in place. The casino has surveillance cameras in place now. The tapes are kept for only two weeks.

My experience in dealing with problem gamblers and those who have a problem with a gambling venue is that sometimes incidents occur where having an electronic visual record can sort out the issue once and for all. If allegations are made against the venue and the venue has done nothing wrong in terms of the codes, then the venue can be exonerated very easily. On the other hand, if the venue has not done the right thing—for example, if it served alcohol to a patron or a patron was obviously distressed and no action was taken to deal with that patron in terms of their gambling losses—it might be a useful measure in terms of appropriate action being taken. Given that the casino already has a system in place and that a number of poker machine venues have such measures in place now for their own security, I do not believe it is an unreasonable and onerous provision for hotels. It does allow for a 12-month lead-in period.

The other measure I am seeking is a limitation of gambling hours for gaming machines, in both the casino and hotels and clubs. Members may be aware of articles written by Renato Castello, a journalist with the *Sunday Mail*, about venues being open very early in the morning; the stories of hardship and what appears to be a disproportionate number of patrons in the early hours of the morning at, say, 7 or 8 o'clock (or at three or four in the morning), where an unduly high proportion of problem gamblers and people on their way to work or after dropping their kids at school go to the venue in the early hours of the morning. Renato Castello was shocked (given his piece in the *Sunday Mail*) by the stories told to him by individuals whose families were not aware of their losses. I commend members to look at what Mr Castello has said about what he was able to gather by spending a couple of hours at a particular venue that is well known for being open in the early hours of the morning.

This legislation seeks to be consistent across the board. The Independent Gambling Authority at page 92 of its published report details its concern about the arguments in relation to the current hours and shift workers. The report states:

> It has sometimes been suggested to the authority that venues which choose to be open in the early hours of the morning are catering to shift workers. The authority does not accept that there is a special case to be made for the gambling entertainment option to be made available to shift workers whose recreation time notionally started at or after midnight.

The authority is not seeking a break in opening hours of that significance, but it is seeking a restriction on hours more so than the 18 hours per day that venues are currently open. They are suggesting that venues be open from 10 a.m. and close at midnight on week days and 2 a.m. on weekends.

I will not reflect more on the issue of opening hours. I note that my colleague the Hon. Dennis Hood has a bill dealing with this issue, and I acknowledge his support and the support of Family First and its concern with respect to the damage caused by poker machines. Whilst my bill contains a number of other measures, I will strongly support the Hon. Mr Hood's bill and, if that bill gets up first in this chamber, all well and good. At the end of the day I want to see some fundamental reforms. What would delight me most is if legislation such as that which I and the Hon. Mr Hood are proposing is brought in by the government of the day, of whatever political flavour, so that it can become law.

I also note that my colleague the Hon. Ann Bressington, who I think has an insider's knowledge of the operation of poker machine venues given that she has worked there, will have some very useful contributions to make in relation to this. She has actually worked in these venues and seen the devastation first-hand. She knows about the tricks that venues can get up to, and I think we could all learn from the Hon. Ms Bressington's experiences in working in this industry, which unfortunately in many cases is very cynical in terms of the way that it gets people to part with their money. The other measures of this bill relate to getting rid of ATMs from poker machine venues. These are measures which I have previously flagged and put up and which I will continue to put up in the context of government bills.

I draw honourable members' attention to the findings of the Productivity Commission in terms of what appears to be a clear link between those who use ATMs in a poker machine context and problem gambling. At table 16.7 of the Productivity Commission report the question was asked, 'How often do you withdraw money from an ATM at a venue when you play the poker machines?' In response, 78.2 per cent of non-problem players said 'never', 11.8 per cent said 'rarely', and

5 per cent said 'sometimes'. Only 1.4 per cent said 'often', 3.2 per cent said 'always' and 0.4 per cent could not say.

For problem gamblers based on the SOGS (South Oaks Gambling Screen) score of 5 and above, which is the threshold for problem gambling, 34.6 per cent said 'never', 12.4 per cent 'rarely', 15.1 per cent said 'sometimes', 16.5 per cent said 'often', and 21.3 per cent said 'always'. In relation to problem gamblers on the SOGS score of 10-plus, 18.2 per cent said 'never', 7 per cent said 'rarely', 16.1 per cent said 'sometimes', 34.8 per cent said 'often' and 23.9 per cent said 'always'. So, something in the order of 58 per cent of severe problem gamblers (pathological problem gamblers) would often or always have access to an ATM compared to 4.6 per cent of non-problem players. To me, that indicates that there is a clear and disturbing link between the accessibility of ATMs at a venue and problem gaming behaviour.

I acknowledge—and I am sure the Hon. Mr Lucas will remind me of this in the committee stage of this bill if we get to that—a survey conducted by Professor Jan McMillen in Canberra. I am more than happy to discuss the results of that study which were much more equivocal. However, that was quite a small study, and I would ask honourable members to be wary of that. I am more than happy to discuss that further when I sum up this bill in due course or, indeed, in committee.

In speaking to problem gamblers, as I do unfortunately all too often, it breaks my heart to see so many people who have problems because of their poker machine addiction. There is a common thread in terms of the easy access to an ATM. They tell me time and again that an ATM is right there at the venue so that they can take out $200 time and again up to $1 000 or to whatever is their daily limit. They would prefer to have to go outside the venue, have a breather and try to think about what they were doing for a few minutes while finding an ATM because, in many cases, it would make them think twice. That is something to consider.

There is a similar rationale in relation to coin machines not being provided. With these machines you can change a $10, $20 or $50 note to coins to play the machines. I am sure the Hon. Ann Bressington can tell us some stories about how the system operates in venues in terms of how coins are provided in some circumstances. In relation to these automatic coin change machines, it is fundamentally inconsistent with the theme of the codes of practice and in relation to what the hotels and clubs themselves have said in their hotel care program and in intervention programs, where they say it is important to have human contact with appropriately trained staff in poker machine rooms.

Having a coin change machine where there is not that human interaction and where observations cannot be made by appropriately trained staff as to whether a person is distressed, agitated or makes a comment about the losses they have sustained so there can be some triggers for intervention concerns me. That is why it is important that coin change machines not be provided. If change has to be given, they can simply go to a staff member or teller and at least there is some chance of some interaction and intervention if there is a potential problem.

In relation to inducements to play machines—the issue of free cash, free vouchers, free points or credits, offering membership of a jackpot or other gambling club, discounted or free food or drink, free entry into any lotteries, or gifts or awards of any kind—welfare groups have expressed concern in terms of their in-the-field gambling counsellors that inducements and incentives can be a trigger and fuel for increasing a person's gambling problem or exacerbating it.

I refer to Anglicare SA's submission to the Independent Gambling Authority Review of 2006 wherein it stated that it had received a statement from a gaming manager about gaming room promotions. Instances were given about the 'grab a goody' promotions, about having various prizes being offered, and promotions designed to 'create a frenzy' to bring up the hourly turnover rate. An example of this is a laminated giant-sized $50 note used for a promotion called 'pass the buck'. Staff are told to create a lot of hype for this promotion and to keep talking and promoting, at all times making new customers aware that anyone can be involved in the promotion and can win $50 if they are holding the fake note when the time is up. That is just one example obtained from a person by Anglicare SA from a person who worked as a gaming manager in terms of their promotions.

It is not appropriate to accelerate demand for a product that we know causes harm for a significant number of people in the community and that, for those who do not have a problem playing poker machines, surely taking away those inducements would not be unreasonable, given the potential benefit it can have in not accelerating problem gambling.

There is another amendment in relation to promotional material included in the bill. That amendment makes it a condition of a casino licence and a poker machine licence in hotels and clubs that the licensee must not cause or permit promotional material of any kind relating to the casino, or loyalty cards that can be used in connection with a casino, hotel or gambling venue, to be sent to a person barred from the venue from taking part in gambling activities under the act. The rationale is that I have been contacted by a number of people over the years who have become very distressed as they, having got themselves barred from a venue, for some reason are still on the list to receive promotional material.

I got a call just before Christmas several years ago from one woman who had a daughter with a disability who had a severe gambling problem. She was barred from gambling venues but was then sent promotional material in the lead up to her birthday and it caused her and the family a lot of distress in terms of triggering the urge to gamble. If a person has been barred it ought to be incumbent on venues not to send out promotional material and they should amend their records accordingly.

This bill consists of a number of measures, which I believe will make a difference. I note that with the cull of some 2 100 poker machines, the most objective and fairest thing that can be said for it is that it has led to a slight reduction in the rate of increase of poker machine losses in this state. We know that losses are now in excess of $800 million a year in this state and the reduction in machines has seen a slight reduction in the level of increase.

Obviously much more needs to be done. It seems that the only measure that will definitely see a reduction in poker machine losses in this state, as has occurred in other states, is a ban on smoking in pokies rooms as of 31 October 2007. They are one of the last enclosed public places in this state where smoking is to be banned. It is very cynical of this government that it has delayed that ban for so long, partly from the pressure of the very powerful hotel and gambling lobby in this state but also because it will cost Treasury revenue.

The Treasury forecasts are for a 10 to 15 per cent reduction in gambling taxes in this state. So, it will mean that, instead of being close to $1 million a day, there will be a

reduction of some 10 to 15 per cent, as occurred in Victoria, where the bans were first instituted. I certainly hope that is the case here, because there is a clear link between problem gambling and heavy smoking, in the sense that, when a person goes outside the venue to get their nicotine fix, it often acts as a break in play and gives them a chance to reconsider what they are doing. It also makes very good sense for people who work in poker machine venues.

I urge honourable members to consider all, or at least some, of the measures in this bill. Much more needs to be done. The measures that have been implemented to date simply do not go far enough. The Independent Gambling Authority report provides a lot of useful information. Members may or may not agree with the conclusions of the Independent Gambling Authority, but the report contains a lot of useful information, and it can be downloaded from the web. It also includes industry viewpoints and those of the concerned sector and individuals who have been directly affected by problem gambling. I believe that it is a useful resource for honourable members with respect to this very important issue.

At the end of the day, this is about people being hurt. Too many South Australians have been hurt by the introduction of poker machines in this state. We know from the Productivity Commission that, on average, each problem gambler impacts on the lives of seven others. Even if we use conservative estimates in relation to the impact of poker machines—let us say 20 000—it would still mean that, taking into account both the problem gamblers and those upon whom they impact, something like 10 per cent of the state's population is being affected by problem gambling due to poker machines. That, to me, is a shocking figure, which needs our urgent attention. I commend the bill to the council.

The Hon. I.K. HUNTER secured the adjournment of the debate.

UPPER SOUTH-EAST DRYLAND SALINITY AND FLOOD MANAGEMENT SCHEME

The Hon. SANDRA KANCK: I move:

That the regulations under the Upper South-East Dryland Salinity and Flood Management Act 2002, concerning the Project Works Scheme, made on 10 May 2007 and laid on the table of this council on 29 May 2007, be disallowed.

On 10 May, the Minister for Environment and Conservation gazetted these regulations, along with a certificate to ensure that they came into effect immediately. In addition, as spelt out in the Subordinate Legislation Act, under which the certificate is issued, this certificate cannot be called into question in any legal proceedings. Sadly, a majority of members of this parliament extended the life of the Upper South-East Dryland Salinity and Flood Management Scheme last year, which gave the minister the right to exercise such powers unilaterally and without warning. I do not know how many members of this chamber really looked to see what powers we were giving, but I will read what it says about the regulations, as follows:

Regulations under this act—
(a) may be of general or limited application; and
(b) make different provision according to the matters or circumstances to which they are expressed to apply; and
(c) provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the minister or any other person or body prescribed by the regulations.

That means that it is open slather. For the many land-holders in the Upper South-East who oppose the scheme, this creates a situation akin to playing backyard cricket against a giant who dictates the rules and changes them as they go.

I have already asked a question in parliament earlier today to highlight the way in which the scientific information has been misused and misquoted to validate the continuance of this scheme. Sadly, the minister chose to continue the arrogance of the government and the bureaucrats in refusing to answer my basic question. She avoided telling us whether she had read the original CSIRO report by Dr Glen Walker or whether she was relying on a project staff member's misinterpretation of that report.

It is a sad fact of life that this has been the way of operation within this scheme. Scientific studies have been ignored or hidden away when they have not validated the position of the proponents or, in the case of the CSIRO report, distorted to make it seem that the support is there. The information about what the CSIRO report really does say shows that a basic foundation of the government's position has just fallen. Last year, I spoke at length in the debate over whether or not the scheme should formally be allowed to continue, with the power to compulsorily acquire land as part of that process. For those who are not familiar with the issue, I suggest they check my contribution on the *Hansard* record of 19 September last year.

Normally, regulations are gazetted and a four-month period elapses before they come fully into effect. In this case, they came into effect immediately by virtue of the minister's certificate. The people of the Upper South-East were told that it was an administrative oversight that they had not been gazetted four months earlier. I say, 'Pull the other leg, minister.' I do not believe that, and neither do the people of the Upper South-East. It was just a clever way to take people by surprise, and so very arrogant. But arrogance has now become part of the standard operating procedure of the government and the department in advancing the scheme.

Even though more than 600 locals signed a petition against the scheme, which was presented to the parliament, the minister prefers to back 35 land-holders who want the scheme. Opponents to the scheme have twice been to court in the past week, and the government's response is to say that it will suspend work for the moment until it can have new regulations drafted and gazetted. So, it is determined to bulldoze its way quite literally.

When we debated this scheme extension bill last year, I asked a question of the minister in my second reading speech. I said as follows:

Our Premier believes that climate change is a reality for this state—so much so that he is the self-titled Minister for Sustainability and Climate Change. So, how is it that DWLBC officers hold a contrary view to both the international panel on climate change and the CSIRO and are supported in this view by the extension of this legislation?

It appears that climate change is going to happen in the rest of the state but not in the Upper South-East. The state government's draft climate change strategy states that a principal objective is to make climate change a central consideration in policy development and decision making. When the minister sums up I ask her to advise the following: was this legislation put through that filter and, if so, will she tell us about that process; when did that evaluation occur and who had input; and is climate change going to happen in all parts of South Australia but not in the Upper South-East?

The minister managed to avoid answering all those questions when we dealt with this bill last year. So, it seems, on the basis of her non-answer, that the minister believes that by some miracle one small part of South Australia will not be impacted by climate change, that the decreasing rainfall in the Upper South-East of South Australia is merely a temporary aberration. There are many other people who would like to believe that fairytale as well, but people like the Prosser family, at whom this regulation is aimed, are looking at the reality of government-funded vandalism on their land. Land is taken from them, they receive no compensation, and their planting of more than a million trees on their land over the years will have been for nought if it dries up as a consequence of this drainage. I urge members to support me in disallowing this motion.

The Hon. D.W. RIDGWAY secured the adjournment of the debate.

TOBACCO PRODUCTS REGULATION (INDIRECT ORDERS) AMENDMENT BILL

The Hon. SANDRA KANCK obtained leave and introduced a bill for an act to amend the Tobacco Products Regulation Act 1997. Read a first time.

The Hon. SANDRA KANCK: I move:

That this bill be now read a second time.

Tomorrow is World No Tobacco Day, so it is most appropriate that I am introducing this bill today. Some weeks ago a woman who purchases her groceries online received an email message to advise her that tobacco products would now be available for all purchasers who used this online service. You can click on any of the online supermarkets—they are still relatively new here in Adelaide but they are growing in popularity—and there you will be able to search for tobacco and purchase it online. I checked one site and it had four brands of tobacco, a total of 10 variations in terms of tar content, whether menthol or light, but they were offering them in cartons as a bulk purchase, with 20 packets per carton. They also sell pouches of tobacco, papers and filters for roll-your-own cigarettes and cigars.

We know that nicotine is a dangerous drug and is delivered to the body through legally available tobacco products. I stress how dangerous this is. Earlier this year the highly regarded British medical journal, *The Lancet*, released a report ranking the harm caused by 20 drugs. Tobacco was ninth, just after amphetamines and ahead of cannabis, GHB and LSD. So, we are talking about a highly damaging legal drug. I have concerns about this in terms of minors, who might not be able to purchase tobacco products over the counter but who could get away with purchasing it in this way. It would be very easy to do this online and then, when the grocery order turns up, for a minor to be at the door to collect it and say, 'Mum or dad is not here at the moment, but here's the money.'

For that reason this bill deals with a range of related methodologies by which people can order cigarettes in addition to the internet, and that includes mail, phone or fax. I raised my concerns about this new way of obtaining cigarettes with Dr Brenda Wilson of the Cancer Council and she responded:

> This form of promotion and access to tobacco products is particularly focused on young people and is open to abuse in terms of undermining current advertising and marketing laws and investments made toward reducing sales to minors (policing age is more problematic when ordering over the internet).

She also mentioned, and this did come as a surprise to me:

> It should be noted that this issue has already been identified as a priority by the Ministerial Council on Drug Strategy, which agreed in May 2005 that all governments would work collaboratively to ban the sale and advertising of tobacco products over the internet.

I must say I am a bit flabbergasted by that, if this is a priority. In May 2005, two years ago, it was listed as a priority, but it seems that nothing has happened. The world does move slowly, it seems. Because tobacco is a much more restricted product than it was 20 years ago, tobacco companies are always seeking news ways to maintain or increase their market share.

We should acknowledge that increasing market outlets for a restricted product such as tobacco is developing a new market for the product. It is not necessary to have tobacco products available over the internet. Tobacco kills—of that we can be certain. The facts and figures are there, we have a mountain of evidence proving that tobacco causes sickness, disability and death, so why have the Liberal Party at national level and the Labor Party at state level allowed this new market to emerge unhindered? Big tobacco thrives as we legislators stall. It is not in the interest of public health to simply sit and wait for action at the federal level.

In preparing this speech I became aware that this matter was raised at the Ministerial Council on Drug Strategy last week, so it will be most interesting to hear what minister Gago has to say in regard to this bill. I have also just become aware today of a media release provided to me from the Victorian health minister, Bronwyn Pike, which has a very distressing content. It reads:

> Victorian health minister Bronwyn Pike has called on Canberra to reverse a decision not to close a loophole which allows the internet sale of cigarettes. Ms Pike said she had put the matter on the agenda of the Ministerial Council on Drug Strategy, to be held in Canberra today [this is dated 19 May].
>
> She said the Federal Parliamentary Secretary for Health, Christopher Pyne, had early last month announced that the federal government would not be addressing concerns around the sale and marketing of tobacco products on the internet. In a press release issued at the time, Mr Pyne said:
>
> > 'The government has completed a review of the Tobacco Advertising Prohibition Act. . . (and) the government does not intend changing this act at this time. . . the review has found that the act is working well to protect the Australian public from advertising messages.'

I am absolutely floored at this. I believe this is the same Christopher Pyne who tries to present himself as being tough on drugs—yet, and as I have already mentioned, tobacco is way more harmful than cannabis, GHB and LSD. The media release from the Victorian health minister Bronwyn Pike goes on:

> Ms Pike said Canberra had inexplicably missed a golden opportunity to address concerns around the growing used [sic] of the internet to market and sell cigarettes—particularly to young people. 'The commonwealth legislation needs urgent amendment. By dragging its heels, it is acting irresponsibly and endangering the health of young Australians,' Ms Pike said. Ms Pike said Canberra knew about the loopholes 18 months ago when it was reviewing the legislation. She said it was clear then that it would lead to cheap cigarettes being sold over the internet. 'This allows tobacco companies to evade health warning regulations and payment of taxes through internet sales. It also appears that most internet vendors have weak or non-existent age verification procedures.

I think that is a matter of grave concern, and I believe it gives more strength to my arguments for the passage of this bill.

I know that this move would be more powerful if it were done at the federal level and, should the federal government

decide to bring in a ban on internet tobacco sales, I will gladly let my bill lapse. Given that the parliamentary secretary for health and now the Minister for Ageing, Christopher Pyne, has said that the federal government will not do that, it is going to come down to state governments to take action. No other state governments are doing this at this time, but I would like to think that, by moving this bill today we in South Australia are taking the first step and leading the way, and, if this bill can be passed, we will be bringing other states along with us. Meanwhile, the inaction of the federal government necessitates a swift legislative response at state level to intervene to stop the sale of tobacco products over the internet.

The Hon. I.K. HUNTER secured the adjournment of the debate.

CONTROLLED SUBSTANCES (CULTIVATION OF CONTROLLED PLANTS) AMENDMENT BILL

The Hon. D.G.E. HOOD obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984. Read a first time.

The Hon. D.G.E. HOOD: I move:

That this bill be now read a second time.

Today I introduce a Family First bill to increase penalties for cannabis cultivation in South Australia. My bill will bring what are comparatively low South Australian penalties for the cultivation of small cannabis crops into line with penalties found in other states within Australia. The current law, specifically section 32(6), which is soon to become section 33K on assent of the Controlled Substances (Serious Drug Offences) Amendment Bill, provides for a maximum penalty of only $500 for the growth of up to 10 cannabis plants for personal use. That amount is prescribed in the regulation under section 8 of the Controlled Substances (Prohibited Substances) Regulations. To be clear, that means that the maximum penalty that a magistrate can impose is $500, nothing more, no matter if it is a person who has been guilty of that offence 10 000 times (or whatever it may be). That is all they can do—it is the absolute maximum they can do. This is seriously out of step with penalties in other jurisdictions.

I was discussing this matter with a practising lawyer who informed me that he had experienced occasions where magistrates had lamented that in sentencing the maximum penalty available to them to impose on repeat offenders was $500. We know that when magistrates start calling for stiffer penalties there really is a need to make a change. This is the case, even though the number of plants might have a street value of up to $40 000. The $500 maximum fine remains even if the offender has multiple prior convictions, as I said, for growing up to 10 plants each time and even if the offender has set up an elaborate hydroponics system to cultivate the plants. As soon as they say it is for personal use then the maximum $500 penalty applies.

Family First believes that a maximum $500 penalty is manifestly inadequate and out of step with penalties found in other states for what is increasingly accepted as a serious and dangerous drug. On 30 April the *London Daily Mail* ran a story highlighting research from the Yale University School of Medicine in the US, which contained this conclusion:

> Just half a joint of cannabis can trigger symptoms similar to schizophrenia, psychiatrists have warned.

The article also noted:

> Research shows that even small amounts of the drug can lead to paranoia, hallucinations, delusions and other effects more commonly associated with schizophrenia and other mental illness.

Earlier research at Yale has shown a clear link between cannabis use in teenage years and mental illness later in life. I will quote from some of the research conclusions:

> Those who smoke the drug regularly at 18 were 1.6 times more likely to suffer serious psychiatric problems, including schizophrenia, by their mid-20s. For those who are regular users at 15, the stakes are even higher, with the risk of mental illness being 4.5 times greater than normal.

That is a 450 per cent increase in the risk of acquiring schizophrenia for somebody in their early 20s if they were a regular user at the age of 15, and our response is a maximum $500 fine for people who grow up to 10 plants. Clearly, there is a real problem that needs to be addressed.

Research published last month from King's College in London had 15 healthy volunteers undergo MRI brain scans after consuming marijuana, concluding that the drug interferes with the inferior frontal cortex in the brain. Other research carried out at the Maudsley Hospital also suggested that the interference with brain function can cause permanent damage, particularly in cases where young teenagers were consuming cannabis while their brains were still developing. I will quote directly:

> For those who started up in their early teens, there is some evidence that five or 10 years after they have stopped they are left with cognitive impairment.

Family First is therefore convinced that cannabis is a dangerous drug. It is damaging young adolescents' brains and it clearly contributes to the mental health epidemic being experienced in our state and, indeed, across the country at the moment.

Family First believes that the current penalty scheme does not adequately address the now accepted dangers of this drug and provides little disincentive for those growing smaller quantities of the plant for their own use or profit. We note, of course, that it is very difficult to prove that the drug was actually being produced for sale.

Because the section only allows for fines, magistrates are barred from using other sentencing options such as good behaviour bonds with attached orders to participate in treatment programs, for example, community service, suspended sentences and imprisonment. Although the Sentencing Act does give magistrates some other options, in practice I understand that small fines are the almost uniform penalty for personal use cultivation. Again, it is worth stressing that $500 is the absolute maximum penalty that can be imposed, regardless of how many times a particular offender has been through the courts facing the same offence or to give account for the same offence.

My bill today will allow magistrates the full range of sentencing options for those caught growing cannabis crops, even for so-called personal use. In most cases thousands of dollars and sometimes tens of thousands of dollars of police resources are used to investigate and prosecute a drug cultivator, who can then be fined only a maximum of $500—again, despite the fact that they can make up to $40 000 from the particular crop they have grown.

On 15 March this year, I raised a case concerning Ms Denese Campbell, whose home at Munno Para was raided by police whilst she was in the process of cultivating a crop. She was fined $500, even though she was also caught with about three kilograms of the drug on her which she admitted

she was about to sell. I am referring to a slightly different kind of case in my bill, I acknowledge, but I asked the Minister for Police at the time whether the basic costs of the police investigation and the costs of bringing this individual to court would have been more than $500 and, quite rightly, he acknowledged that it would have been. So with the maximum $500 fine we do not even recoup the costs of bringing these people to court on many occasions, although I acknowledge this is not the only consideration, of course.

More than that (and I think the most compelling reason) is that our penalties for crops of cannabis grown for so-called personal use are out of step with other states. I seek leave to have a statistical table, which outlines the penalties for the other jurisdictions within Australia for the same offence, inserted in *Hansard* without my reading it.

Leave granted.

Penalties for cultivation of small numbers of cannabis plants across Australian jurisdictions

State	Act	Number of plants	Penalty
NSW	*Drug and Misuse and trafficking Act 1985* (s21 and Schedule 1)	Small quantity=5 plants	20 penalty units &/or 2 years imprisonment ($110 per unit)
Vic.	*Drugs, Poisons and Controlled Substances Act 1981* (s72B and Schedule 11)	Small quantity=50g Traffickable=10 or more plants are considered. See s72B(a) for personal use defence	20 penalty units &/or <1 year imprisonment ($107.50 per unit)
Qld	*Drugs Misuse Act 1986* (s9(d) and *Drug Misuse Regulation Act 1987* (Schedules 1-3)	Traffickable=plants that have an aggregate weight of >500 grams	Less than trafficable amount 15 years imprisonment
WA	*Misuse of Drugs Act 1981* (s7(2), s11, s34(e) and Schedule VI)	10 plants give rise to the presumption of intent to sell/supply	Fine not exceeding $2 000 and/or imprisonment not exceeding 2 years
SA	*Controlled Substances Act 1984* (s32(6) and *Controlled Substances (Prohibited Substances) Regulations 2000*	Personal use is <10 plants (see reg 8)	Penalty not exceeding $500
Tas.	*Misuse of Drugs Act 2001* (s22, s25 and Schedule 1)	Traffickable=20 plants	50 penalty units or imprisonment <2 years ($100 per unit)
NT	*Misuse of Drugs Act 2001* (s7(2)(c) and Schedule 2)	Traffickable=>5 and <19 plants	$5 000 fine or imprisonment for 2 years
ACT	*Criminal Code 2002* (s618(2)	3 or more cannabis plants or cultivates 1 or 2 cannabis plants artificially	200 penalty units and/or 2 years imprisonment
	Drugs of Dependence Act 1989 (s162)	1 or 2 cannabis plants	One penalty unit ($100 per unit)

The Hon. D.G.E. HOOD: Essentially, the table shows the act under which the penalty applies, the number of plants for which the penalty would apply, or becomes applicable, and the penalty imposed in each of the states and territories across Australia. Clearly, South Australia has by far the most lenient penalties in the country with respect to growing up to 10 cannabis plants. For example, New South Wales specifically lists a term of up to two years' imprisonment; in Queensland, if there is a less than trafficable amount, there is a possibility of up to 15 years' imprisonment; in Tasmania, it is up to two years' imprisonment; and in the Northern Territory, it is up to two years' imprisonment—and on and on it goes. In the Australian Capital Territory, it is up to two years' imprisonment. So, clearly, we are well and truly out of step with what is happening across the country with respect to what is potentially a very dangerous drug.

Members might note from the statistical table that South Australia stands almost alone in specifying a fine only for the cultivation of cannabis for personal use. The only other jurisdiction that appears to limit the penalty to that has been listed. Most other jurisdictions allow their magistrates additional sentencing options. So, it is no wonder that Adelaide has sometimes been called the cannabis capital of Australia.

To some degree, this bill is a limited version of the bill I previously introduced in this place which sought to amend the Controlled Substances Act to criminalise the cultivation of one cannabis plant in place of the current cannabis expiation notice scheme. That bill also included an increase in penalties for cannabis cultivation. However, other aspects of the bill were not able to gain government support. Cannabis is a dangerous drug, which requires a serious solution with realistic penalties. Again, I stress that $500 is no penalty at all when the potential gain is up to $40 000 from a crop; that we are out of step with the rest of the states and territories in Australia, and that really must change. I commend the bill to members.

The Hon. I.K. HUNTER secured the adjournment of the debate.

GAMING MACHINES (HOURS OF OPERATION) AMENDMENT BILL

The Hon. D.G.E. HOOD obtained leave and introduced a bill for an act to amend the Gaming Machines Act 1992. Read a first time.

The Hon. D.G.E. HOOD: I move:

That this bill be now read a second time.

This is a very simple bill which, essentially, seeks to restrict the trading hours of poker machines to a maximum 12-hour window in any 24-hour period. Specifically, we have designated the hours of 12 p.m. to 12 a.m, and there are a number of reasons for doing this. However, before I outline those reasons, I want to state plainly and for the record that this is in no way an attempt to outdo the efforts of the Hon.

Mr Xenophon. In many ways, it is an attempt to support his efforts, and he has acknowledged that and, in any case, he does not see it that way. I echo the comments the Hon. Mr Xenophon made just a little while ago when he said that he would be delighted to see results. I honestly do not care where the bill comes from; all I care about is that we see results on what is a terrible blight on our society.

The Hon. Mr Xenophon gave some examples of people who have suffered tremendous difficulty in their life because of their dealings with poker machines and the level of their addiction: I echo those sentiments. I have met many people who tell similar stories. I have met people who have attempted suicide because of poker machines. I think that it is easy to ignore these problems, but they simply will not go away; indeed, they seem to get worse and worse.

As the law stands, poker machines can trade for a maximum of 18 hours a day in South Australia, and there is no specific time when a venue can open or close. For example, a venue might open at six in the morning; if it did, it would have to close at midnight, but it could trade for 18 concurrent hours. If a venue opened at 12 p.m. (that is, approximately lunchtime), under current legislation it could trade right through until six o'clock the next morning. The simple questions this bill tries to address are: why do we want that; why do we need that? Why would anyone want to sit in front of a poker machine for 18 hours straight? Yet we see surveys of people who have sat in front of these machines for many hours.

I live close to parliament and, on my way to work, I often pass two venues with poker machines. I am at the office by eight o'clock, or thereabouts, and I am certainly on the road before that time and see poker machine venues with their A-frame signs on the pavements saying 'Poker machines open' at eight o'clock in the morning. Is everyone able to make right decisions? What drives somebody to want to play a poker machine at that hour of the morning? Are we deliberately preying on people who are vulnerable? I suspect that we are. That may not have been the intention of the legislation when it was introduced. However, clearly it has now got to a point where it needs to change.

Family First's underlying premise in respect of the bill is that the casual player will play the pokies usually some time in the afternoon or early evening. Most people can probably play for a limited period of 30 minutes, a couple of hours, or whatever it may be, but there is no reason for someone to need access to poker machines for up to 18 hours. We feel that it is wrong for poker machines to be open particularly early in the morning. There are venues where poker machines open at 6 a.m. At the weekend, I heard an account of a woman who lived in Whyalla and who said that there are venues in Whyalla which operate poker machines and which open at 6 a.m., and people line up at that time to play them. That is quite amazing.

We see no reason for poker machines to be open at that time of the morning. I would like to clarify that this bill does not include Skycity, which is specifically excluded from the legislation. We believe that there is a place for people who can handle it responsibly to be able to play and indulge themselves in this sort of thing if they need to. However, we do not believe that it should be on every street corner and exploit the vulnerable. Family First also favours a fixed time window; otherwise, a problem gambler could simply leave at one closing time and go to another venue and resume gambling. That is one of the key problems at the moment, of course: because there is no structured time of opening, if the venue they are playing at closes at, say, 12 midnight, they know that, just a few minutes down the road, they can go to the next place, which will be open until four in the morning. If they finish there at four in the morning, I am sure that someone who makes a habit of doing these things will be able to find somewhere else that is open. I imagine that, over any 24-hour period, there is always somewhere open where people can go and indulge in this sort of thing.

For that reason, we propose a statewide time of closure, and in this bill we have suggested that it be midnight, but we are open to debate on that; maybe it should be later. I can understand that, perhaps at the weekend, there is an argument for that time to be later. I note the comments made by the Hon. Nick Xenophon about the recommendation of the Independent Gambling Authority, which was to close at 2 a.m. on weekends, and there is some merit to that. However, at this stage, the bill as it stands proposes a 12 p.m. closing time.

I will speak for a moment about some of the problems we have seen, and I want to touch on some of the real issues that poker machines have brought to us. We know that they are a very significant source of revenue for the government; in fact, 75 per cent of all South Australian gambling revenue comes from poker machines—three-quarters of the government's gambling revenue. Clearly, the government expects the impending smoking ban to have some effect. We certainly welcome and applaud that, and look forward to it coming in. In fact, the budget suggests that it will have about a 15 per cent loss of revenue because of that measure alone. My office has done some research that seems to verify that that is probably about right.

I have heard a comment from the United States that poker machines are called the 'crack cocaine of gambling' because they are easy to access, can be played in relative privacy, and are highly addictive. The point I am trying to make is that, because of their addictive nature and with our extremely liberal opening hours and the fact that they produce so much revenue for the government, poker machines are not only attractive for government but also difficult to remove because of the potential loss of revenue, but the social cost is greater than the economic cost.

I will outline some statistics. In a number of states in North America poker machines have been banned after their use became rampant. Perhaps most famous is South Carolina, which had some 30 000 poker machines when it largely banned them in 1999. A ban will begin in Norway on 1 July 2007. Sweden banned poker machines way back in 1976. Russia's upper house voted unanimously last December to close most of its casinos and slot machine halls. The vote was 141 to nil, with only two abstentions. Peter Craven, in his 2007 piece in Melbourne's *The Age* newspaper, noted the following:

> Just as people should forsake their right to bear arms when troubled, young adults kill their fellows in schools and universities, we should forego as a society whatever attendant pleasures come to the unaddicted who might enjoy a flutter on the pokies.

This is an opportunity for us to make a stand on poker machines and say that 12 hours is enough. How long does somebody need to sit in front of one of those machines? This matter needs urgent addressing. We believe in a fixed time limit. A finishing time across the state would be worthwhile as it would prevent people moving from one venue to the next.

I trust the bill will receive consideration. I say at the outset that Family First will certainly support the bill that the Hon.

Mr Xenophon introduced earlier. I think each of us knows that there is a real problem with these things. Whilst most people can use them responsibly, there is a portion of society that does not seem able to, and the devastation is significant.

I finish on this note: I have a personal friend who became addicted to poker machines in her early 20s. She is about 37 or 38 years old, and she is still paying off the debt that she ran up over her period of absolute addiction some 12 to 15 years ago. It really has devastated her life. Her relationships suffered dramatically and her health suffered. She did not attempt suicide, but she certainly suffered the misery that is associated with these things. I commend the bill to the council.

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

CRIMINAL LAW CONSOLIDATION (REASONABLE CHASTISEMENT OF CHILDREN) AMENDMENT BILL

The Hon. D.G.E. HOOD obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935. Read a first time.

The Hon. D.G.E. HOOD: I move:

That this bill be now read a second time.

Some people will criticise Family First—and probably me—for introducing this bill. We do it more as a signal, if you like, of the seriousness of the matter. Essentially, this bill is a very minor amendment to the Criminal Law Consolidation Act, which will enshrine in law that a parent has the right to smack their child, if they so choose. It is as simple as that. We are concerned that the age-old practice of smacking a child as a part of reasonable parenthood discipline is at risk. This bill enshrines in legislation a parent's or guardian's choice to discipline their child, provided that such discipline falls within the limits of what would generally be accepted in the community as reasonable chastisement or correction.

In a concerning move the federal government recently funded a $2.5 million campaign which warned parents not to smack their children. I will quote some literature from the Every Child is Important campaign, which many parents have found quite concerning. The document states:

> Successful discipline can be achieved without the use of physical punishment. Physical punishment causes pain to stop the behaviour, for example, hitting a child with a hand or object. Physical punishment does not communicate care or respect to a child. Physical punishment can undermine a child's sense of love and security. They can often become anxious, fearful or rebellious. Physical punishment teaches children that violence can be an acceptable way to solve problems. Hitting a child does not teach acceptable ways to behave. Instead it may result in a repeat of the behaviour. Often children are so upset or angry after being hit, they forget why they are being punished.

The federal government-funded Australian Childhood Foundation lists as recommendation No. 1 of its report entitled 'Crossing the Line' (September 2006) that 'all state governments should introduce relevant legislation which repeals the defence of "lawful correction" or "reasonable chastisement" of children by parents'. This is a direct recommendation from a report funded by the federal government. A majority of parents are rightly concerned, because their tax dollars are being used to promote one particular concept of parental discipline. I say 'a majority of parents', because polling shows, very clearly, that parents want to have a choice to moderately discipline their children.

Let me back that up. In October 2006 *The Advertiser* reported that 'a Morgan study commissioned by the insurance program MumsCover has found that 80 per cent of Australian mums believe smacking their children is acceptable'. Polls conducted both within Australia and overseas consistently deliver between 70 and 85 per cent support for the freedom to smack. Further, a *60 Minutes* poll in November last year found that 75 per cent of parents wanted to retain the freedom to smack, and over 100 000 people have signed a Family First New Zealand petition in favour of a parent's right to smack. I point out that it is not the political party Family First but, rather, a lobby group which is not associated with us in any way.

The point is that all these people want the right to be able to discipline their children in a way they choose. Let us be clear. We are not talking about violence against a child or abuse of a child or anything of that nature. That is clearly wrong and, as far as I am concerned, people who engage in that sort of activity should have the book thrown at them. We are talking about a smack as a parent does in a way to lovingly discipline their child, if I can put it that way. Again, all the surveys consistently show something in the order of 70 to 80-plus per cent of parents want to retain that right.

Why should governments intervene? Why should governments say that parents cannot do that? What right does a government have to say how a parent disciplines their child, provided a parent does not go too far? Again, those parents who go too far should suffer the consequences, but the point is that these parents—up to 80 per cent of people—are not criminals; they are just ordinary everyday people who want to discipline their children in the way they choose. Certainly, I was smacked as a child and most people seem to think it did not do me too much harm.

The Hon. A.M. Bressington interjecting:

The Hon. D.G.E. HOOD: I was waiting for the comments. Interjections are out of order, Mr President!

The PRESIDENT: You will get smacked if you keep that up.

The Hon. D.G.E. HOOD: Indeed. Only weeks ago smacking was effectively banned in New Zealand, and other nations, including Norway, Sweden, Denmark, Austria, Finland, Italy, Latvia, Croatia, Cyprus, Germany, Israel, Bulgaria, Iceland, Ukraine, Romania and Hungary, have also banned smacking. Some people might allege that this is a response to a problem that does not exist, but the reality is that many countries have banned this activity and we see this somewhat as a pre-emptive move.

Concerningly, but I should say probably not unexpectedly, the Australian Democrats have also appeared in the media recently calling for a similar ban in Australia. I also note that a former Greens candidate in Queensland, Dr John Reddington, has been vocally calling for a ban on smacking in that state. As my colleague the Hon. Andrew Evans raised yesterday in question time with the Minister for Police, my office is now hearing reports that parents are being charged by some police officers and in some jurisdictions for smacking their children.

I requested our very helpful but under-resourced library researchers to try to find all the newspaper articles they could on parents being charged for smacking their children. The results were 13 pages of articles—many from interstate, but also some examples from within South Australia. The articles describe the 'stupidity' of a parent being charged for smacking a child who was throwing a tantrum in a supermarket and so forth. I refer to one particular comment from Rex

Jory in an article in *The Advertiser* of 21 February 2000. He explains the concern very well and says:

> Friends took their four children to one of those big suburban shopping centres and the youngest, a lad aged about five, vanished. There was a frantic search and for five anxious minutes the parents imagined all sorts of terrible things had happened. When the boy was eventually found, safe and well, the father gave him a smack on the bottom as much in relief as anger for wandering off. A woman in the gawking crowd reported the incident to police and my friend was taken to the police station for questioning. He was threatened with a charge of assault and the incident was reported to welfare. Two welfare officers visited the home and implied that if there was a similar incident, the child would become a state ward. I know these people. They are good, caring, conscientious parents. To charge them with assault for mildly disciplining their child and, worse, threatening to take the child away, is madness.

I wholeheartedly agree. An OCSAR information bulletin from October 2001 indicates that in the year 2000, 417 parents were convicted for 'minor assaults' to their children. These are not cases where children were more seriously assaulted, as there is a separate category for those offences. The Attorney-General's office was unavailable to provide more recent data.

I make the obvious caveat that in no sense again does Family First condone excessive force being used to discipline children. In fact, I was once misquoted by Peter Goers as saying that I condoned the 'beating'—the word he used in the article—of children. That is absolute rubbish: we certainly do not and we never will. Mr Damien Tudehope from the Australian Family Association has noted:

> Certainly we don't advocate any circumstances where it's appropriate to leave permanent marks on children and to use discipline in a way where it becomes an assault on children. But to introduce laws which mean the government has a role to play in deciding who and who isn't a good parent, we think that's going too far.

Again I wholeheartedly agree. In fact, the 2003 UNICEF report showed that the most consistent triggers for child abuse are poverty, stress and family breakdown, along with drug and alcohol abuse—not parental discipline.

We have yet to see whether or not alternative forms of punishment are doing their job. It might be the case that removing physical discipline as an option will usher in an era of undisciplined, unruly and rude children. Indeed, many have said to me that they believe that it is; that is, it is already happening. It may very well be that ignoring wrongdoing in children is one of the worst forms of child abuse. This bill proposes a further defence to be included in section 20 of the Criminal Law Consolidation Act—the amendment to ensure protection from criminal prosecution for any parent or guardian who uses reasonable, moderate physical discipline on their child. Other states—and this is a key point—have either similar protections or discuss the defence to some degree within their legislation.

In the ACT, section 124 of the child welfare ordinance does that, and in the Northern Territory, it is section 27 of the Criminal Code; in Queensland, section 280 of the Criminal Code; in Tasmania, section 50 of the Criminal Code; in Western Australia, section 257 of the Criminal Code; and in New South Wales, section 61AA of the Crimes Act. Those jurisdictions all afford these protections on parents that do not exist in South Australia. I believe that enshrining such a defence in statute is a reasonable measure to take.

Possibly the world expert on parental discipline and smacking is Dr Bob Lazerlere, an Associate Professor of Psychology at the Department of Human Development and Family Science from the Oklahoma State University. He analysed 26 projects on this issue, with the conclusion that light smacks were better than all the alternatives that he looked at. The 26 studies investigated both physical and non-physical forms of discipline of children under the age of 13 years. The results depend upon the type of corporal punishment specifically, but he found that smacking had outcomes that were neither better nor worse than any alternative disciplinary measures. However, one study of the 26 actually favoured smacking in terms of longer term outcomes. A recent long-term study by the University of Otago also found in a preliminary analysis that those children who were smacked had similar or slightly better outcomes than those who were not smacked in terms of key areas of aggression, substance abuse, adult criminal convictions and school achievement.

So, frankly, Mr President, the argument that smacking your children somehow damages them—again, assuming we are talking about smacking done appropriately—is absolute rubbish. There is no proof whatsoever to back it up. It is the assertions of academics that we wholeheartedly reject. Dr Jane Millichamp, who conducted the study, concluded via comment in the media:

> I have looked at just about every study I can lay my hands on, and there are thousands, and I have not found any evidence that an occasional mild smack with an open hand on the clothed behind or the leg or hand is harmful or instils violence in kids.

I repeat that. There are thousands of studies and no evidence. Family First believes that parents should have this choice enshrined in statute, and I commend this bill to the council.

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

MONITORED TREATMENT PROGRAMS BILL

The Hon. A.M. BRESSINGTON obtained leave and introduced a bill for an act to provide for properly monitored treatment programs for substance abuse; to make related amendments to the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981; the Children's Protection Act 1993; the Controlled Substances Act 1984; and the Education Act 1972; and for other purposes. Read a first time.

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

That this bill be now read a second time.

I will not be too laborious over this bill, because I have given quite a lengthy speech on this earlier. It was introduced prior to the proroguing of parliament. I would like to stress to members, as I said earlier, that this bill is not about dragging people off the streets with a hook rod and throwing them into an asylum or prison to get their treatment. It is about two particular target groups of drug users who I think cause probably more harm, in a way, to the community than some others. The first target group is parents who have been brought to the attention of welfare agencies or the police for neglecting and abusing their children and who are known to have a drug problem.

The second target group is young people who continually reoffend on minor matters and who obviously are using drugs. I have asked for a monitored treatment program because there seems to be a myth that addicts cannot be helped unless they are ready. The truth of the matter is that an addict is rarely ready to stop using drugs, and it requires them to hit their so-called 'rock bottom', which could mean different things for different people. It can mean they lose their family. It can mean they lose their self-respect. It can

mean that young women are forced into having an abortion because they are too scared to give birth to a drug-addicted child. It can mean that they die in the gutter.

The term 'rock bottom' is pretty broad in respect of an addict knowing that they are ready to stop using drugs. There is also a myth that addicts cannot be forced to recover. I indicate by this folder—and this is only half of it—the amount of research that supports the fact that, in many cases, coerce treatment is 70 per cent more effective than voluntary treatment. I have seen people forced into treatment a number of different ways. For example, young people are forced by their parents to do something about their drug problem. I have seen court-ordered people do well in treatment, and I have seen family pressure suffice for coerce treatment.

However, with respect to the Drug Beat program, I have not seen one of them fail. I am not saying they do not relapse, but I have not seen one of them not get their life on track. I make the point that the Hon. Gail Gago said that there is no research to show that a 15-month program is necessary and that that sort of time frame is excessive. My response is that I found very little research to support anything less than 15 months if you want people to recover properly and well from their substance abuse issues.

Over the past months, I have noticed this correlation, this connection, by members of the government and the opposition (but that is not quite so predominant) with the words 'treatment and prison' or 'treatment and punishment'. In actual fact, they are quite different things. We would never expect people to avoid treatment for any sort of cancer or mental illness but, in the minds of some people, treatment for drug addiction is a totally different kettle of fish. The word 'rehabilitation' means to restore someone to the health and wellbeing they experienced before an injury, an accident or a sickness.

Those two words 'treatment' and 'rehabilitation', especially in the drug and alcohol sector, need to start having some positive aspects put forward to the public, because being imprisoned is a far cry from undertaking a monitored treatment program. As a matter of fact, the Drug Beat program is an outpatient program. Our clients may attend four or five days a week. They have 24-hour access to a telephone line. They are able to speak to their counsellor. If they are in crisis they can come in and hang around the centre for a day, but they are not required to reside at Shae Louise House for their recovery.

Other places assist with detox when necessary, but the detox from drugs that are going around these days is pretty much of a non-event. People addicted to methamphetamine mainly sleep it off for a few days, and they come out of it feeling pretty miserable. On the other hand, it is not a painful experience like it used to be for heroin detox. The following information comes from the Addiction Technology Transfer Centre in America, which is a recognised research centre on addiction. These are just some of the benefits of coerce treatment.

There is $7 saved for every dollar spent, which I mentioned in my Supply Bill speech yesterday. Crime has reduced by 80 per cent in an area that had coerced treatment. The incarceration costs are $25 900 per year, whereas an outpatient costs $1 800 per year for treatment and intensive outpatient costs are $2 500 per year. Methadone maintenance costs $3 900 and residential treatment costs range from $4 000 to $6 500 a year. So, whichever way we go, incarceration certainly is the more expensive approach. We also then go back to a study by Hall and Lapsely in 1999, which showed that the cost to the community for an active drug user is around $80 000 a year. There can be no justification for believing that we are better off allowing addicts to wander the streets, homeless, begging and causing all sorts of problems or believing that mothers or fathers can possibly be productive in their parenting skills.

On radio in an interview Dr Chris Hamilton made a very powerful statement that, in a family where parents are addicted and the children must compete against that addiction, the children will lose every time. That is something of which we all need to be mindful. This is not just a passing phase for some people. Once addiction has occurred it is not a passing phase but a trap and we are not doing them any favours by allowing them to continue to use their drugs mindlessly and not have to take into consideration the after effects it will have on the people around them.

The California study in 1994, conducted by the University of Chicago's National Opinion Research Centre, cost $2 million and randomly followed 1 850 people in 33 programs. The study found that, for every $1 spent, $7 was returned. The cost of treatment was $200 million, but the return to the state in the following year reached $1.5 billion. Keeping score, another study in 1996 reported on a Maryland program, where women addicts received treatment during pregnancy, that 84 per cent of babies were born full term. We all know that one of the side effects for pregnant woman is that babies are born prematurely, underweight and addicted. They are not well for quite a long time. Taxpayers saved $40 000 per child in neonatal intensive care costs alone in that Maryland program.

The McDonnell Douglas Corporation in 1989 received the records of 20 000 employees, and they compared employees who had better benefits through the employee assistance program (EAP) versus employees who used more restrictive health funds. Employees who used the EAP missed 44 per cent fewer work days, had an 81 per cent lower attrition rate and filed $7 300 less in health care claims than those who used the HMO. That is a methadone program and is still coerced, but it still provides benefits for the community.

Also there is a study that shows that criminal activity dropped by two thirds from 77 per cent to 20 per cent and emergency room admissions fell by 30 per cent. This is from having one simple approach to treatment, and that is that addicts simply were not allowed to continue to mindlessly use their drugs. There is also a point I would like to stress with this, namely, that I am targeting just two groups of drug users. We know from the AMCD study released last week that we have 230 000 children in Australia currently being raised by parents who are substance abusers. It is absolutely unacceptable in this country in the 21st century that we would be content to allow children to be subjected to the abuse and neglect that goes hand in hand with having parents who are substance abusers.

I have seen children who have been subjected to neglect. In one particular case, a five year old was required to care for her two year old sister and a one week old baby. The parents were absolutely off the planet, unable to care for that one week old child. God knows why the baby was ever sent home from the hospital with the parents in the first place, but it was. That five year old girl was responsible for the wellbeing of those two children. Things got so bad because she could not feed the one week old baby that that baby nearly died of starvation. That little girl is now nine and she still lives with the emotional scar that she actually neglected to care for her one week old brother.

The emotional trauma of this is deep and longlasting for our children. I cannot think of one argument that anybody could put up that could justify parents, who are out of control with their drug use and reported to be abusing and neglecting their children, not being forced into treatment. The Minister for Families and Communities introduced legislation last year saying in respect of all the reports that come in about children of drug abusing parents, 'We will just take the kids out of the family and the problem is solved.' Well, no, because we have seen the shortfalls. There are not enough foster carers in South Australia to care for these children. They have emotional, psychological and developmental problems that need to be dealt with in a family environment.

I have seen families recover from this. I have seen that, when parents get treatment for their substance abuse, their children can recover along with them. If the program is well-structured, the parents are empowered to re-parent their own children. That makes for a whole-of-family recovery, and those children do not fall into the cycle of substance abuse. They have lived it through their parents. Their neglect and abuse issues are dealt with through family therapy, and this breaks the generational cycle of substance abuse. I think breaking that cycle of substance abuse should be one of the main aims of any government or any legislative group of people.

I will not go on with this any further. As I said, I spoke to this bill at some length the first time it was introduced. One more thing I would like to mention is that I have sought the opinion of the Law Society on this bill. It was quite incensed that I would introduce legislation that would insist on abstinence-based programs, first, as it takes away the choice of addicts to enter whatever sort of treatment program they feel would be suitable for them. I do not think you could find one drug and alcohol expert who could verify that addicts actually know what is good for them. I have heard people such as Dr Robert Ali, Dr Alex Wodack and Dr David Caldicott say that abstinence is the gold in harm-minimisation. I do not quite know whether that means that they cherish it or that they just find it hard to attain but, either way, it is very under-utilised.

In the United States, Sweden and the Netherlands—even in the Netherlands—abstinence is the first port of call. If a person is unable to sustain abstinence, then they are referred to maintenance programs, which is a monitored process. To think that addicts are not capable of recovery says very little for their right to survive and live well. I have not yet met one addict, as steadfast as they are, where it is not the drugs causing them the problem but everything else. At the end of the day, when you spend time with them, each and every one of them wants to recover. They just simply do not know how and they do not have people to guide them in this process.

I think that that is one of the saddest things. It is a sad indictment of our entire system, not just in South Australia but also nationally, that very few people are trained in the area of recovery-based treatment. The government may not support this bill, because it would mean that the drug and alcohol sector might have to be retrained, and that would just be a shame.

I think that, at the end of the day, abstinence-based and recovery-based programs are the first port of call. Research shows that that works best. If people cannot sustain that abstinence and the programs that they are being entered into do not work for them, I believe it would require two sets of action points: to have the programs that they are being referred to evaluated and assessed with respect to being a needs-based and client-focused program, and also to assess the client for some sort of maintenance program that may help them to keep moving forward. I commend the bill to the council, and I look forward to the debate.

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

STATUTES AMENDMENT (GANGS) BILL

The Hon. A.M. BRESSINGTON obtained leave and introduced a bill for an act to amend the Criminal Law (Sentencing) Act 1988; the Summary Offences Act 1953; the Summary Procedure Act 1921; the Young Offenders Act 1993; and the Youth Court Act 1993. Read a first time.

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

That this bill be now read a second time.

I have had this piece of legislation drawn up to try to address the problem that we are experiencing with gangs. There has been enough in the media to verify the fact that there are youth gangs roaming the streets—

The Hon. Nick Xenophon interjecting:

The Hon. A.M. BRESSINGTON: I would prefer to use the word 'gang' rather than 'group', because at least the public then knows what we are dealing with. These gangs are not playful, and they are certainly not just out to have a good time. We have seen in the newspaper in recent days that they are targeting the average citizen, the reasonable citizen, who is minding their own business; they are being dragged out of cars and assaulted. Property damage has been one of the targets of these little urban terrorists, and I think it is about time that parliament looked to take this problem in hand legislatively and support the police to do their job.

This bill will give the police the ability to seek curfew orders against known gang members and restrict the hours that they can be out on the streets. I suppose that would require a level of local community police knowledge of these people who are connected to these local gangs. I know that out at Elizabeth it is the RTS gang, and they still have not been curbed. I raised this some eight months ago in parliament and their behaviour still has not been curbed. There are people out there who actually live in fear. I know of at least 30 to 35 elderly people who have had bars put on their homes and, at 4 o'clock in the afternoon, they go inside, they close the windows, they lock the bars and they do not leave that house after 4.30 in the afternoon. They just will not go out.

The freedoms that we all have worked and fought for so hard over the years are gradually being taken away from us by people I refer to as urban terrorists. We can sit and lament about the fact that they have had a really bad childhood or, as Mr Francis said on TV last night, they had Weet-Bix for breakfast instead of Corn Flakes, or whatever the problem is. However, personal responsibility has to come into this at some stage. If they do not get the sort of supervision and whatever that they need at home to help them develop strong community values, then it is up to the parliament and to the police to remove these people when need be and let them experience some consequences for their actions.

I have included in this measure a definition of what is a criminal gang. Basically, I have taken this definition and had it modified just a little to line up with the federal government's definition of a terrorist. Obviously, they are not firing rocket-launchers or driving tanks down the main street—yet—but we can all look forward to that in time. The word

'terrorist' means to terrorise and that is exactly what these groups in all areas are doing. We now seem to have select gangs for select areas, and it is becoming racial. When this was brought to my attention, I was asked by the media whether this was an interracial thing, and it was not, but it is now.

We have groups called Middle Eastern Boys. I will not name some of the others because they are not fit to go over the airwaves, but we have an Aboriginal gang, the Gang of 49. We have ethnic gangs, Vietnamese gangs, Asian gangs, and it is fast becoming a gangland situation. We have also had from the police an admission that these gangs are supervised, if you like, or recruited by illegal motorcycle gang members. I know of three members of the RTS gang who have just graduated to get their colours with the Hells Angels. They started out in Elizabeth at the age of 13 and 14 in this RTS gang, and now they are members of an illegal motorcycle gang.

I have also moved to give police special powers in relation to criminal gangs, and police officers can stop, search and seize. They can detain these gang members if they are loitering in a public place and causing a nuisance. I know that there is concern that some youth groups may be caught up in this net, but I stress that, unless it is obvious that these members are troublesome, that they are causing concern to members of the general public, the police do not have the right to detain but they do have the right to search and seize.

I know that this is going to get the civil libs upset because it concerns minors—and God forbid we should search minors—but let us remember, as I saw for myself, these kids are armed and they are sanctioned to carry hand guns. Not only do they carry hand guns, they carry machetes, screwdrivers and knives. So, giving police the power to search and seize under these circumstances, to remove these people from the streets and perhaps even charge them for illegal possession of weapons, cannot do the community at large any harm whatsoever.

Also included in this legislation are antisocial behaviour orders, which will be served on people who have not actually progressed to crime but who are destructive and mischievous within the community. These antisocial behaviour orders are quite specific in how they work, but I will not go through that now because that will be for debate further on. However, I did note that Assistant Commissioner Tony Harrison said that research in Great Britain has shown that gang members start to use the antisocial behaviour orders as a badge of honour—once they have an order against them they progress up through the ranks of the gang—so I have made the recommendation that anyone who has an antisocial behaviour order placed against them be given menial tasks. These could be things such as, perhaps, cleaning public toilets with a tooth brush or picking up doggie do from the park—nothing that gives any sort of glory—to basically bring into perspective the value to our community of these people behaving the way they were and to make it clear that the community demands a change. There are orders in here for community service that could actually be determined by the local council for anything that needed to be dealt with in the area in which the person lives, and that would also make it easier for them to access where they are supposed to be doing their community service.

There are also parental responsibility orders in here. This covers parents' responsibility to rein in their children when they are not offering anything useful to the community and, at the end of the day, it makes parents responsible for the behaviour of their children. However, it is a sad but true fact that there are parents out there who just cannot be responsible; on the other hand there also parents out there who want to be responsible but who are not being supported to do so. This legislation will serve to address both sides of the parental scale. If parents actually want to assume responsibility for their children and their children's behaviour the curfews will be put in place, the antisocial behaviour orders made, and gang members defined—and parents are included in those antisocial behaviour orders in the process of monitoring their children's behaviour. As I said, sadly, there are also some parents (and I do believe they are the minority) who do not want to take responsibility for their children's behaviour socially or publicly. They themselves would be put on a parental order and would be required to attend parenting classes or perhaps even be investigated for substance abuse, child abuse or neglect.

So, this is a pretty broad piece of legislation, which I am sure will promote rigorous debate in the council. However, I also note that the Hon. Isobel Redmond from the other place mentioned on the radio this morning that about three years ago the Liberal Party put up a bill for an amendment to the Bail Act, I believe. That particular piece of legislation contained antisocial behaviour orders, and the Hon. Ms Redmond was discussing that on the radio when she was talking about the gang of 49. I do not think this bill is too far off the mark in terms of what people in this place—government or opposition—would aspire to in order to rein in what really is a plague we are suffering out there at the moment. It will send a very clear message that enough is enough. I commend the bill to the council and look forward to its progression and the debate.

The Hon. D.G.E. HOOD secured the adjournment of the debate.

SUMMARY OFFENCES (DRUG TESTING ON ARREST) AMENDMENT BILL

The Hon. A.M. BRESSINGTON obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953. Read a first time.

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

That this bill be now read a second time.

This bill has been drafted to deal with a situation that continues to be an ever-increasing problem, whereby serious offences committed against people or property are being dealt with in an ineffective or inefficient way in the courts because they are unable to determine exactly the core of the problem in terms of the offences being committed. This measure will provide for drug testing on arrest for any person who has committed an arrestable offence. They will be required to undergo a drug test to show whether their crime has been due to either their being drug-affected or just because they enjoy committing crime. We take into consideration the case of the two gentlemen who were stabbed by a man who was spinning out on methamphetamines, and the perpetrator was sentenced under the mental impairment provision.

In fact, even Frances Nelson QC has said that it is of grave concern to her that these perpetrators of violent crimes, who are off their face on drugs and high as a kite because they are psychotic or whatever, are getting lesser sentences because of the mental impairment plea. In fact, they are not mentally impaired: they are drug addicted. They are causing a huge clog up with the Parole Board as well. She has actually made the statement to the Hon. Nick Xenophon and me that they

laugh at her. They say, 'I have this particular impairment and there is not much you can do about it.'

The aim of this bill is to determine the difference between people who are drug-affected and committing crimes against people and property, and those people who may just be hardened criminals who have committed a serious or arrestable offence and who test positive for drugs. I would hope it would then be diverted into some sort of treatment because this cycle, once it starts, is not going to just end itself. I know that all these drug testing bills that are coming up may seem onerous but, at the end of the day, in trying to get clear information on the extent of our drug problem, it is obvious that the data collection is scarce.

There is no real picture of exactly what we are dealing with, and I think even if we were to do this drug testing on arrest for a pilot period of only 12 to 18 months, it would give us a very clear picture on the extent of drug use and crime. Although there is evidence to show the correlation, I still do not believe that that is being accurately portrayed. This is a simple bill that will require any person who is arrested for an offence to be drug tested, and those results will then determine how and why it will be dealt with. They will be tested for all drugs, namely, cannabis, methamphetamine, heroin, ecstasy and other drugs of dependence. I commend this bill to the council and look forward to the debate that ensues.

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

MOTOR VEHICLES (DRUG TESTING OF LEARNER DRIVERS) AMENDMENT BILL

The Hon. A.M. BRESSINGTON obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953. Read a first time.

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

That this bill be now read a second time.

This is a bill to drug-test learner drivers. Basically, it will prevent people from getting their learner's permit if they test positive to illicit drugs. This will deal with the target group of people who are missed in the process. They will be required, at their own expense, to get a certified blood test to show that they do not have drugs in their system. It is a requirement of the legislation that the blood test must be taken no more than two weeks prior to them accessing their learner's permit, so they will need to show proof positive that they are not positive to illicit drugs in their system to be able to go through the process of obtaining their learner driver's permit.

While they are moving through the learner driver stage they will be required to give a blood test every eight weeks and no less than 12 weeks during that period to show that they have, in fact, stayed drug-free throughout the period of their learner driver program. There are no legal ramifications for them if they have drugs in their system; it simply means they cannot pass through the learner driver stage. This will send a clear message to young people that, if they want to drive, they cannot take drugs because they will not even get to first base with a learner's permit if they do.

This is another way of also preventing people from getting away with driving with drugs in their system and is also another clear message to our youth, and a prevention strategy as well. As I said, I will keep this really short, but there is plenty of evidence and research that I will present further on in the debate and probably at the summing-up stage. I commend the bill to the council and look forward to the debate.

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

[Sitting suspended from 5.59 to 7.45 p.m.]

SECURITY AND INVESTIGATION AGENTS (CROWD CONTROLLER LICENCE SUSPENSION) AMENDMENT BILL

The Hon. A.M. BRESSINGTON obtained leave and introduced a bill for an act to amend the Security and Investigation Agents Act 1995. Read a first time.

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

That this bill be now read a second time.

This bill makes a slight amendment to the act, which I think will take it back to what the security agents legislation was originally. I move this amendment to the act following notification from the National Security Association on the recommendation of Mr Charles McDonald. If a crowd controller or a security guard has his licence suspended because of an allegation of a crime or drug use but has not been convicted or the matter is waiting to go to trial, the bill seeks to amend the act so that power be given back to the Commissioner to decide whether that person should be suspended until trial.

Both Mr McDonald and I understand that this legislation was introduced to try to clear out the riffraff, so to speak, in the security industry. However, from the feedback Mr McDonald has given me from the industry itself, it appears that it is causing concern for people who are good citizens and who have not had any trouble with the law in their time as a security agent or a crowd controller. When an allegation is made, they are unable to work between the time the allegation is made and when the matter goes to trial and they suffer loss of income. For some of these people, this is not just a part-time job but their livelihood, and they are finding themselves in the position of having to seek alternative employment until the matter goes to trial.

As I said, I know the bill reverses some of the intent of the act. However, if we find that legislation is in any way unworkable for the industry, it is our responsibility to try to bring it back into balance. The security industry put forward a couple of submissions to the Attorney-General's Office when the bill was first introduced on this matter and it also consulted with an officer from, I think, the Office of Consumer and Business Affairs (OCBA) or one of those organisations.

The case was argued, but the security industry felt as though its concerns were not taken into consideration with this section of the bill. So, I have done this on behalf of and at the request of the security industry itself, asking that the government consider trying to bring this bill into line with the fact that they are good people who work in the security industry. This is a little like throwing the baby out with the bathwater in trying to clean up the industry.

I look forward to the council debating this bill, looking at all the aspects and perhaps even taking into consideration that it may be a little bit too harsh and deserves some level of consideration to give the power back to the Commissioner to make the decision on whether or not to suspend a licence. I look forward to the debate to come.

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

MOTOR VEHICLES (EXPIATION OF OFFENCES) AMENDMENT BILL

Read a third time and passed.

ROAD TRAFFIC (COMPULSORY BLOOD TESTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 May. Page 77.)

The Hon. A.M. BRESSINGTON: I rise to support the Hon. Mr Xenophon's bill on compulsory testing for serious road accidents. I was quite shocked to hear some of the statistics that the Hon. Mr Xenophon gave in his speech in this place. Once again, I believe it is indicative of the lack of statistical data that we gather to produce the real picture of the serious drug use in our society at the moment. As I said in an earlier speech today, I know from trying to get information on certain things under FOI that it is really quite difficult. Given that a blood sample can already be taken from some people to test for alcohol—or, at least, a blood test is taken—I cannot see that there would be any major cost involved in extending those blood tests to cover illicit drugs also. I support the honourable member's bill.

The Hon. I.K. HUNTER secured the adjournment of the debate.

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

Received from the House of Assembly and read a first time.

The Hon. P. HOLLOWAY (Minister for Police): I move:

That this bill be now read a second time.

I seek leave to have the second reading report and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

The Government's 2006 election pledge on hoon driving was to:

- allow police to wheel-clamp a motor vehicle as an alternative to impounding it for an impounding offence;
- extend the period of police impounding or clamping from 48 hours to seven days;
- include as offences for which police may impound or clamp a motor vehicle and for which police may seek a court order for impounding or forfeiture the offences of graffiti vandalism and repeat offences of driving an uninsured motor vehicle, driving an unregistered motor vehicle, and driving without a licence.

This Bill achieves these objectives. It removes these laws from the *Summary Offences Act 1953* and puts them in an Act of their own. It adds further deterrents to hoon driving and associated offending and enhances the powers of the police and courts to deal with vehicles in response to such offending in provisions that:

- allow magistrates to extend the period for which a vehicle is to be clamped by police to up to 90 days;
- increase from five years to 10 years the period of previous offending to which a sentencing court may have regard in determining whether it has authority to impound or forfeit a motor vehicle;
- allow the Government to prescribe the offences to which the Act applies by regulation and expand the regulation-making power so that the regulations can also set procedures and guidelines for the enforcement of the Act;
- restrict police impounding or clamping to cases that are not expiated and are intended to be prosecuted;
- give police authority to impound or clamp a motor vehicle at any time until proceedings for the offence are finalised, and to do so by notice if it is not convenient to impound or clamp on the spot;
- authorise the Commissioner of Police and the Sheriff to require a person to bring the motor vehicle that is to be impounded or forfeited to a designated place at a particular time;
- allow the impounding, clamping or forfeiture of any motor vehicle owned by the alleged offender whether it was used to commit the alleged offence or not;
- enhance the powers of the Commissioner of Police and the Sheriff to seize motor vehicles;
- ensure that the proceeds of the sale of uncollected impounded vehicles and forfeited vehicles are applied in a way that protects the interests of the Crown and credit providers; and
- protect the rights of credit providers to vehicles the subject of this legislation.

In this report I explain how the Bill will change the current law. In broad terms, the current law (to be found in Part 14A of the *Summary Offences Act 1953*) allows police to impound a motor vehicle for up to 48 hours if there are reasonable grounds to suspect that a person has committed an impounding offence involving that vehicle and if they have charged or reported the person for that offence. Then, if a court finds the person guilty of that offence and the person is a repeat offender it may impound or forfeit the motor vehicle.

Police impounding and clamping for seven days

The Bill extends the period of police impounding from two days to seven days, to better deter drivers from the kinds of antisocial offending to which this impounding regime applies. The seven-day period will also apply to police wheel-clamping, which the Bill introduces as an alternative to impounding. The time in which police must give notice that a motor vehicle has been clamped or impounded has been correspondingly extended to 4 days.

Time periods for impounding and clamping

The Bill provides that the first day of any period of impounding and clamping is the day on which the vehicle was actually impounded or clamped, whatever time of day that happened.

It also provides that the relevant authority (whether police or the Sheriff) is not obliged to release a vehicle from impounding or clamping outside ordinary business hours (these being between 9 am and 5 pm on any day other than a Saturday, Sunday or public holiday) and may remove clamps or release a vehicle from impounding before the end of the clamping or impounding period.

If, for example, police impound a vehicle at 10 pm on a Saturday night it will be liable to be released at midnight on the following Friday. That being outside business hours, police are under no obligation to release the vehicle then. They may instead release it earlier (for example, during working hours on the Friday) or later, at the earliest possible time within ordinary business hours after the vehicle became liable to be released (which will not be until the following Monday, if it is not a public holiday).

Grounds for police impounding and clamping

The Bill changes the grounds on which police may impound or clamp in two respects.

It removes the requirement that, among other things, police must have reasonable grounds to suspect that the vehicle to be impounded or clamped was used to commit a relevant offence. That requirement is replaced by a requirement that police must have reasonable grounds to suspect that a relevant offence has been committed (whether or not a motor vehicle was allegedly used to commit it). This change is necessary because the Government intends to add some offences that may be committed without using a motor vehicle to the list of offences for which police may impound or clamp vehicles.

It is for the same reason that the Bill also removes the requirement that for police to impound (or clamp) a motor vehicle for an impounding offence other than the offence of misuse of a motor vehicle, that offence must have been committed in a way that involves a component of the offence of misuse of a motor vehicle.

Vehicles that police may clamp or impound

The Bill also allows police to impound or clamp *any* motor vehicle owned by the person alleged to have committed the prescribed offence, whether it was allegedly used to commit a relevant

offence or not and even though the offence was not one that is committed by the use of a motor vehicle.

Thus, if all other prerequisites for impounding or clamping are met but the alleged offender is driving a motor vehicle lent to him by a friend, police may either clamp or impound that vehicle or, instead, a motor vehicle owned by the driver. If the alleged offender was driving his own vehicle at the time of the offence, but owns another one, police can impound or clamp either vehicle. If the offence was not one committed by the use of a motor vehicle (for example, the offence of marking graffiti) but the alleged offender owns a vehicle, police may clamp or impound that vehicle.

Clamping at an alleged offender's home

It is intended that vehicles be clamped at the home of the alleged offender and not at the site of the alleged offence. Clamping on the roadside could compromise road safety and traffic management and expose the clamped vehicle to vandalism. The Bill prohibits the clamping of vehicles on public roads or any other area prescribed by regulation.

Extending the period of police clamping

The Bill authorises police to apply to a magistrate for authority to extend the period for which a motor vehicle is clamped for a suspected offence from seven days to up to 90 days. The magistrate is to take into account previous relevant offending, the seriousness of the current allegations, the likely effect of extending the period of clamping on the alleged offender's behaviour, the alleged offender's ownership and use of the motor vehicle that is to be clamped, and whether anyone would suffer financial or physical hardship as a result of extending the period of clamping.

Police must give notice of the application to each registered owner of the vehicle, to the holders of registered security interests in the vehicle, and, if aware that anyone else claims ownership of it or is likely to suffer financial or physical hardship as a result of the vehicle being clamped for longer than seven days, that person. The court must hear representations from people notified in this way or from any other person who requests to be heard on the ground that the order might affect them. A credit provider might argue, for example, that the proposed extended clamping period would leave the vehicle exposed to the weather or vandalism to such an extent that the resulting damage would significantly reduce its value.

Notice requirements and credit providers

Where relevant, the notice requirements in the Bill protect credit providers who have availed themselves of the opportunity to register their interest in a vehicle under the *Goods Securities Act 1986* (for example when the credit provider does not own the vehicle but holds a chattel mortgage over it) or under the *Motor Vehicles Act 1956* (for example when the credit provider owns the vehicle but finances it by lease or hire purchase arrangement).

Release from police clamping or impounding

The Bill requires police to release a vehicle from its clamps as soon as reasonably practicable at the end of the clamping period (that is, after seven days or after any longer period set by the court). It also provides that police need not release a vehicle from impounding or clamping outside ordinary business hours.

In other respects the provisions for release from clamping are the same as under the current law for release from police impounding.

Police may impound or clamp at any time before proceedings finalised

The Bill gives police authority to impound or clamp a vehicle at any time before proceedings for the alleged prescribed offence are finalised. They need not impound or clamp on the spot but may arrange to do so at a later time.

This will give police time, in cases that are less than clear-cut, to check the evidence for the charge before deciding whether to impound or clamp it, given that the alleged offender will bear the cost of impounding or clamping only if found guilty of the charge. The ability to impound or clamp later is also useful when clamps are not immediately available or when it is difficult to determine on the spot which of the alternatives or impounding or clamping is the more suitable.

Prescribed offences

The Bill removes the list of offences for which vehicles may be impounded, clamped or forfeited from the Act and instead grants a power to prescribe the offences by regulation.

The category of 'impounding offences' is removed, because it is used in the current provisions to make a distinction between offences for which police may impound and previous offences that a court can take into account before impounding or forfeiting, a distinction that is no longer necessary under these new provisions. The distinction (that offences for which police may impound must have been committed in a way that involves a component of the offence of misuse of a motor vehicle, whereas the offences a court may take into account as previous relevant offences need not involve that component) will not be relevant because some of the offences that the Government intends to prescribe are not committed by the use of a motor vehicle or are offences in which the misuse of a vehicle is not a relevant characteristic.

All current 'prescribed offences' will be prescribed by the Government under this new Act. They are the offences of misuse of a motor vehicle (s44B *Road Traffic Act 1961*), failing to obey a police direction not to emit excessive amplified sound from a motor vehicle and associated offences (s54 *Summary Offences Act 1953*), driving at excessive speed (s45A *Road Traffic Act 1961*), driving under the influence of alcohol (s47 *Road Traffic Act 1961*), driving while having the prescribed concentration of alcohol in the blood (s47B *Road Traffic Act 1961*), dangerous driving (s46 *Road Traffic Act 1961*), and dangerous driving cause death or injury (s19A *Criminal Law Consolidation Act 1935*).

In addition, the Government intends to prescribe these offences:

- marking graffiti (s9 Graffiti Control Act 2001);
- the related offence of damage to property (s85 *Criminal Law Consolidation Act 1935*), to the extent that this offence involves graffiti vandalism. Some serious forms of graffiti vandalism are charged as damage to property;
- a second or subsequent offence of driving an uninsured motor vehicle (s102 *Motor Vehicles Act 1956*) and a second or subsequent offence of driving an unregistered motor vehicle (s9 *Motor Vehicles Act 1956*). Depending on the circumstances, investigating police can choose which offence to report or charge, or whether to report or charge both, and also whether to impound or clamp the motor vehicle for either possible charge;
- dangerous driving to escape police pursuit (s19AC *Criminal Law Consolidation Act 1935*);
- a second or subsequent offence of driving while one's driving licence is suspended, cancelled or disqualified (s91(5) *Motor Vehicles Act 1956*) and a second or subsequent offence of driving when one is not and never has been authorised to drive a motor vehicle (s74(2)(b) *Motor Vehicles Act 1956*); and
- the offence of driving with a prescribed drug in oral fluid or blood (s47BA *Road Traffic Act 1961*). This offence was enacted in 2006, after the enactment of Part 14A of the *Summary Procedure Act 1953*. Had it been enacted before Part 14A was enacted, it would have been included as an impounding offence because the conduct it prohibits is so similar to the conduct the subject of the impounding offence of driving while having the prescribed concentration of alcohol in the blood.

No police impounding or clamping for prescribed offences that are expiated

The Bill provides that police may not impound or clamp a motor vehicle if they have given the alleged offender an expiation notice for the prescribed offence, unless the notice is withdrawn before the offence is expiated (in which case the notice will be taken not to have been given). The intention is that police may impound or clamp a motor vehicle only when a prescribed offence is to be prosecuted. A prescribed offence that is expiated will, however, be counted as a previous prescribed offence for the purposes of court impounding or forfeiture.

Only one of the current impounding offences, and none of the proposed new prescribed offences, is expiable. That offence (the offence of driving at excessive speed) is an unusual case, being more serious than most expiable offences, but the immediate loss of licence scheme that applies to it is sufficient to keep these drivers off the road.

Police discretions about impounding or clamping

Once police establish that there are grounds for impounding or clamping a motor vehicle, they still have a discretion whether to do either. Sometimes, for example, the impracticality of impounding or clamping or an obvious hardship to a person may persuade police not to impound or clamp at all.

The Bill does not set out criteria for police in making this decision. Instead it expands the regulation-making power so that police can make guidelines for the exercise of their powers to impound and clamp.

The decision about which alternative to choose, if impounding or clamping is appropriate, is also at the complete discretion of

police, and may also be the subject of police guidelines established by regulation.

In practical terms, impounding is likely to be the default whenever clamping is impossible (for example, because there is nowhere to clamp the motor vehicle other than on a public road or because there are no clamps available) or undesirable (for example, because it would unduly obstruct vehicular or pedestrian access to premises by other residents) or too difficult (for example, because the owner of the premises cannot be contacted for permission to enter the premises to apply or remove the clamps).

When police may impound or clamp

Police need not impound or clamp immediately but may do so at any time until proceedings for the alleged offence are finalised. Police may, for example, postpone any action until equipment or personnel become available, or until they assess the evidence for the alleged offence, or to prevent severe hardship to someone who depends on the use of the motor vehicle at a particular time.

Authority to require production of motor vehicle

The Bill gives police authority to require the owner of a motor vehicle that is to be impounded to deliver it to a particular place at a particular time. This authority is also given to the Sheriff for enforcing court orders to impound or forfeit. It is an offence to fail to comply with a notice to produce a vehicle.

Prohibition on sale or disposal of the motor vehicle

When a person is reported or charged with a prescribed offence, and knows that his or her vehicle is liable to be impounded or clamped by police or later by the court, he or she may be tempted to sell or dispose of it, not only to avoid this punishment but also to avoid the fees associated with it. The current law deals with this by allowing police to give the owners of a vehicle that has allegedly been used to commit an impounding offence a written notice in prescribed form prohibiting its sale or disposal until after proceedings relating to the offence have been finalised.

The Bill maintains the current offence of selling or disposing of a vehicle in contravention of such a notice but alters the preconditions for the prohibition to reflect that it will no longer be necessary for a vehicle to have been used to commit a relevant offence for it to liable to be impounded, clamped or forfeited and that the police will no longer be obliged to impound or clamp immediately.

It also provides that credit providers who exercise their rights to repossess and sell motor vehicles that are the subject of such notices will not thereby commit this offence.

Credit providers' entitlements to have vehicles released from police impounding or clamping

If a borrower defaults on payment on a vehicle that has been impounded or clamped by police, a credit provider wishing to repossess and sell the vehicle may apply to the Magistrates Court for an order requiring the removal of the clamp or the vehicle's release from impoundment.

The court may make the order if satisfied that the rights of the credit provider would be prejudiced significantly were the order not made. A seven-day period of impounding or clamping is generally unlikely to prejudice the rights of a credit provider to a serious degree but an extended period of clamping may do so.

Notice to credit providers of an application for a court order to forfeit a vehicle

The Bill provides for people who have registered their interest in a vehicle under the *Goods Securities Act 1986* or the *Motor Vehicles Act 1956* to be included as people to be notified of an application to forfeit that vehicle.

A credit provider notified in this way may ask the court to decline to forfeit the motor vehicle on the ground that the order would severely prejudice its rights.

In practice, the options open to a court that recognises significant prejudice to the credit provider will be to decline to forfeit the vehicle or to forfeit it and also order that the credit provider be paid an amount from the proceeds of sale, after deduction of the costs of sale and outstanding fees. The aim of the forfeiture provisions being to deprive serious repeat offenders of their vehicles, forfeiture accompanied by a compensatory order should be the preferred option unless the credit provider is in a position to repossess the vehicle immediately.

Notice to holders of registered security interests of the impending sale of an uncollected impounded vehicle

The Bill, like the current law, authorises the Sheriff or the Commissioner of Police to sell an impounded motor vehicle when, within two months of it ceasing to be liable to be impounded, it has not been collected by a person legally entitled to its possession.

The Bill adds a requirement that the holder of a registered security interest in the motor vehicle be notified of the impending sale not less than 14 days beforehand. With the current requirement to notify registered owners of the vehicle, this provision will give credit providers the opportunity to exercise their rights before the vehicle is sold or, failing that, to apply to the court for a share in the proceeds of sale.

Credit provider applications for relief

The Bill gives credit providers the right, at any time, to apply to a court for various forms of relief:

- an order requiring the removal of clamps from a motor vehicle. A credit provider should apply for this when seeking to repossess a clamped vehicle;
- an order requiring the release to the credit provider of a motor vehicle that has been impounded. A credit provider should apply for this when seeking to repossess a vehicle that is in police or court-ordered impoundment; and
- an order that the credit provider be paid an amount out of the proceeds of a sale of the vehicle under the Act from what is left after deduction of the costs of sale and any fees outstanding under the Act. A credit provider might apply for this when a vehicle that has been forfeited is to be sold (forfeiture extinguishing all other entitlements to the vehicle) or when a vehicle that has not been collected after being impounded is to be sold (should the credit provider not be in a position to repossess it before the sale).

Because any such order for relief could defeat the purpose of depriving the alleged or convicted offender of the vehicle, the Bill provides that it should not be made unless the court is satisfied that, were it not made, the rights of the credit provider would be significantly prejudiced.

To ensure all persons with a relevant interest in the vehicle the subject of such an application have the opportunity to speak to the court, the Bill requires the applicant credit provider to notify the Commissioner of Police (if the vehicle has been impounded or clamped by police), the Sheriff (if the vehicle has been impounded or forfeited by a court), each registered owner of the vehicle, each holder of a registered security interest in the vehicle, and, if the credit provider is aware that any other person claims ownership of the vehicle, that person.

Fees for police impounding and clamping

Under the current law, police do not collect fees for impounding or clamping. They are collected by the fines penalty unit when the court that convicts the person of the impounding offence orders that person to pay them.

The Bill clarifies

- that an alleged offender becomes liable for these fees only when found guilty of committing the prescribed offence;
- that if police apply to the court for an order for the payment of these fees upon conviction, and the sentencing court makes that order, the fees specified in the order will be recoverable by the fines penalty unit as a pecuniary sum within the meaning of the *Criminal Law (Sentencing) Act 1988*, and to the extent that they are unpaid when a forfeited or uncollected vehicle is sold, will be deducted from the proceeds of the sale and paid to police; and
- that if an order for payment of police fees is not sought and obtained, the only way to collect those unpaid fees is by ordinary civil debt recovery procedures, because they cannot be deducted from the proceeds of sale.

As a matter of practice, prosecutors should routinely seek court orders for the offender to pay fees for police impounding and clamping

- when applying for a court order to impound or forfeit an alleged offender's motor vehicle (and should also seek an order for the payment of the separate fees for court-ordered impounding); and
- on a prosecution for a first prescribed offence (when there is no application for court impounding or forfeiture).

Repeat offending for court impounding and forfeiture

The current law is that a court may impound the motor vehicle of a person found guilty of an impounding offence if, during the five years immediately preceding the date of the offence, the person has been found guilty of at least one prescribed offence, and may forfeit the motor vehicle if the offender has committed three or more previous prescribed offences.

This five year period is too short to catch all the serious repeat offenders at which this legislation is aimed, particularly given that a person may be imprisoned for more than five years for the most

serious impounding offence (causing death by dangerous driving). The Bill increases the period in which previous relevant offending is to be taken into account to 10 years.

Motor vehicles that may be impounded or forfeited by the court

Under the current law, the only motor vehicle that a court may impound or forfeit is the one used to commit the impounding offence. This means that people who drive other people's motor vehicles to commit the offence can escape this penalty even though they may own a motor vehicle themselves. There would be a similar result when a person who owns a motor vehicle is found guilty of a new prescribed offence that is not committed by the use of a motor vehicle.

The Bill will allow a court to impound or forfeit a motor vehicle owned by the offender whether or not it or, indeed, any motor vehicle was used to commit the prescribed offence. The motor vehicle to be impounded or forfeited must be identified clearly in the application.

Additional powers of seizure

The Bill gives the Sheriff and the Commissioner of Police specific authority, when authorised to seize a motor vehicle under the Act, to do so from a place occupied by the person whose offending or alleged offending forms the basis for the exercise of powers under the Act. This authority is in addition to the current authority to seize without warrant from a public place or from private premises with the owner or occupier's consent. It will improve the enforcement of the impounding and forfeiture provisions.

Allocation of the proceeds of the sale of impounded or forfeited vehicles

The Bill maintains the current distinction between the way the proceeds of sale are allocated, depending on whether the sale is of a forfeited vehicle or of an uncollected impounded vehicle. The distinction is necessary because when a vehicle is forfeited to the Crown all other interests in it are extinguished, whereas impounding a vehicle does not have this effect and existing entitlements to the vehicle continue and can be enforced.

The Bill clarifies, in each case, the amounts that may be deducted from the proceeds of sale by the authority conducting that sale (either the Sheriff or the Commissioner of Police). These amounts include, for sales of both forfeited and uncollected impounded vehicles, the costs of sale and any fees ordered to be paid in accordance with this Act. For the sale of uncollected impounded vehicles only, the relevant authority may also deduct, after deducting the costs of sale and fees ordered to be paid in accordance with the Act, any other costs resulting from the failure to collect the motor vehicle.

After these deductions, the Bill requires a relevant authority, in either type of sale, to pay from what remains of the proceeds any amount that a court has ordered to be paid to a credit provider by way of relief. Finally, as under the current law, any remaining proceeds are to be paid to the Victims of Crime Fund (in the case of the sale of forfeited vehicles) or treated as unclaimed moneys the owner of which cannot be found (in the case of the sale of uncollected impounded vehicles).

Additional offences

The Bill adds further offences to the current offences associated with impounding and forfeiture of vehicles.

There is a new offence of hindering or obstructing a relevant authority exercising its powers under the Act. A relevant authority for police impounding or clamping is the Commissioner of Police or anyone he authorises to exercise his powers under this Part. A relevant authority for court-ordered impounding or forfeiture is the Sheriff or anyone he authorises to exercise his powers under this Part. A person who prevents access to a motor vehicle that is to be impounded or clamped may commit this offence.

It will also be an offence for a person other than a relevant authority to interfere with a wheel-clamp affixed to a motor vehicle in accordance with this Act.

It will be an offence, without reasonable excuse, to refuse or to fail to comply with a notice from the Commissioner of Police or the Sheriff to produce a motor vehicle at a time and place specified in the notice.

The maximum penalty for each of these offences, as for the current offences, is a fine of $2 500 or imprisonment for 6 months.

Regulations

The Bill expands the power to make regulations for impounding, clamping and forfeiture. It not only allows the prescription of fees by regulation but also the specifying of procedures and the prescription of guidelines for police and the Sheriff in the exercise of their powers. The regulations may also make further provision for the sale or disposal of impounded or forfeited motor vehicles in accordance with the Act.

Most importantly, the offences for which a motor vehicle may be impounded, clamped or forfeited will be prescribed by regulation, obviating the need to change the Act when new relevant offences are created or when existing relevant offences are renamed or changed.

Summary

The Bill is designed to expand current impounding and forfeiture provisions so that they deter and punish hoon driving and similar antisocial crime more effectively.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines terms used in the measure.

4—Powers under Act in addition to other penalties

This clause makes it clear that powers under the measure are in addition to other penalties applying in respect of an offence.

Part 2—Clamping and impounding of vehicles

5—Power to clamp or impound vehicle before proceedings finalised

This clause empowers a relevant authority (police officers and others authorised by the Commissioner of Police) to clamp or impound a motor vehicle used in the commission of a suspected prescribed offence or a motor vehicle owned by a person suspected of committing a prescribed offence. The powers cannot be exercised unless the person is to be, or has been, reported for a prescribed offence and has been advised of that fact or has been charged with, or arrested in relation to, a prescribed offence. The powers are not exercisable if the offence is to be expiated.

6—Period of clamping or impoundment

Subject to other provisions of the measure, a motor vehicle is liable to remain clamped or impounded for a period of 7 days commencing at the start of the day on which it is clamped or impounded.

7—Extension of clamping period

This clause gives the Magistrates Court power to order extension of the clamping period up to a maximum of 90 days and sets out matters to be taken into account in considering an application for such an order.

8—Removal of clamps or release of impounded vehicle

Clamps must be removed, or the motor vehicle released from impounding, as soon as is reasonably practicable after the end of the relevant clamping or impounding period. The clause also provides that the clamping or impounding period will be taken to have ended if the Commissioner is satisfied—

- that the motor vehicle was, at the time of the offence, stolen or otherwise unlawfully in the possession of the alleged offender or was being used by the alleged offender in circumstances prescribed by regulation (where it is alleged the motor vehicle was used in the commission of the offence); or
- that grounds did not exist to clamp or impound the motor vehicle.

9—Payment of clamping or impounding fees

This clause requires a court, on application by the prosecution, to order payment of clamping or impounding fees (which will be prescribed by regulation) where the person is found guilty of the prescribed offence or another prescribed offence arising out of the same course of conduct. If no such application is made, the fees may be recovered as a debt.

Part 3—Court orders for impounding or forfeiture

10—Interpretation

This clause provides that for the purposes of an application for an order under the Part, a person will be taken to have been found guilty of, or to have expiated, a prescribed offence if the person has been found guilty of, or has expiated, an offence that is prescribed as at the date of the application.

11—Application of Part

This clause sets out the circumstances in which the Part applies to a conviction for a prescribed offence.

12—Court order for impounding or forfeiture on conviction of prescribed offence

This clause requires the convicting court, on application, to order impounding or forfeiture of a motor vehicle (being either a motor vehicle used in the commission of the relevant offence or a motor vehicle owned by the convicted person) if the person has previous convictions for prescribed offences as follows:

- if the convicted person has, during the period of 10 years immediately preceding the date of the offence, been convicted of 1 previous prescribed offence, the court must order that the relevant motor vehicle be impounded for a maximum period of 3 months;
- if the convicted person has, during the period of 10 years immediately preceding the date of the offence, been convicted of 2 previous prescribed offences, the court must order that the relevant motor vehicle be impounded for a maximum period of 6 months;
- if the convicted person has, during the period of 10 years immediately preceding the date of the offence, been convicted of 3 or more previous prescribed offences, the court must order that the relevant motor vehicle is forfeited to the Crown.

The court is also obliged to make an order regarding the payment of fees.

The clause also provides for the giving of notice of an application under the clause and for the hearing of representations from persons likely to be affected by an order under the provision.

13—Court may decline to make order in certain circumstances

The court may decline to make an order if the order would cause severe financial or physical hardship to a person, if the offence occurred without the knowledge or consent of any person who was an owner of the motor vehicle or if the motor vehicle has, since the date of the offence, been sold to a genuine purchaser or otherwise disposed of to a person who did not, at the time of the sale or disposal, know or have reason to suspect that the motor vehicle might be the subject of proceedings under this section. If, however, the court declines to make an order on the basis of severe financial or physical hardship to the convicted person and the court is satisfied that it would be reasonably practicable for the convicted person to instead perform community service, the court must order the convicted person to perform not more than 240 hours of community service.

Part 4—Powers of relevant authorities

14—Commissioner may give notice prohibiting sale of vehicle

This clause gives the Commissioner of Police power to give an owner of a motor vehicle a notice prohibiting sale of the motor vehicle in circumstances where the sale of the vehicle might frustrate the exercise of powers under the measure. It is an offence for an owner of a motor vehicle to sell or otherwise dispose of the motor vehicle in contravention of such a notice (punishable by a maximum fine of $2 500 or 6 months imprisonment). The court may, in addition, require payment by the person of an amount determined by the court to be a reasonable estimate of the value of the motor vehicle (and such amount must then be paid into the Victims of Crime Fund). The provision also provides for withdrawal of notices where appropriate.

15—Relevant authority may require production of vehicle

This clause allows a relevant authority to issue a written notice to an owner of a motor vehicle requiring production of the motor vehicle for the purpose of exercising powers under the measure. An owner who, without reasonable excuse (proof of which lies on the person), refuses or fails to comply with a notice given under this clause is guilty of an offence (punishable by a maximum fine of $2 500 or 6 months imprisonment).

16—Seizure

This clause provides powers of seizure for the purpose of the measure.

17—Warrants for seizure etc

This clause provides for the issue of a warrant for the purpose of seizing a motor vehicle.

Part 5—Miscellaneous

18—Offences

This clause creates an offence of hindering or obstructing a relevant authority in the exercise of powers under the measure (punishable by a fine of $2 500 or 6 months imprisonment) and an offence of interfering with wheel clamps (also punishable by a fine of $2 500 or 6 months imprisonment).

19—Liability of the Crown

Under this provision no compensation is payable by the Crown or a relevant authority in respect of the exercise or purported exercise of powers by a relevant authority under the measure except that a relevant authority is not protected from liability in respect of the exercise or purported exercise of powers otherwise than in good faith and the Crown is not protected from liability in respect of damage to a motor vehicle caused otherwise than by the proper exercise of powers under the measure.

20—Disposal of vehicles

This clause provides for the disposal of motor vehicles that have been forfeited or have been impounded and then not collected within 2 months of the end of the period of impoundment. Disposal is to be by public auction or public tender unless the Sheriff or the Commissioner (as the case may be) believes on reasonable grounds that the motor vehicle has no monetary value or that the proceeds of the sale would be unlikely to exceed the costs of the sale or unless the motor vehicle has been offered for sale but was not sold. The proceeds of sale of an impounded vehicle are to be dealt with as unclaimed moneys (after deduction of the costs of the extra period of impoundment and the costs of sale) and the proceeds of sale of a forfeited vehicle are to be paid into the Victims of Crime Fund (after deduction of the costs of sale)

21—Credit provider may apply to Magistrates Court for relief

This clause allows credit providers to apply to the Magistrates Court for an order for the removal of clamps or the release of a motor vehicle or for payment of an amount out of the proceeds of sale of a motor vehicle under the measure. The Magistrates Court may make an order if satisfied that the rights of the credit provider would be significantly prejudiced if the order were not made.

22—Evidentiary

This clause provides an evidentiary provision to facilitate proof of ownership of a motor vehicle.

23—Service of notices

This clause provides for the services of notices under the measure.

24—Regulations

This clause provides a power to make regulations for the purposes of the measure.

Schedule 1—Related amendment and transitional provision

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Related amendment to *Summary Offences Act 1953*

2—Repeal of Part 14A

This clause repeals Part 14A of the *Summary Offences Act 1953*.

Part 3—Transitional provision

3—Transitional provision

The transitional provision provides for the continued operation of Part 14A of the *Summary Offences Act 1953*, as in force immediately before the commencement of this measure, in relation to offences committed or allegedly committed before the commencement of this measure.

The Hon. R.D. LAWSON secured the adjournment of the debate.

SUPPLY BILL

Adjourned debate on second reading.

(Continued from 29 May. Page 157.)

The Hon. D.G.E. HOOD: I rise to support the second reading of this bill. There is somewhat of a sense of formality about this Supply Bill, obviously, so I wish to make a number of comments about some of the issues that Family First has

identified, some of which are of concern, but most of which just bear some comment. There is $2 billion at stake, which is an enormous amount of money in anyone's language. The state budget represents just under $11 billion, and we have been asked to pass $2 billion in a short time frame. It has been a longstanding position and desire of Family First to reduce the level of state taxes, particularly stamp duty on individual homes for people—particularly first home buyers—trying to build their own home. We note that at this stage there has not been an attempt to do that by the government in any significant way. While some taxes have been reduced under this government—and we commend that—we put to the government that there is plenty of scope to continue to do so.

I guess that leads to the second point I would like to mention, and I will get back to the taxation issue in a moment. The real issue is not so much the level of taxation but, rather, the general level of affordability of housing. It is increasingly difficult for young families to be able to buy their own house. I read with some disappointment in *The Advertiser* recently that we now face a most difficult time. Housing is at the least affordable level for some 35 years in South Australia. That is not a problem particular to this state but, rather, a national problem we are facing. The question becomes: what can we do about it? It is not always the government's fault that things are unaffordable, although, often, the government is blamed for these things. What are the real reasons? The role the government can play in the issue of housing affordability is in the releasing of land. We are concerned that it does appear that land is being released quite slowly relative to our interstate colleagues.

I think Bob Day (the Liberal candidate for the electorate of Makin in the federal election) has a strong point when he talks about his desire to have more land released at a more rapid rate. The government has paid attention to those calls—not just his calls but also other calls—to do that and it has reacted in some fashion, but we believe there is plenty of scope to do more. Indeed, Mr Day's figures are sound and they demonstrate we have an incredible increase in the relative cost to buy a block of land. Essentially, his argument is that the price of housing is not so much the price of the house itself—the materials, and so on—but, rather, the price of the land. I take this opportunity to call on the government to take heed of that issue. It is a crucial issue. Our society suffers significant potential for breakdown if people cannot afford to buy their own house. People buying their own home creates stability, it gives them a sense of ownership, pride and worth, and it is something to work towards. It is hard to think of a more important issue in terms of a person's working life. In my generation—and I am not too old; I am a youthful 37, some would say—

An honourable member interjecting:

The Hon. D.G.E. HOOD: Yes; name them!

The PRESIDENT: The honourable member would be better sticking to the Supply Bill.

The Hon. D.G.E. HOOD: Sorry, Mr President; I will do that. Family First is concerned that families, particularly first home buyers, are struggling to purchase a house. It is very tough to get into that market now. I am sure the government is aware of that, because it is an undeniable fact. For me, it is hard to see an area of greater importance. Family First's concern is that, if that situation is not addressed in the short to medium term (at worst), then the implications are very real and it will lead to social breakdown. If people do not have somewhere to call their own home, there is inherent instability in their life, and the implications are almost exclusively negative.

The Hon. R.P. Wortley interjecting:

The Hon. D.G.E. HOOD: Some 35 years; that is right. That is not the fault of the Labor government or the former Liberal government. The reality is that it is a fault of all governments. I am not here to point the finger at one side or the other, but I am here to say that this is an important issue. What is a more important issue? That is my question for the chamber and the government to consider. They are holding the reins of power at present and, therefore, the responsibility, in essence, falls to them to do something about it. Who caused it does not really matter to me. What matters to me is who will fix it. I have dear friends who are in the situation of probably almost never being able to buy their own house, which I think is terrible and needs to be addressed. I call on the government to look at that important issue.

I will also make a few comments on the issue of gambling revenue for the state. In our state, as in other states—again, it is not an issue specific to South Australia—we have a very high level of revenue flowing to public funds as a result of gambling. In the 2006 budget, gambling revenue was expected to drop by 15 per cent, but I do know that my investigations into that estimate reveal that 15 per cent is almost a worldwide figure which is generally used and quoted in relation to the effect of indoor smoking bans on gambling revenue. It is very hard to pin down where that 15 per cent comes from, to be honest. Such bans are known to be a strategy to reduce the number of people who gamble, which we wholeheartedly support. However, we would like to see a total change in the philosophy of where that revenue comes from and what it is used for.

I mentioned before—and I will not labour the point because I am trying to stick very much to the topic—that the reality is that it becomes difficult for any government which receives such an enormous amount of revenue from gambling to break away from that stream of revenue. It is a significant amount of state revenue now and it reaches the point where any government—whatever colour it happens to be—finds it very difficult to pull away from such a rich source of revenue. The problem is that the social cost is enormous. It is not just the social cost but there are real costs associated with it, for example, the associated health cost in respect of people who have long-term gambling problems. Counsellors, medications (which is a federal government cost) and all these sorts of ancillary services fall upon individuals who happen to suffer through their addiction to gambling. The difficulty is that governments almost become addicted to the revenue. It is a lose, lose situation: it is not a winner in any situation.

I recently read that one-third of all gambling revenue comes from problem gamblers, and this has to stop. For that reason, Family First rejoices at the Independent Gambling Authority's news recently that it is looking at reducing poker machine numbers by one quarter. We certainly support that as well, and I would call on the government to consider that as an appropriate move. In fact, I was pleased to hear a senior member of the government recently comment that he would give the Independent Gambling Authority's report due consideration, with a possibility of introducing some of those measures. We would certainly support that at any time.

One of the other areas I would like to tackle is the issue of health spending in South Australia. As members of the chamber know, I was lucky enough to have a little baby girl recently. We went through the public system. We went to the

Women's and Children's Hospital. We have private health insurance, but we chose the Women's and Children's because we thought it was a good facility and we had heard good stories from our friends. I am pleased to report to members that we had a very positive experience at the Women's and Children's Hospital. In fact, to be honest, we could not fault the experience: it really was outstanding.

I guess any government in power will continually be criticised for a health system that is lacking. I am not here to do that, but I am here to say that, whilst health spending can be somewhat of a bottomless pit, it is a pie which requires some redistribution in terms of how it is divided. We have a situation where many people suffering drug problems, for example, end up in our accident and emergency units. It is an incredible drain on our health resources. Again, we had a good experience in the public hospital system, but so many people claim that they did not have a good experience. You hear about long waiting lists and people waiting for elective surgery.

If we only took an approach whereby we focused as hard as possible on reducing the inflow of people into our accident and emergency units—which, in many ways, is preventable—then that would free up tremendous resources to treat people who are on these inevitably long waiting lists. Again, that is not necessarily a problem that is isolated to South Australia. It is a problem across all states of Australia. I believe there is a genuine opportunity to look at cost savings that can be made through reducing the tremendous turnover and the huge cost borne by the acute parts of our hospitals as opposed to the chronic care parts of our hospital system.

I would like to comment on the subject of the Royal Adelaide Hospital and the news that broke last week about a potential $1.5 billion relocation of the Royal Adelaide Hospital. The absence of official comment by either side in the middle of last week was a silence that I would describe as deafening. I hope that in the forthcoming budget the Treasurer or the Minister for Health can demonstrate to South Australian taxpayers what benefits they will get from a new hospital or, as some people have described it, 'moving a hospital up the road'.

I mentioned the elective surgery waiting list, which can be significant, but surely $1.5 billion would do a lot to impact on those waiting lists and, indeed, in the acute care area that always seems to be overflowing. Recently, my father was knocked over by a car while riding his bike. He was left unconscious on the side of the road for some time, and he went to the accident and emergency ward at the Lyell McEwen Hospital, as it turns out. He received very good care, and I am not critical of the hospital, but what was eye-opening was that there were, I am estimating, at least six, and probably more, people in beds in the front area of the hospital. They were not in a ward and not allocated to a particular room, but obviously they were in some sort of transitory position because there was no space to allocate them to where they should have been.

When I was able to go to the back area of the hospital where the treatment took place, I made a point of walking around to each of the available bays and they were all full. It was not a particularly busy time, I would have thought. It was a Monday morning, as I recall, and probably 10 o'clock or so. I understand that Saturday evening is typically the busiest time in accident and emergency wards, so I was surprised to see that—I was disappointed to see that, I would say. Again, it is no criticism of the hospital, because the care that was given was very good indeed.

I would also like to touch on the area of infrastructure. Obviously one of the areas that has had significant media attention, at the very least, recently has been infrastructure and the state of South Australia's infrastructure. I believe this is one area in which we have fallen behind. It seems to me there is tremendous scope for improvements in infrastructure in South Australia. I note a poll in *The Advertiser* today indicated that for the first time South Australians said they would tolerate a toll in order to get sufficient roads, or better roads, perhaps. Of course, there were only a few hundred respondents to that survey so it probably cannot be taken as gospel but, nonetheless, I see that it has some significance because, historically, South Australians have been opposed to tolls. I think there is something in that.

I think the public feels that we are falling behind in our level of infrastructure. It is expensive, I completely acknowledge that, but it must remain a priority. I have lived in this state all my life, for 37 years, and the famous north-south corridor has been talked about but never eventuated, and I am sure we would love to see it eventuate. There are opportunities to do that. Again, we call on the government to look at that as a possibility. We commend the government on many of the infrastructure projects it has commenced. For example, the Bakewell Bridge project is very good.

The Hon. S.G. Wade: The tram line.

The Hon. D.G.E. HOOD: We are not so keen on the tram line, to be honest. We commend the government on the infrastructure work that has been done on South Road as well. It is a very sensible use of public money.

The Hon. G.E. Gago interjecting:

The Hon. D.G.E. HOOD: Stepping up mental health, indeed. I do believe that—

The PRESIDENT: Order! The honourable member will ignore the interjections and stick to the Supply Bill.

The Hon. D.G.E. HOOD: With respect to infrastructure, some good things are being done but more needs to be done. The north-south corridor is something that we cannot avoid forever. Something needs to be done in order to make that happen as a long-term project. I believe that, in general, our roads are substandard in South Australia and we can do better. In my view, when you cross the border into other states, generally speaking, roads do improve, and many people feel that way. There must be an opportunity to do something about that and to refocus spending in that area. For example, the Victor Harbor road is and has been below par for many years. It is a notorious black spot. People lose their lives on that road and, in the longer term, that needs to be a priority.

I would like to raise many other issues but, again, I will be brief. The last issue I want to focus on is law and order. Since I was elected to this chamber people would no doubt be aware that I have a strong anti-drug philosophy, mainly because I believe that essentially it ruins people's lives. It ruins the lives of victims, the victims being the people who take these drugs. It also ruins the secondary victims, if you like, that is, the victims of crime. People undertake crime in order to fund their drug habit.

A number of things can be done with respect to law and order issues, and taking an attitude of enough is enough is one way. There is the drug issue, and more can be done. The second issue relates to sentencing. I note that on radio this morning Kris Hanna indicated that he would introduce a private member's bill to suspend suspended sentences. Whatever the view of individual members on that issue, the reality is that I still think the public believes that law and

order is not well handled. It is probably handled better now than it has been for some time, but much more can be done.

I saw a survey, again in *The Advertiser*, which said that more people felt unsafe in their homes in South Australia than anywhere else in Australia, and that is a blight on our state. I will leave it there. Some members will be relieved because it is quite a thick document. I will not detain members much longer. Suffice to say, whether Liberal or Labor, whatever governments do they will be criticised. Certainly from the Family First perspective, the things I have raised tonight genuinely need improvement. The overwhelming majority of our community would agree that more needs to be done.

The dilemma is that the pie is only so big. How do you split the pie? The reality is that some services must go. You cannot keep having more services. We fully acknowledge that some services must go, and that is why, in general, Family First will not be critical if some of those hard decisions need to be made in this upcoming budget. The priorities must be law and order, infrastructure and our health system. If those issues remain the absolute priorities then, in general, Family First would support the direction of spending with public money.

The Hon. J.S.L. DAWKINS: I rise this evening to support the second reading of this bill, which provides some $2 billion to ensure the payment of public servants and the continuation of state government services from 1 July until the Appropriation Bill for 2007-08 passes both houses. The Supply Bill gives parliamentary authority to the government of the day to continue delivering services via public expenditure. The government is entitled to continue delivering these services in accordance with general approved priorities—that is, the priorities of the past 12 months—until the Appropriation Bill is passed.

The last budget period has been an extraordinary one in that we did not have a budget last year until September. We still remain unconvinced as to why that was necessary—a delay of several months for a government that was re-elected. We are back this year to a June budget and one would hope that we might get back to the normal May budget—two years after an election.

In last year's Supply Bill speech I spent some time discussing the proposed northern expressway. To repeat some of the words in that speech:

> The federal government has put quite a bit of money into the planning process for the northern expressway, which will link traffic from the Sturt Highway and Main North Road in the vicinity of Gawler and take it across to Port Wakefield Road. It will mean that a lot of heavy traffic in particular will avoid the Elizabeth and Salisbury areas. This is a project I strongly support, but the first estimate of its cost, about $300 million, has always seemed to me to be pretty low. I have looked at a number of suggestions as to where that route might go, but I think we always have to take the value of the land in that area into consideration.

Since I made those comments we have seen some extraordinary developments in that project. First, the government came forward and said, 'Oh, dear me, there has been a blowout in that project from $300 million to $550 million. That was significant enough, particularly given that the project is dependent on the federal government putting in 80 per cent of the money, and that has had to go back to the federal government to determine whether it will come up with 80 per cent of $550 million as against 80 per cent of $300 million.

The other thing we must emphasise is that, if the project had remained as it was to be originally, which included a full upgrade of Port Wakefield Road from where the northern expressway would meet it down to the Port River expressway extension, the actual blowout would have been up to $900 million, not $550 million. The extent of the blowout has been very much limited by a downscaling of this project.

When I made my speech last year I stated that I strongly supported the concept of a northern expressway and I still do. As one who has lived in the area immediately north of Adelaide, I understand probably as well as anybody in this place the need for such a project. I did, however, have concerns at that time about the manner in which the state government Department of Transport had been going about the planning for this project. There was a lot of speculation prior to the state election about where the route might go, and it was delayed until well after that time. The announcement of the route late last year only exemplified the fact that in my view those who planned the route for this expressway could not have found a more populated and productive area of the Adelaide Plains region if they had tried. Certainly other routes were considered, but attempts by many people to get more details about that have been continually frustrated.

I notice that in the *Bunyip* newspaper of today's date, the acting transport minister, the Hon. Jay Weatherill, is quoted in an article about the expressway. He said:

> The community consultation was among the most extensive and effective the government had completed for a major project in South Australia.

He can say that and he may well believe that, and, because he is the acting minister, he is probably only saying what he has been told. The reality is that, if you want to consult with people, then do not go along and say, 'Look, we are going to listen to what you say but we're not going to change it.' That is exactly what the Department of Transport, Energy and Infrastructure officials did in this situation. Many people who live in the area of the proposed route can testify to that. That, to me, is not consultation.

As I said, I support the concept of a Northern Expressway, and I think there are a number of other possible routes that could have restricted the cost of this project. Some of those alternatives may have involved some extra distance but, at a public meeting at Virginia late last year, transport operators made it very clear to me that they did not mind that because they would take any route that allowed them to avoid the many gear changes involved with taking their vehicles through Elizabeth and Salisbury. I still do not believe that the best process has been undertaken in the selection of the route of the Northern Expressway. The City of Playford has had considerable concerns about that, as have many residents in that area and in other council areas.

On a similar theme in relation to road infrastructure, I have noted in recent days the media release from the Hon. Carmel Zollo in her role as Minister for Road Safety in relation to a $7.2 million commitment to address black spots. I think the minister has spoken about that in this place this week. While I acknowledge that amount of funding to address areas that obviously need some work, no substantial projects in any part of the state are included in that funding. In fact, the great majority of that funding involves shoulder sealing, the provision of guard rails, delineation, and other less major works. As I said, I acknowledge that that money has been committed for those projects, however, one only has to drive around this city and across the state to know that that sort of funding is an absolute drop in a bucket compared to what is needed to fix road infrastructure in this state.

In fact, a person who uses Main North Road said to me the other day, 'Look, the best way of driving down the Main

North Road at the moment is to put one wheel on the newly sealed little shoulder, and the other wheel out in the dirt, because that is a much smoother way than putting your two wheels where they should be.' I think anybody who has driven on the Main North Road in recent times could testify to that.

Having said that, I am delighted that the federal government has proposed significant funding for the Main North Road, which is a state road, and for some other projects about which a number of people (including me) have been concerned in recent times. The federal member for Wakefield, David Fawcett, has announced proposed additional AusLink road funding within his electorate. That funding included $6 million for the Main North Road between Gawler and Tarlee to upgrade sections of the road north of Gawler, to improve road safety and transport efficiency for the agricultural, viticultural and tourism industries. That funding is conditional on the state government's putting in a similar amount, because it certainly would take the full $12 million to have any impact on that road.

I was present for the announcement of that funding at Templers recently. I think the fact that there were representatives from five different local government bodies and five newspapers in the area highlighted the fact that so many people who use that road are in despair about its condition. I commend the federal government for that funding and I appeal to the state government to match it, because it is a terrible road, when one considers that it is a very important arterial link to the northern areas of South Australia.

I was also delighted to hear on that same day Mr Fawcett announce an Australian government contribution of $1.010 million for the intersection of Angle Vale and Heaslip roads at Angle Vale. Members who pay close attention in question time in this council would realise that that is an intersection in which I have taken particular interest. It is one that I have used all my life, and it has become extraordinarily busy in recent times. There are two major schools in very close proximity to it.

I asked the Minister for Road Safety to go and have a look at that intersection last September. I am not sure whether she ever did so, but in February I received a response saying that the state government did not think that it needed to be upgraded. I am delighted that that intersection will be upgraded by the federal government, with some assistance from the City of Playford, because it is a very bad crossing. People think that the main road goes around a corner of the intersection, and they tend to ignore the normal road rules, because as they go left from Angle Vale Road onto Heaslip Road they think that they are on the same road, and it leads to some turmoil at that point.

There were some other announcements about which I was very pleased in relation to the Kapunda/Marrabel road and also the intersection of Para and Potts roads with the Main North Road in the town of Gawler, at the southern end of the Gawler and Barossa Jockey Club course, which is another area which has seen particular growth and the resultant increased traffic congestion. I commend the Australian government and also the member for Wakefield for his activity in ensuring that that money has been made available for those projects.

In addition, on 23 March this year, I was interested to learn of the completion of a $16.7 million roadworks package in Edinburgh Parks. The total cost of the West Avenue upgrade in that area was $7.69 million, of which the Australian government provided $5 million through the AusLink program. A further $800 000 was provided to the Edinburgh Road upgrade through a Roads to Recovery grant and $1 million through the Sustainable Regions program for the Salisbury/Playford region, which is another federal initiative. This investment in infrastructure was partly responsible for the uptake in demand for industrial land, at both Edinburgh Parks and Elizabeth West.

The other significant factor has been the certainty provided to the automotive industry through the 10-year sector plan, to which the Australian government has committed $7.3 billion, and the Australian government's decision to invest in the development of our defence systems and equipment here in Australia rather than overseas. As well as the major defence companies, local companies such as Levett Engineering are already benefiting from projects such as the Joint Strike Fighter. This long-term investment in road infrastructure skills through initiatives such as the Australian Technical College at Elizabeth, as well as strategic research and development, brings enormous economic benefit to the electorate of Wakefield and to the state as a whole, particularly in the automotive and defence sectors, and increased security for the future of the families of this state.

I wish to change tack a little and move away from infrastructure, although I think it is very important that we keep a firm grip on planning for the infrastructure in this state. I now turn to another very valuable asset in our community, and that is the human resource that we have. I would like to take some time to speak about suicide prevention and, in particular, the Community Response to Eliminating Suicide (CORES) program which operates in the municipal councils of Kentish and Circular Head in Tasmania. Before I go further with that, I should indicate that there are many very good people in the public sector in this state who are working in the area of suicide prevention and in mental health, but I would like to take the opportunity to highlight the work done by volunteers in a community-based scheme in Tasmania.

Like many other people who are concerned about the impact of suicide, particularly in rural communities, I was interested to view a segment of the *Landline* program on ABC TV which featured CORES late last year. As a result, I arranged to visit the CORES program, which operates from the Tandara Lodge Community Care Centre at Sheffield in the Kentish council area. This took place in January of this year. The CORES project was commenced in Kentish following community concern about both the state of local health services and the number of local incidences of suicide that occurred between 1996 and 2001. Indeed, in 2000 there were five people resident in Kentish who committed suicide.

The community-owned Tandara Lodge facilitated initial funding from the Rural Health Division of the commonwealth Department of Health and Aged Care to undertake a health needs assessment. Further funding from this department assisted in the establishment of the Kentish Health Centre at Tandara Lodge. Subsequently, Tandara and a local church-based organisation worked in partnership to gain funds from the Tasmanian Community Fund for the establishment of the CORES program. The funding was granted in November 2002. The church group provided access to its existing 24/7 telephone counselling service.

Since that time the CORES program has been very successful in Kentish and, more recently, the Circular Head council area. Utilising the Applied Suicide Intervention Skills Training (ASIST) program, CORES has developed a network of local volunteers who meet regularly to hone their skills.

The program (now run solely by Tandara Lodge) has been very successful in the prevention of suicide, with the strong support of both local government bodies. The volunteers who make up the CORES network are not professional health workers but they are very proficient in pointing people in the direction of professionals who can help. In Kentish they come from a wide range of backgrounds and represent most of the individual communities which contribute to the council's population of 5 500. Let us remember that that was the population when they lost five people in one year; if we think of communities of that size in South Australia, losing five people to suicide in one year would be a major issue.

My visit to Sheffield included the opportunity to speak to many of these volunteers as well as to the small team of paid officers who administer CORES from its Tandara Lodge base. I am confident that such a scheme would be beneficial in a wide range of communities in South Australia. Mrs Coralanne Walker, manager of the Tandara Lodge health centre and CORES, has provided me with information about training program packages which can be arranged with interested councils and community groups, and I can provide these details to any member, or member of the public, who is interested in learning more about the program.

I am well aware of the initiatives put forward by the government to combat the increasing incidence of suicide in our state—particularly in rural communities, which have been hard hit by the effects of drought. However, I have asked the Minister for Mental Health and Substance Abuse, both in this council and by way of correspondence in February this year, to consider assisting the implementation of a CORES-type scheme in South Australia. Unfortunately, I have received no response from the minister to date, but I hope that that is still under consideration because I have a sincere view that this is a very good community-based program that can make a difference in communities that are at great risk of being heavily impacted by suicide. These are not only rural communities. Some people hold the view that the only people who are at risk are farmers, but it is across the community—small business people, young people, it is something that does not hit in just one area—and I know that a number of people in urban areas are very concerned about the impact of suicide in our community.

I will not take up much more of the council's time, but I would like to reiterate something I said yesterday in my Address in Reply speech in relation to the need for the infrastructure and regional development of this state to be well-planned and well funded, and funded with certainty. I believe in that very strongly, and I will continue to pursue that in my position as parliamentary secretary responsible to the leader in both those areas. I commend the bill's passage through the council so that it can provide $2 billion for the provision of state government services to the community. In supporting the bill I also support the facilitation and continuing delivery of public services by those public servants who are committed to delivering them to the people of South Australia.

The Hon. S.G. WADE: I rise to support the bill. In doing so I take the opportunity to briefly express some of my concerns about the government's funding of disability services. Between this Supply Bill and the budget that came down last year, the Productivity Commission released figures in January 2007 that highlighted the fact that the Rann government provides the least amount of funding per client with a disability in the nation. New South Wales provides 101.9 per cent more than South Australia, Tasmania 61.2 per cent more, the Northern Territory 49.9 per cent more, Queensland spends 48.7 per cent more, the ACT 29.3 per cent more, and Western Australia 7 per cent more. South Australia trails the nation.

Minister Weatherill's standard response to questions about funding shortages in disability services is to boast about increases in funding under this government, increases in the order of 36 per cent, but then he bemoans the fact that this level of funding is not enough to meet rising demand. Citing increasing demand as an excuse for funding shortfalls is akin to bragging how fast your car is moving and ignoring the fact that the oncoming train is bearing down on you at an even faster rate.

Basically, this is about funding priorities. This Supply Bill continues to fund services according to the budget priorities of a government which sees bread and circuses as more important than people with a disability. The government has prioritised $25 million for the upgrade of Adelaide Oval, $33 million for Victoria Park, $2.5 million for Rugby Sevens, $2 million for the Guitar Festival and $1.5 million for a union education fund. Perhaps the most indulgent expenditure is on ministerial staff, especially when this is recurrent expenditure.

My colleague the Hon. Rob Lucas has highlighted the fact that staff numbers in ministerial offices under the Rann government have increased by 44 per cent compared with when the Liberal Party was last in government. That is a total cost of $25 million over four years. Has the state government's responsibilities grown by 44 per cent in the past five years? No, I suspect the only things that have grown are the arrogance of this government and the egos of its ministers. It pains me to think of the difference—

The PRESIDENT: Order! The honourable member will stick to the supply debate.

The Hon. S.G. WADE: —that $25 million could make to the lives of people with disabilities, their carers and their families. Mr David Holst, the President of Dignity for the Disabled, has made a number of statements recently highlighting the problems faced by people with disability. Mr Holst notes that the Rann Labor government has only increased CSTDA funding by the minimum CSTDA rate of 5 per cent per annum since elected, despite the unmet need in the disability services area growing at 8 per cent to 10 per cent per annum.

The government is withholding CPI on some programs, despite having promised the disability sector that it would deliver CPI increases in every disability services budget. The Independent Living program is facing a shortfall of $1.4 million of which $500 000 is critical. The Office of Disability and Client Services has failed to rehire 50 to 60 speech pathologists, occupational therapists, child and youth therapists and psychologists, despite having guaranteed that restructuring would not compromise services of the disability services office.

I call on the government to get its priorities right and properly fund services for people with disabilities. Let us remember that often people with a disability feel unable to speak freely about their concerns due to their dependence on this government funding. There is widespread concern that this government is creating a culture of fear in the disability sector by threatening and bullying groups to restrain them from public criticism.

The PRESIDENT: Order! The honourable member will stick to the supply debate.

The Hon. S.G. WADE: I give the council three examples. I reiterate that these are about funding issues. My first example is the polio therapy services. It was reported in *The Advertiser* of 11 April that this service was threatened that it may lose office space if it dared to speak publicly about a $40 000 cut in funding. Secondly, I have received advice that clients of the Department for Families and Communities have been told that appearing in the public galleries of this parliament could lead to negative consequences in terms of their treatment by the government. I regard any attempt to infringe the democratic right of a citizen to approach this parliament as a grave matter.

Thirdly, this atmosphere of fear and mistrust in the disability sector was evident when a recent meeting conducted by Disability SA was taped without the permission of the attendees. Dr Paul Collier indicated on 891 ABC radio on 15 May that he would have exercised increased caution when commenting at the meeting had he been aware that it was being taped. Dr Collier alluded to the fear in the disability community that anyone who speaks about their concerns may face repercussions from the government as follows:

> There is no question. . . there really is widespread fear across the complete sector that if you dare to speak out that you will be targeted and punished in various different ways—whether it is real or not there's certainly a definite feeling of that.

I find this extremely disturbing in a democratic society for any citizen but doubly so for South Australians who rely on the government to fund and deliver services which are often vital to them to support satisfying lives. I urge the government, and particularly the minister, to change the culture of this department so that people with a disability are empowered rather than having their sense of vulnerability compounded.

In conclusion, I would look to the future. As the Supply Bill resources the public sector through to 30 June, I call on the government to do better from 1 July. I hope that the state budget will offer hope for people with disabilities, hope of a fairer share of public expenditure, hope of better government priorities and hope of a full and free voice in the South Australian community.

The Hon. CAROLINE SCHAEFER: I, too, rise to support the Supply Bill which is, in fact, purely the formality of providing finances for the continuation of paying the public sector until the assent to the 2007-08 budget. However, I am sure we have all found ourselves in the position of using the Supply Bill to talk about some of the issues which concern us with the general economy of the state. Of course, I support that supply because, even though there are some 8 000 more public servants than this government budgeted for, they all, I am sure, deserve to be paid.

Certainly, we have seen the economy of this state enjoying particularly buoyant times. Tonight, on the television news, we had the unseemly sight of our Premier telling us just how wonderfully well we are doing, particularly under the latest economic survey. It is true that South Australians are very happy with their lot at the moment; happy to an extent that they are not questioning anything. They are mostly employed, they mostly have low interest rates and, like birds in cages, they have not been anywhere else to see that, although they are particularly well off (largely, I believe, due to the good governance of the federal government), they are not as well off as their neighbours.

I have some figures which I think need to be put on the record and which all of us, as citizens of this state, need to consider. The ABS figures for 2005-06 show that South Australia's overall growth in gross state product during the four years of the Labor government—that is, 2001-02 to 2005-06—was 9.2 per cent, compared to an Australian growth of 13.3 per cent. South Australian growth was the second-worst of all states and territories during the governance of Mike Rann.

During 2005-06, South Australian growth was 2.2 per cent, compared to an Australian growth of 2.8 per cent—again, second-worst. The mid-year budget papers show that South Australia's growth forecast for 2006-07 is 1 per cent, the lowest forecast of all mainland states. ABS figures show that, for 2001-02, South Australia's share of the national economy, as measured by gross state product, was 6.83 per cent. Latest figures show that it is, in fact, 6.59 per cent and falling. State final demand figures, which are quarterly figures, show similar trends. Over the year to December 2006, South Australian final state demand grew by 2.6 per cent, compared with a national increase of 3.5 per cent. We are getting better there; we were fifth of all the states and territories.

ABS figures show that, at March 2002, South Australia's share of the national economy, as measured by state final demand, was 7 per cent. Latest figures—that is, at December 2006—show 6.82 per cent, so we continue to slide by all measurable economic scales. Under business investment, private new capital expenditure, ABS figures show that, as a percentage of national new capital expenditure, South Australia had a high of 7.9 per cent in September 2003. At December 2006, it was 6.3 per cent and is on a downward trend.

In relation to construction work done, ABS figures show that since March 2002 South Australia's share of national construction work done has fallen from 5.6 per cent to 5.1 per cent. In relation to national construction activity, ABS figures show that since March 2002, South Australia's share of national engineering construction activity has fallen from 7 per cent to 4.2 per cent and is on a downward trend. In relation to the labour force, during Labor's term from March 2002, employment growth in South Australia has increased at a lower rate than the rest of Australia, in fact, by 7.9 per cent compared with 13 per cent across Australia. Since March 2002, if we had kept pace with jobs growth in other states, we would have created an extra 35 000 jobs, which would be 90 000 jobs as opposed to the 55 000 that have been created in this state.

The PRESIDENT: What set of figures is the honourable member referring to?

The Hon. CAROLINE SCHAEFER: That is across the board, sir. I would have no criticism whatsoever of the government creating 8 000 extra Public Service jobs if the government had budgeted for them, but the fact is the Treasurer went to some trouble to explain to the whole of Australia, particularly South Australia, that he was going to cut down on Public Service jobs and he budgeted for some 800, not 8 000.

The PRESIDENT: I am having a lot of trouble explaining to those members speaking to the Supply Bill to stick to the bill.

The Hon. CAROLINE SCHAEFER: As you can see, sir, the supply is running out. According to the ANZ Bank, based on ABS figures, South Australia has a below average national proportion of workers in high skilled occupations and an above average national proportion of workers in low skilled occupations. Again, according to the ANZ Bank, one

of South Australia's real structural problems is low productivity and low productivity growth. I guess some of us would put up with some of these things but for the fact that we are continually being told, like the fat sheep in the pen waiting for slaughter, that all is well.

According to ABS figures, under the heading 'Exports', figures show that under Labor South Australia's exports have fallen by 1.5 per cent from an annual figure of $9.1 billion for the 12 months to March 2002 to $9 billion for the 12 months to March 2007 compared with a national increase over the same period of 35.6 per cent. I guess that is probably the figure that concerns me most of all. It is all very well to say that we have had a drought and we are a primary producing state, but every state in Australia has had a drought. In particular, the primary producing regions in other parts of Australia have had worse droughts than we have had, yet by every comparison our exports have fallen—and fallen remarkably.

Certainly, our value-added food products have fallen, and the will for us to export quality food products has fallen in that time. During the period of the Liberal government, exports doubled from $3.8 billion to $9.1 billion—and, as I have said, they are back to $9 billion five years later. Since March 2002, South Australia's share of national annualised exports has fallen from 7.42 per cent to 5.39 per cent and, given that we are roughly 8 per cent of Australia's population, we are behind the eight ball by every comparable figure we can use.

The PRESIDENT: The honourable member's comments must relate to the Supply Bill.

The Hon. CAROLINE SCHAEFER: The President is reflecting—I am not sure on whom: whether he has a mirror or whether he is just reflecting! One of the issues that concern me most of all is the pea and thimble trick that appears to have been done on regional South Australia with the supply of funds to natural resource management boards. As the estimates for the boards come in for their expenditure for the coming year (this being the first year that the government has refused to supply funds on the CPI base) we find that, for these people to complete or even administer the works that are required, they have to increase their percentage levy by—using Mount Remarkable council as an example—348 per cent in one year.

On making some inquiries, the Mid North and Yorke Regional Development Board had to increase its revenue by over $1 million. Last year, the state government supplied $1.5 million to that regional board; this year, it is supplying $540 000. So, that is a neat cutback of $1 million, and the explanation for it is that it was a one-off grant to help it set up its administration. However, the amount of money that the government is supplying that board is almost $300 000 less than its budgeted administration costs. There is no funding for two of its major on-ground projects and, lo and behold, that adds up to $1 million. In my view, while we are legislating to supply Public Service wages, we are certainly not supplying much else to this state. I support the bill.

The Hon. T.J. STEPHENS secured the adjournment of the debate.

STATUTES AMENDMENT (AFFORDABLE HOUSING) BILL

In committee.

(Continued from 29 May. Page 92.)

New clause 19A.

The Hon. NICK XENOPHON: I move:

Page 14, after line 42—insert:

19A—Insertion of section 39A

After section 39 insert:

39A—Redevelopment of residential property

Where—

(a) SAHT is the landlord of residential property; and

(b) SAHT requires possession of the residential property for redevelopment or renovations,

SAHT must take reasonable steps—

(c) to consult with any tenants occupying the residential property (the tenants) about their housing options; and

(d) to arrive at an outcome that is fair and reasonable in the circumstances after paying particular attention to the age, health and any special needs or circumstances of the tenants (being an outcome which may include relocating the tenants to other premises on an ongoing basis or proceeding on the basis that the tenants will return to the same site or locality after the redevelopment or renovations are completed).

Last night I moved an amendment to ensure security of tenure in the case of a Housing Trust redevelopment in order to give legislative security to what was, in effect, Housing Trust policy to ensure that individuals be kept in the same area. Policy is not the same as legislation. I believe this is an important issue. It is causing a great deal of uncertainty and distress for many tenants, and having this incorporated into legislation would be the preferred way to go. I did not have the numbers for it. I note that the Hon. Mr Parnell indicated that he would interested in the amendment but felt that it was too prescriptive to insist that someone be located to the same site. I understand the arithmetic in relation to that, so I have moved this alternative amendment.

I have had discussions with my colleagues and the government, in particular Simon Blewett (the minister's adviser), in relation to this amendment. My amendment would ensure that in the case of redevelopment of a residential property, the South Australian Housing Trust must take reasonable steps to consult with any tenants occupying a residential property about their housing options and, further, arrive at an outcome that is fair and reasonable in the circumstances after paying particular attention to the age, health and any special needs or circumstances of the tenants, being an outcome that may include relocating the tenants to other premises on an ongoing basis or proceeding on the basis that the tenants will return to the same site or locality after the redevelopment or innovations are completed.

This amendment is not as prescriptive as the original amendment. My preferred course is the original amendment because I think that gave greater surety, but at least this ensures a process that must be followed by the Housing Trust. It ensures that such a decision would be justiciable—that is, it would be the subject of the appeals panel process and, arguably, a process of the Ombudsman being involved in terms of any administrative action, given the amendment that was passed last night. There would be some obstacles for the trust if it was not acting reasonably, if it did not consult and did not do all it reasonably could to ensure that a person was relocated.

I want to comment on the points made last night by the Hon. Stephen Wade in terms of his concern about those with disabilities. Given his great expertise and time on the Julia Farr board, we need to take heed of those concerns; and that is why reference is made to the special needs of tenants. It would cover those sorts of situations. Those vulnerable people at least would have some rights. I note that the government will be moving an amendment to this amend-

ment; and I will allow the minister to speak to that. I have some questions in relation to that amendment. I know that we are doing this on the run in a sense, but I believe some consideration has been given to this matter. If we can explore the implication of the government's amendment, members can consider whether they want to incorporate that amendment into my amendment, as well.

The Hon. P. HOLLOWAY: As the honourable member has said, we had significant discussion on this bill last evening. I indicated that the Housing Trust, when there is a redevelopment—and there have been many redevelopments; and rightly so with Housing Trust properties—endeavours to relocate tenants in the optimum possible way, taking into account all relevant factors. As a result of debate last night, we defeated the original amendment moved by the Hon. Nick Xenophon, but he has come back with something which is closer to what the government will accept. Indeed, we can accept it if the following amendment is added. I move:

Paragraph (d)—After 'circumstances of the tenants' insert 'and to the nature and availability of housing'.

We believe that it is necessary to add these words so that the requirement, if this amendment is carried, would be that the Housing Trust must take reasonable steps to consult with tenants (paragraph (c)). Currently, paragraph (d) provides:

To arrive at an outcome that is fair and reasonable in the circumstances after paying particular attention to the age, health and any special needs or circumstances of the tenants. . .

That is fine, but we then add 'and to the nature and availability of housing', because it is important to keep in mind the need for the trust to facilitate redevelopment and to house people in appropriate housing. I cannot stress how important that is.

I know as Minister for Urban Development and Planning that Planning SA has recently been doing some population studies. We know that, regardless of any growth in our population, the number of people aged over 75 will treble by the year 2050. That is a demographic certainty. Even without any population coming in at the bottom—and you will certainly need population at the lower age group to support that growth at the top—if the population over the age of 75 trebles in the next 40 years or so, then clearly that will have a huge impact not only on health but also on the housing needs of people. It will mean that the housing requirements of people will be enormous. That is why we will need to have significant redevelopment appropriate to the needs of people.

It is clear that the number of people per house in this state has been declining significantly over many years as the housing formation changes. The Housing Trust, as a large provider of residential property, must be able to adjust to that. Of course, it does need to be fair and reasonable in trying to allocate housing. The Housing Trust has always endeavoured to do that, and I am sure it will do so, but the government's amendment would ensure that the need for the trust to facilitate this redevelopment to house people in housing appropriate to their needs, given this change in nature, can also be accommodated, because that is absolutely essential if the trust is to fulfil its role into the future. I ask the committee to support my amendment to the Hon. Nick Xenophon's amendment.

The Hon. NICK XENOPHON: I will comment on what the minister has said. I appreciate that there has been a genuine attempt on the part of the government to try to achieve a compromise in relation to this, but this is an important issue. The amendment has just been filed and the minister's amendment has just been read out by him, but I will crystallise my concerns about the minister's proposed amendment in these terms. In effect, he is saying that it narrows the obligation on the part of the trust to provide appropriate accommodation following a redevelopment by narrowing it to look at the nature and availability of the housing.

Let us say that you have a particular cluster of senior citizens in an area but that the redevelopment is very much aimed at putting in families with three kids. The consequence of that under the proposed amendment is that those senior citizens will not have a show of going back to that area, notwithstanding that the support network, community centres, medical centres and certain facilities particularly for people with significant disabilities are in that area. They will be pushed away from those facilities.

My concern about the amendment is that it will weaken the intent of my initial amendment. The government says that it wants that flexibility, and I can understand that. However, members should consider what the government is trying to do in terms of affordable housing, that is, to mandate that there be a certain amount of affordable housing—15 per cent for certain developments. The rationale behind what the government is trying to do is that it thinks it is desirable that affordable housing be available throughout the community and throughout these larger developments where the private sector can play a role.

I have a lot of sympathy for what the government is trying to do. In a sense, the thrust of my amendment is to put an obligation, in the same way that the government is seeking to put an obligation on the private sector with respect to affordable housing: I have a great deal of sympathy with that. This amendment is almost trying to impose an obligation to ensure that, where people have special needs in particular, there are similar sorts of accommodation available. Therefore, if they are senior citizens they should have similar forms of accommodation, or if it is families with three kids and the area is being redeveloped with one-bedroom flats, you should also have a mix that would accommodate those people who were previously in that area, with the criteria being that if they have certain needs it has to be fair and reasonable in the circumstances, and in particular looking at the age, health and special needs or circumstances of the tenants.

I hope members can follow my logic, but in a sense it is seeking to place an obligation on the trust which in some way mirrors the obligation that the government is seeking to place on private developers with respect to affordable housing, and I do not think that is a bad thing. What I am seeking to do here is, in a sense, similar to that but taking into account the special needs and circumstances of tenants following redevelopment.

The Hon. P. HOLLOWAY: I will comment in relation to this. Of course, because of the changing need within the Housing Trust that has been happening for many years now, there has been a trend towards smaller stock. In many of the suburbs there were larger places in which we once had larger families and, given the ageing of the population that I have referred to and just general trends in the community, now the demand really is for smaller stock. But, of course, we have to consider, as my amendment does, the nature and availability of housing, and we have to accept that if the supply of suitable housing is not there we cannot at the end of the day accommodate everyone. What is important here is that with the Housing Trust redevelopments, which I think have been enormously successful, we need to think about what the

objectives of those redevelopments were. They are really to facilitate the reconfiguration of suburbs and, indeed, one of the social objectives of some of those redevelopments is to change beneficially the mix of people living in those areas. I do not like using the term 'welfare ghettos', but I think it expresses the point that we do need to redevelop some of our trust areas to get a better balance and a healthier mix of the community within them.

It is worth pointing out that, in the figures we have used, 80 to 90 per cent of people who have been relocated as a result of these redevelopments have been very happy with the outcome. So, it really is important that the trust builds on the success that it has had in the redevelopments, and one only has to look at The Parks at the moment to see the benefits of that redevelopment and realise that there must be at least some capacity to facilitate that reconfiguration. If we have requirements which negate that, we will not be able to achieve those beneficial effects. But I say again that the Housing Trust has consistently and successfully in the vast majority of cases been able to take into consideration the special needs and circumstances of the tenants during these redevelopments.

The Hon. SANDRA KANCK: When we were discussing this last night, there was a question asked of Mr Xenophon whether he could give any examples, and he was not able to do that. He is talking about, I guess, a generalised fear or concern. What I can say from my experience is that I first had people come to see me about 12 or 13 years ago in regard to The Parks redevelopment. The residents were extremely agitated at what was proposed. A series of well-attended meetings were held within The Parks and I think that, over a period of time, I must have attended three or four of them. The sorts of concerns the Hon. Mr Xenophon has been expressing were the concerns expressed by these people then: that they loved The Parks, they wanted to come back, and so on. There was a process—and I assume that it is still going on because that redevelopment is still continuing—where people were moved away from those homes.

Obviously some people are moving back in as the development proceeds, but I can tell members that, despite the enormous disquiet that arose at the time, in recent times none of those people have been back to me complaining about the outcome. I have, I suppose, a small 't' trust there that what has been happening for more than a decade now with these redevelopments will continue. I think that, under the circumstances, what the minister is proposing is quite reasonable. I cannot for one minute imagine the sort of scenario the Hon. Mr Xenophon suggested, that they might build all single bedroom units or something like that because, quite clearly, the whole context of this bill in terms of affordable housing is to have a mix so that we do not get that ghettoisation.

I guess, because of the thrust of the bill and because of the experience I have had in relation to The Parks redevelopment, I am quite comfortable with accepting the minister's amendment to the Hon. Nick Xenophon's amendment.

The Hon. T.J. STEPHENS: The Hon. Sandra Kanck has assisted me to give our position. We are certainly happy to support the Hon. Nick Xenophon's amendment. However, we are concerned with the government's amendment in regards to watering down the Hon. Nick Xenophon's amendment. The Hon. Sandra Kanck talked about trust within the Housing Trust, which has reminded me of the Statutory Authorities Review Committee's inquiry into the South Australian Housing Trust. I well remember the then general manager of the Housing Trust—

The Hon. Nick Xenophon: Which one?

The Hon. T.J. STEPHENS: I do not necessarily have to go into names.

An honourable member interjecting:

The Hon. T.J. STEPHENS: I can give the name because I have got it, but I will not go that far. Mr President, you will well remember that that particular person came along and told us that there was not a problem with disruptive tenants in the Housing Trust. The then general manager came before the committee and said, 'There is really no problem with disruptive tenants in the Housing Trust.' The more we delved into that inquiry the more we realised that there were absolutely problems with disruptive tenants.

Whilst the great majority of trust residents wanted only quiet enjoyment, certainly there were people making their lives a misery. Any attempt to water down the Hon. Nick Xenophon's amendment will not be supported by the opposition.

The Hon. M. PARNELL: Last night I said that I would not support the Hon. Nick Xenophon's amendment for the reasons he has quite accurately repeated to the council. Having seen his new amendment, I am inclined to support it. I think it is good. The issue for me now is whether the government's amendment to the amendment is appropriate. On balance, I think it is. The Hon. Sandra Kanck used the word 'trust', and that is the first word I have written in my notes. I wrote, 'I hope and trust that the South Australian Housing Trust will seek to redevelop with an eye to future needs and the needs of current tenants.' Clearly what we are talking about is a balancing act.

Current tenants have immediate needs in the here and now. The redevelopment relates to housing stock that can last for many decades. We have to get that balance right. It would be a false planning regime that focused only on the needs of current tenants, who may not last long in that location. They may move in a short amount of time. Australians on average move once every seven years, but when I think about some of the northern areas of Adelaide and the 20-odd schools that are about to be closed and super schools to be opened up, some of the groups I would be keen to protect are those whose children can currently walk to school. That may become history when those schools close and they have to go further to a super school. I am prepared to trust that the Housing Trust relocation policy, as now enshrined in statute, will still reflect that balance between the needs of current and future tenants. I will support both the Hon. Nick Xenophon's amendment and the government's amendment to that amendment.

The Hon. P. HOLLOWAY: The Hon. Terry Stephens was really talking about disruptive tenants, and I would suggest that that is really a different issue than—

The Hon. T.J. Stephens: We are talking about trust areas.

The Hon. P. HOLLOWAY: The issue here is all about facilitating redevelopment of trust areas. As the Hon. Sandra Kanck eloquently put it, initiatives such as The Parks have been a huge success, and the vast majority of residents in those areas have appreciated that redevelopment. If we make that more difficult, we will not be serving those tenants well.

The Hon. NICK XENOPHON: We have not heard from the Hon. Mr Hood or the Hon. Ms Bressington in relation to this. I appreciate the active involvement the Hon. Sandra Kanck has had over the years with public housing tenants and her interest in this field, and I certainly respect that. What has

happened in the past does not necessarily mean it will happen in the future: we do not know the outcome of the federal election and whether there will be further cuts to public housing or further pressure on it or whether upcoming state budgets, for this or any subsequent governments, will have a greater or lesser priority on public housing. Having some legislative protection against people being shifted away from their homes in the event of redevelopment is important—we all agree on that.

As the Hon. Mr Parnell quite rightly pointed out, it is a matter of whether we support the government's amendment relating to the nature and availability of housing. My concern is that that will water down this amendment and give a Housing Trust, acting unfairly (I am not saying that the current Housing Trust will do so, but refer also to any future Housing Trust), the ability to shift people around and weaken the protections intended in this amendment. That is the nub of it, but it is a value judgment for those members who have yet to make up their mind. I want to ensure that we can maximise the extent of the protections available to vulnerable tenants.

The Hon. D.G.E. HOOD: The Hon. Mr Xenophon raises a good point, and it is a heartfelt position: one would not want to see people relocated back into circumstances with which they were not comfortable. I have a long history of knowing people over many years, some extended members of my family, who live in Housing Trust accommodation, and they have been treated very well for many years. Family First and I would be strongly in favour of maintaining the Housing Trust and the government's ability to improve suburban developments with a variety of housing styles.

The point the minister made was very valid, namely, that we have a greater need, increasingly, for smaller homes and dwellings because of family breakdown and because people are living longer and there tends to be two people in those homes whereas there may have been four many years ago. For that reason we are inclined to support the government's amendment to the Hon. Mr Xenophon's amendment, but I appreciate the sentiment.

The Hon. A.M. BRESSINGTON: I indicate that I will be supporting the Hon. Nick Xenophon and the Liberal Party on this particular amendment.

Amendment carried; new clause as amended inserted.

Clause 20.

The Hon. P. HOLLOWAY: I move:

Page 15, after line 6—
Insert:
(1a) The report must include a report on the operations of SAHT for the relevant financial year.

Like a number of other amendments I moved last night, this is consequential to retaining the board, and it provides for the minister's report on the operation of the act also to include a report on the operations of the SAHT.

The Hon. T.J. STEPHENS: We support the government's amendment.

Amendment carried; clause as amended passed.

Clause 21.

The Hon. NICK XENOPHON: I move:

Page 15, after line 14—
Insert:
43AA—Disruptive tenants
(1) The minister must cause a report to be prepared on the viability and effectiveness of the development of special housing facilities or complexes for tenants within the state who repeatedly interfere with the reasonable peace, comfort or privacy of their neighbours.
(2) The report must be completed by 1 July 2008.
(3) The minister must, within 12 sitting days after receiving the report under this section, have copies of the report laid before both houses of parliament.

This relates to disruptive tenants. It requires that the minister must cause a report to be prepared on the viability and effectiveness of the development of special housing facilities or complexes for tenants within the state who repeatedly interfere with the reasonable peace, comfort or privacy of their neighbours; that the report must be completed by 1 July 2008; and that the minister must table this report. A recent report in the *International Herald Tribune*, the European edition, headed 'British government to move worst behaved families to special housing units,' published on 11 April 2007, states:

> Britain's worst behaved families will be sent to supervised housing units under government plans announced Wednesday. Fifty-three 'managed properties' are being set up across Britain to handle what the Home Office calls 'neighbours from hell' who face eviction for unruliness, vandalism or noise. The special housing units are the latest government program intended to tackle anti-social behaviour, a catchall term for alcoholism, petty crime and abusiveness.

It goes on to talk about the management of such facilities. One of the dilemmas we have, Mr Chair—and you will know this very well from your time as Chair of the Statutory Authorities Review Committee in relation to this inquiry with respect to the Housing Trust—is that there is a small minority of tenants who make life absolutely miserable—more than miserable: they make some people physically ill because of their behaviour, keeping people awake, abusing them, threatening them—a whole range of anti-social behaviour. It appears that the Housing Trust has not been able to manage this issue as well as it should have. There is a further amendment that I believe will assist in that, to which I will refer shortly.

The purpose of this amendment is to put on the agenda what they are seeking to do in the United Kingdom. One of the dilemmas faced here when you evict a person who is behaving in an anti-social manner—the Minister for Housing has made this point, and I acknowledge his point—is that they will become homeless.

This amendment simply seeks a report, so that this issue is on the agenda. That is what the Labour government is doing in the UK. Let us see whether it will work here in South Australia for those very difficult tenants, and let us look at some of the causes of that disruptive tenancy, whether it is alcoholism, substance abuse or a whole range of other factors. At the end of the day, this is about tackling a very serious issue. My office and those of other MPs still receive a massive number of calls about disruptive tenancy issues. The member for Enfield (Mr Rau) has told me on a number of occasions that disruptive tenancy issues are still the biggest source of constituent referrals to his office, and I think that we need to look at alternatives. This measure is about providing an alternative structure of supervised accommodation, in terms of investigating it. It is not prescribing it. It is simply saying: let us have a report, let us put this on the agenda, let us learn from the UK experience and let us debate it further in parliament.

The Hon. P. HOLLOWAY: The proposed amendment would provide for a report considering the development of specific properties, or single complexes, to be used to accommodate those tenants who are repeatedly disruptive. Any report prepared on this matter is likely to find that

grouping together tenants who are disruptive will in itself cause a greater number of disruptive behaviour issues. The clustering of tenants with complex needs will result in more significant tenancy, property and support management considerations, significant cost in maintaining and managing a single complex, in terms of both tenancy and built form management, and an inconsistency with the best practice management of disruptive behaviour across Australia and internationally.

Whilst different housing forms and support may be required, and is provided to people with special needs, it is inappropriate to place people with disruptive behaviour in the same category. Housing SA is currently considering a range of new policy approaches to deal more effectively with disruptive behaviour and, therefore, the proposed amendment is not supported by the government.

I point out that the proposal to which the Hon. Nick Xenophon has referred was published in the *Herald Tribune* of 11 April this year. So, if a report must be completed by 1 July 2008, I would suggest that, given it is only really just an idea at this stage, it is unlikely that there would be sufficient time to look at what was happening in the UK. Perhaps I could also point out that in that article it is noted that particularly unmanageable families would be sent to units where they would be subject to curfews and visiting restrictions and monitored 24 hours a day by a social worker.

I think one should understand what sort of measure is being proposed here. I would suggest that, rather than just taking this idea out of a newspaper, it would need a lot more work. I suggest that, whatever is done in the UK, there would not be sufficient time by 1 July 2008 to evaluate what is happening there.

I served for four years in the lower house some years ago, and I had a very large Housing Trust tenancy within my electorate. With the Mitchell Park, Edwardstown and Ascot Park areas, I had some of the largest clusters of trust properties in the state, and I can assure members that nearly half of the constituent work I had came out of those Housing Trust properties. A lot of that was to was to do with disruptive tenants. I do not think that anyone would suggest it is not a big issue.

Of course, given that the Housing Trust becomes a supplier of housing of last resort (if one likes to use that term), in many ways, it is probably not surprising that the most difficult of all tenants are likely to be in those areas. However, I can certainly say that some of the worst issues we had were when disruptive tenants were put together. I can guarantee that that will cause a greater number of disruptive behaviour issues. Anyone who has dealt with this issue (and I am sure that most lower house members who have large Housing Trust constituencies would be well aware of these issues) would know that there are no simple solutions.

So, whereas we should obviously monitor—and I am sure the Housing Trust will monitor—what happens in terms of innovation overseas, I would really suggest that trying to prepare some report by 1 July next year based on an idea that has not really gone too far yet in the UK is not necessarily going to achieve anything. I can give the committee an assurance that Housing SA will consider a range of new policy approaches to deal effectively with disruptive behaviour. No-one is denying that that is not the priority.

The Hon. T.J. STEPHENS: Whilst the opposition understands the sentiments of the Hon. Mr Xenophon's amendment, we are persuaded by the government's argument on this issue and subsequently will not support the Hon. Mr Xenophon's amendment.

The Hon. M. PARNELL: I will not support this amendment either. Although I appreciate and empathise with the people who live near disruptive tenants—I have been in that position myself—my position has always been to target the behaviour rather than the housing tenure of the perpetrators. For that reason I have always been uncomfortable with provisions such as section 90 of the Residential Tenancies Act, which enables people to have a tenant evicted for behaviour. The reason I am uncomfortable with that is that there is no parallel when it comes to home owners whose behaviour might be equally as bad.

What it tends to do, in my mind, is to reinforce what we learnt in law 101, which is that the law is primarily about protecting private property rights. When we have regimes that target the housing tenure of people rather than their behaviour and we focus only on tenants and have no regime for dealing with, if you like, the home owner from hell, it seems that that is inequitable. I know the honourable member's amendment is only calling for a report, but I cannot see that report resulting in a solution that I would be comfortable with because it focuses on where these people live rather than managing their behaviour.

The Hon. D.G.E. HOOD: I place on the record that Family First will support the amendment. It is very difficult when people face disruptive tenants who live nearby and it really can have a massively negative impact on people's lives. All this amendment does is ask for a report into a very serious situation that sees people suffering considerably. So, for that reason, we wholeheartedly support the amendment.

Amendment negatived; clause passed.

Clauses 22 to 69 passed.

Clause 70.

The Hon. P. HOLLOWAY: I move:

Page 31, lines 7 to 29—Leave out all the words in these lines and substitute:

(ii) the Appeal Panel may, after hearing the appeal and conducting such inquiries as the Appeal Panel thinks fit—
  (A) confirm, vary or revoke the decision to which the proceedings relate;
  (B) refer the matter back to SAHT or the chief executive, with such suggestions as the Appeal Panel thinks fit;
  (C) make incidental or ancillary orders; and

(iii) the Appeal Panel must, after making a decision under subparagraph (ii), ensure that the parties to the proceedings are provided with a written statement setting out the Appeal Panel's decision and the reasons for the decision.

The proposed amendment provides for the Housing Appeal Panel to have final decision-making power for community housing appeals that the panel hears, rather than making recommendations to the minister, as is the current practice. It also requires the panel to provide the applicant with a written statement setting out the panel's decision and the reasons for the decision, as currently occurs in practice. I did refer to this amendment when moving an earlier amendment last night.

Amendment carried; clause as amended passed.

Clauses 71 to 92 passed.

Clause 93.

The Hon. NICK XENOPHON: I move:

Page 40, after line 14—insert:

(4) Section 5(2)—after paragraph (a) insert:

(ab) Section 65 (Quiet enjoyment);

I understand that the government will not be proceeding with its amendment. Obviously the minister can confirm that in

due course, but I have a reliable source (namely, the government's adviser) who tells me that that is the case. That disappoints me. I am not sure whether it involves a change of heart or whether the government prefers my amendment (although I do not think it is the latter), but at least it means that the government has put on the table what I consider to be a very significant shift in its previous thinking on this matter.

This amendment is the same as that contained in the private member's bill I introduced on 14 March 2007, the Residential Tenancies (Application of Section 65) Amendment Bill, to provide that the South Australian Housing Trust, or Housing SA (it would also include any other statutory housing authorities), be subject to section 65 of the Residential Tenancies Act, which provides a tenant's right to quiet enjoyment of their tenancy. Quite simply, section 65 provides that a landlord must provide for the peace and quiet enjoyment of a tenancy, as follows:

(1) It is a term of a residential tenancy agreement that-
  (a) the tenant is entitled to quiet enjoyment of the premises without interruption by the landlord or a person claiming under the landlord or with superior title to the landlord's title; and
  (b) the landlord will not cause or permit an interference with the reasonable peace, comfort or privacy of the tenant in the tenant's use of the premises; and
  (c) the landlord will take reasonable steps to prevent other tenants of the landlord in occupation of adjacent premises from causing or permitting interference with the reasonable peace, comfort or privacy of the tenant in the tenant's use of the premises.

(2) If the landlord causes or permits interference with the reasonable peace, comfort or privacy of the tenant in the tenant's use of the premises in circumstances that amount to harassment of the tenant, the landlord is guilty of an offence.

Maximum penalty: $2 000.

So there are two parts to that. The first part, section 65(1), seeks to impose a civil liability on landlords to ensure that they take reasonable steps—and I emphasise 'reasonable steps'—for the peace, comfort and quiet enjoyment of tenants. So if, for instance, you have a private landlord in a block of flats where there is an unruly tenant and, after complaints have been made about that person, the landlord fails to take reasonable steps to take action—whether that is before the tribunal or whatever other reasonable steps need to be taken—then there is a potential civil liability on the part of the landlord for that landlord's failure to reasonably act.

That is an obligation that has been imposed on private landlords in this state for many years, but the South Australian Housing Trust has been exempt from that, and I do not think that is fair. I do not think it is fair that there is that disparity between the two. I do not think it is fair in the context of ensuring that systemic issues with respect to disruptive tenants are dealt with appropriately by the South Australian Housing Trust. I believe that this has been an impediment to the Housing Trust acting in all reasonable ways with respect to dealing with disruptive tenants. Subsection (2) of section 65 imposes a penalty—a criminal sanction, if you like—with a maximum fine of $2 000. I think it is important that, just as private landlords are subjected to that, the Housing Trust should be responsible for that as well.

The Statutory Authorities Review Committee in its consideration and its report on the South Australian Housing Trust and disruptive tenants, at 13.8 of that report, had a discussion in relation to this and looked at the New South Wales housing legislation where there was an equivalent provision of section 65. It referred to Ingram's case where the New South Wales department of housing was held to be liable because of its failure to act. The committee at that stage said that, if there is not progress on this, we might need to consider this as a measure to introduce here. It has been 3½ years since the Statutory Authorities Review Committee tabled its report—a unanimous report—and I acknowledge the work of my colleagues the Hons Terry Stephens, Andrew Evans, Caroline Schaefer and the chair at the time, the Hon. Mr Sneath. It was a unanimous report and it was clearly on the agenda.

There is something seriously wrong with allowing the Housing Trust to be exempt from what I consider to be a basic provision to act as a decent and reasonable landlord. To say that it is in a special category and that it should not be subjected to the same rules as a private landlord, I believe, simply does not wash. I believe that this amendment will play a key role in ensuring that the Housing Trust must look at systemic issues, processes and protocols to ensure that it deals seriously with the question of disruptive tenancies. If the trust knows that it will be subjected to civil liability and criminal liability—in this case, a fine of no more than $2 000—that will put a rocket under the Housing Trust, to put it colloquially, to ensure that it does all that is reasonable to deal with this issue.

I simply want the South Australian Housing Trust to have the same obligations upon it as private landlords in this state. I think that is fair and reasonable and, above all, this relates to a test of reasonableness in terms of reasonable action under section 65 of the Residential Tenancies Act. I urge honourable members to support this provision. I believe it is the key to the Housing Trust improving its processes and systems to deal with disruptive tenants. I believe that this is an important issue for the well over 200 people who have contacted my office in relation to disruptive tenancy issues in recent times. Many of them represent a family of a number of people who have been affected, some very deeply, by disruptive tenants.

The final comment I wish to make is that at the meeting I chaired in relation to the South Australian Housing Trust on 14 April of this year, which the minister and shadow minister attended, 80 to 100 people turned up. A young woman got up and said that for seven years she was tormented by a disruptive tenant. This person would threaten her, harass her and do all sorts of things to her that many would find simply sick in terms of being bloody-minded, petty and vexatious. Finally, after seven years of complaining, this person was shifted to other accommodation. Not the disruptive tenant but this person was being shifted, and she acknowledged in front of the minister that she did not mind that being the case, because this person was so vexatious that he had said to her, 'If you shift me out of here I'll come back and harass you.' I believe that, if the Housing Trust were subjected to the same principles, the same reasonable requirements as private landlords, it would have acted much earlier and not let this woman lose seven years of her life in being subjected to the misery of the harassment from this disruptive tenant. That is why I believe this clause is so important.

The Hon. P. HOLLOWAY: There is some uncertainty that this proposed amendment will, in itself, achieve the outcomes anticipated. Application of section 65 would only seem to expose the South Australian Housing Trust to prosecution and civil liabilities when obligations have failed to be met and may not actually result in a capacity to terminate a disruptive tenancy without some specific amendment giving the Residential Tenancies Tribunal that power. Nor would it necessarily ensure better management

of incidents of disruptive tenant behaviour. To address situations where the South Australian Housing Trust needs to terminate a disruptive tenancy with urgency, the government will be moving a separate amendment to obtain more timely orders for possession under section 87 of the Residential Tenancies Act.

The measure that is essential in dealing with matters of tenant disruption is balance. Housing SA has developed a new disruptive behaviour management strategy which was released for public consultation in April. A final report will be handed down shortly, but the essence of the proposed approach is to include the introduction of a three strikes process designed to provide a clearer process for tenants to address disruptive behaviour. The special needs faced by some tenants, particularly those with a disability, are acknowledged with reference to the potential need for support services to assist them to successfully maintain their tenancy. In addition, the new strategy is proposed to introduce acceptable behaviour contracts and a 12-month probationary period for all new tenants, and a disruptive behaviour response team has been formed to manage tenants with significant disruptive behaviour and investigate complaints of disruption.

Aside from doubts that the measure proposed by the Hon. Nick Xenophon could result in better management of disruptive tenancy situations, the government believes it would be inappropriate to expose the trust to prosecution for an offence or civil damages for several reasons. First, there is the practical application to consider. The possibility of prosecution or civil liability will act as an incentive for the Housing Trust to take action against tenants with special needs, when a swift response is required by the Housing Trust to avoid the potential prosecution or civil action. This will be to the detriment of vulnerable tenants. It also has the potential to make management of the neighbouring tenant dispute even more complicated.

If the capacity for an aggrieved neighbour to sue the Housing Trust is introduced, the level of intervention and difficulty of navigating what might be vexatious claims between neighbours would have serious resource impacts on the agency and is quite likely to restrict the efforts to manage disruptive tenants. Further, the 2003 Statutory Authorities Review Committee, when considering the possibility of applying section 65 of the Residential Tenancies Act to the Housing Trust, determined in its report into the management of disruptive tenants that this would be a blunt method and extreme measure.

The Hon. Mr Xenophon has also referred to the Ingram and Ingram v Department of Housing case in New South Wales as an example of the need for the section 65 provision to be extended to the Housing Trust. What he has failed to do is to provide any evidence that the fact of this case has improved the handling of disruptive tenancy cases in that jurisdiction.

The government had considered a compromise amendment on this provision. However, after further consideration, we regarded it as not meeting objectives of disruptive tenancy management and are concerned at its potential to adversely affect tenants with special needs. This parliament should be very cautious before making such a significant change. In the absence of a debate on and testing of the effectiveness of our proposed new disruptive behaviour management strategy, the proposed amendment is not supported by the government.

The Hon. T.J. STEPHENS: The opposition supports the Hon. Mr Xenophon's amendment. As the Hon. Mr Xenophon pointed out, I, along with the Hon. Caroline Schaefer, the Hon. Andrew Evans and, indeed, you, Mr Chair, were members of the committee that looked into the issue of disruptive Housing Trust tenants. It was an extremely harrowing inquiry. I guess it was only because there were some time constraints that the committee is not still listening to evidence about situations where people's lives have been made truly miserable—and, to some degree, the Housing Trust was culpable.

I go back to the comments I made earlier when I said that at the start of the inquiry the then CEO of the Housing Trust appeared before us and gave us an assurance that the vast majority of Housing Trust tenants are terrific tenants and live in quiet enjoyment and make sure that those around them live in quiet enjoyment, which is true. However, we were led to believe that the number of incidences where tenants' lives were being made miserable was almost negligible—and, from some of the evidence we heard, I think 'miserable' would be a bit of an understatement. It became quite apparent that there were very serious problems with regard to the way in which disruptive tenants were not being dealt with. They were allowed to go on for what would seem to be incredible periods—and they truly did make the life of those people around them miserable.

At that time, the committee sought to impose this measure, which I believe is available in other states and has not brought an end to the world. For me, it would be unconscionable for the Liberal Party not to support this amendment and then look any of those people in the face when we had declared that we would try to support and improve their life.

The Hon. A.M. BRESSINGTON: I also rise to give my support to the Hon. Nick Xenophon's amendment. I would like to share a very quick story about my own experience growing up in a Housing Commission (which is the equivalent of the Housing Trust) home in Toowoomba, Queensland. When I was a year 9 high school student there was a tenant, who was a pretty sleazy sort of a bloke, who lived at the beginning of the lane I had to walk down in order to catch the bus to school. In the morning and afternoon, he would be sitting on his fence waiting for me to walk by and he would make lewd comments. I was 13 years old and it really scared me. That went on for about three or four months. It got worse and he was following me from the beginning of the lane into our home. In the evening, I could hear noises outside, and one night I saw this man peering through my bedroom window. We then made a complaint to the Housing Commission and within three days that man and his family had been moved out of that house. Complaints had been made about similar behaviour, so it was not just our word against his.

My point is that back then action was taken, and it was taken quickly. Our family was not subjected to any harassment for any great length of time—and I believe the harassment could have become worse. The Housing Commission in Queensland (which is the equivalent of the Housing Trust in this state) accepted its level of accountability and responsibility to protect people within its jurisdiction. As the Hon. Terry Stephens said, they are employing the same methods the Hon. Nick Xenophon is suggesting in this amendment and the world has not stopped.

The Hon. Paul Holloway said that the government has further amendments coming up to deal with other aspects of this matter, and I am confused as to how they cannot work together. It does not necessarily have to mean one or the other; it could be both lots of amendments to cover a whole range of issues.

The Hon. NICK XENOPHON: I want to respond to what the Hon. Mr Holloway said and to appeal to my cross-bench colleagues who have yet to state their position in relation to this issue. Section 65 of the Residential Tenancies Act applies to private landlords. I am simply seeking to extend what already applies to private landlords in this state to public housing authorities and to the South Australian Housing Trust in particular. The provision in section 65 with respect to civil liability states that the landlord will take:

> . . . reasonable steps to prevent other tenants of the landlord in occupation of adjacent premises from causing or permitting interference with the reasonable peace, comfort or privacy of the tenant in the tenant's use of the premises.

That relates to civil liability. It is rare in any case (and Ingram's is a rare example, as I understand it) of civil liability for action to be taken.

My appeal is to the Hon. Mr Parnell, in particular, given his work with the Environmental Defender's Office. He knows that the law can sometimes be a very powerful tool to allow citizens to exercise their rights against the powers that be, whether they be a large corporation or a government authority, where they have failed to act. This simply gives to those many thousands of Housing Trust tenants who are doing the right thing the same rights as those tenants of private landlords have who may have adjacent tenants of the same private landlord.

It just gives them the same rights so that, if the landlord is not acting reasonably—and there is emphasis on reasonableness in the legislation—there is a potential course of action. Why deny that to public housing tenants? Why deny that to the many people who continue to call my office and, indeed, the office of many other members of parliament in this state, particularly those who have a significant Housing Trust component, who have been driven to distraction by disruptive tenants and there has been a lack of appropriate action by the Housing Trust.

One of the examples given is that of having an appropriate mix of tenants. A former South Australian Housing Trust officer tells me that, in years gone by, there used to be specific allocation officers so that you would not put a boisterous 18 or 20 year old into a complex with 80 year old tenants. That is what has been happening all too often, although I think there have been some moves to try to improve it. Sometimes changing procedures and protocols can make a huge difference in preventing that sort of disruptive behaviour and managing the issue.

Why should the South Australian Housing Trust be exempt from a rule that already applies to private landlords? To me, that is the fundamental issue. The government tabled an amendment in relation to civil liability, not in relation to bringing the Housing Trust in line with respect to the criminal liability of a maximum fine of $2 000. My question to the minister is: is the government in a position to outline why it initially tabled that amendment and why it no longer wishes to proceed with it?

The Hon. P. HOLLOWAY: In relation to the latter question, I have already put that on the record. I indicate that the government considered a compromise amendment on this provision. However, after further consideration, we regarded it as not meeting the objectives of disruptive tenancy management, and it is concerned at its potential to adversely affect tenants with special needs. I really think that we need to address the point that somehow or other the Housing Trust is in the same situation as private landlords. No private landlord has 46 000 houses. As I said earlier, whether we like it or not, the Housing Trust is, effectively, a provider of housing of last resort, if I can put it that way; of course its situation is much different.

The Hon. Ann Bressington talked about a particularly obnoxious tenant. There are those people around, but where do they go after they are evicted? I think that we need to reflect on that. Whether we like it or not, there are people like that in our community and, ultimately, we have to deal with them. If a private landlord had one of those tenants in their house, they could quickly evict them, but who would pick up the problem ultimately? How would the problem be dealt with?

Based on my own experience going back many years now to when I worked for a federal member of parliament and was also a lower house member with a significant Housing Trust area, there were often neighbourhood disputes which had two sides to the story. I remember one case where a tenant came into my office and told me the most horrific stories. I then had their neighbour, unbeknown to me, come in and tell me a story about the horrific things that were going on with their neighbours. Only after some time, when I looked at the addresses, I realised that they were talking about each other, and both had very credible examples.

You will often find in these neighbourhood disputes that people can build them up into all sorts of silliness. You would not believe the sort of things people do to provoke and torment their neighbours. Often it is an escalating situation. One thing I learnt is that one did not always take these cases at face value. There are horrific tenants, and they have to be dealt with. It is the government's view that we need to deal with these sorts of tenants, but we need to do so intelligently, accepting the fact that ultimately these people will be part of our community. Whereas we might wish that they would go away, the sad fact is that they will not.

The Hon. SANDRA KANCK: I will not support the amendments for basically the reasons that the Hon. Mr Holloway has outlined. We are not dealing with the same types of people, essentially. They are very often people who have mental health problems or single mums who will sometimes—and I have certainly had this sort of thing reported to me—have a former partner turn up. While that woman might be living that quiet existence that the Hon. Mr Xenophon is requiring of her, when the old boyfriend turns up and gets violent it is just a little bit out of her control. Sometimes under those circumstances that type of violent partner will keep on coming back. I would not like to think that the woman would be moved under those circumstances.

As I say, there are a lot of people with mental health problems, people who do not understand the proprieties of behaviour, people who might have Tourette syndrome or a form of Asperger's that makes them a little difficult to get on with. My concern is that an application such as this would see these people with nowhere to go except to our Parklands, because these sorts of people are not in a position to go out and find themselves a home in the private rental market if they are evicted.

The Hon. M. PARNELL: One advantage of the Hon. Mr Xenophon's amendment that I can see is that it does provide a fillip to the Housing Trust to improve its standard of behaviour management. That raises a fairly fundamental question about why it is that we expect of landlords the role of managing the behaviour of others. It seems that there is a bit of responsibility shifting here. As a community we might quite reasonably think that managing bad behaviour is the responsibility of our police, parole officers and mental health

authorities. I struggle to see why landlords as the owners of property should really take that primary role.

I can see from what the Hon. Mr Xenophon is saying that it is inequitable that a person who owns a block of flats is responsible for ensuring the quiet enjoyment of the person on the ground floor from the behaviour of the person on the first floor in an adjoining property. I can see that there is an equity issue in not having that same standard apply to the Housing Trust. The other advantage is that making this quiet enjoyment clause apply to the Housing Trust does provide a legal tool (as the Hon. Nick Xenophon indicated) in the hands of the community to put pressure on the trust—

The Hon. Nick Xenophon: In exceptional circumstances.

The Hon. M. PARNELL: Yes; in exceptional circumstances. I refer to section 90 of the Residential Tenancies Act, which is the section that the unhappy neighbours use against the disruptive tenant in order to try to have that person evicted. We all have stories of tenants from hell, but I have also got some experience of section 90 being used most inappropriately where people gang up, if you like, on a neighbour whose crime might be to have a child who rides a skateboard along a footpath—clackety-clack, clackety-clack—late at night, or a neighbour who plays music after 9 p.m. when all good people are asleep in bed. It can be used vindictively, as well.

The battle I have is: do we redress the inequity by making the Housing Trust subject to the same standards as private tenants? I am not inclined to go down that path. I would be more inclined—although it is not before us—to revisit section 65 itself and question why it is that we expect landlords to have primary responsibility for managing behaviour. Whilst I am often in favour of redressing inequities, I do not think that compounding what I see as an unsatisfactory situation is the way to go. I am supporting the government position on this.

The Hon. D.G.E. HOOD: I would like to ask a question of the mover of the amendment, and the answer will determine which way Family First goes on this. First, everyone has outlined their various positions very well. The problem is that the Housing Trust is not a normal landlord. It deals with the harder cases, if I can put it that way. Should the expectations on them be the same as those on private landlords? What happens to those people who are evicted from Housing Trust premises? Where do they go? What happens to them? What becomes of them?

The Hon. NICK XENOPHON: I will comment on the contributions of the Hons Sandra Kanck and Mark Parnell in a moment. The Hon. Mr Hood mentions that the Housing Trust has to deal with the harder cases. At the end of the day this amendment is about the vast majority of Housing Trust tenants—who do the right thing, pay their bond and their rent, and mind their own business—having the same entitlement as a private housing tenant. They should have the right to live in peace and quiet enjoyment of their premises. Their families should have the right to live in peace. This amendment is not about eviction—and I need to emphasise that. There has been a steady rise in the number of evictions. Mr Chairman, when you chaired the Statutory Authorities Review Committee there were only a handful of evictions each year.

There has been an increase, although I do not have the figures immediately in front of me. They do occur for tenants who breach their terms and whose behaviour is horrendous. That is why I moved the earlier amendment to look at the issue of supervised housing to ensure that those people have some form of alternative mechanism to receive assistance. If they have a mental health issue, that mental health issue is something that needs to be addressed, as well. Sometimes some of these people need supervised accommodation.

In terms of the issue of eviction, I urge the Hon. Mr Hood to consider this: this amendment is not about eviction. This amendment is about ensuring the South Australian Housing Trust has appropriate mechanisms in place to deal more effectively with the issue of disruptive tenants. I can tell members that that is still not happening to the extent it should be. There are still many problems where the South Australian Housing Trust is not dealing (as it should) with disruptive tenants; where it is not being as active as I believe it should be in dealing with the issue. I chaired a public meeting on 14 April this year, and one young woman got up and said that she had had seven years of hell with one particular tenant. After many pleas to her MP and the minister, she was finally shifted out.

This particular amendment is not about eviction. This amendment simply exposes the Housing Trust to civil liability (and I expect that that will be in exceptional circumstances) and also to criminal liability. My preference is for both parts of this amendment to be carried, because I think that the South Australian Housing Trust will not want to be subjected to a successful civil outcome. For the Housing Trust to be sued successfully, there must be a finding by a court that it failed to act reasonably.

A court will not say the Housing Trust failed to act reasonably because it did not act immediately, but it might find differently if there was a pattern of behaviour, conduct and inaction on behalf of the Housing Trust when there was clear evidence of disruptive behaviour and a tenant's life being adversely impacted on in terms of their peace and quiet enjoyment. It is not about eviction. People are being evicted now in the Housing Trust system. Putting it again colloquially, this is about putting a rocket under the Housing Trust to ensure that it has procedures in place that it had a number of years ago.

There used to be allocation officers in the Housing Trust who would ensure that they put similar groups of people together, in the sense that they would put young people together and senior citizens together. I have a woman in her 80s contacting my office because she has a young person with a serious substance abuse problem living right next to her in a group of flats. She has been terrorised by that. She is too scared and too frightened to leave her flat, and her life has been changed fundamentally. If the Housing Trust made systemic changes to its procedures and looked at issues of allocation, that would obviate those cases.

I plead to the Hon. Mr Hood—and this heartfelt plea is based on the many calls I have received over the years. I have well over 200 people on my database—families—who have been subjected to disruptive tenants. It is not about eviction: it is about ensuring that the Housing Trust is as liable as others in the community for behaviour. It simply has to pass the reasonableness test. It just has to act reasonably. If I can answer the Hon. Sandra Kanck's comments which I hope will, in part—

The Hon. R.P. Wortley: You still have not answered the question about where do you put the people who are evicted?

The Hon. NICK XENOPHON: That is a fundamental question. Some of those people deserve to be in supported accommodation. That is an issue about the mental health budget in this state. I know that the Hon. Mr Hood has been very active with that. Maybe we need to treat some of the causes of mental illness in this state. The Hon. Mr Hood has

made the point that a significant number of people have pointed to the link between schizophrenia and cannabis use and the link between psychotic behaviour and methamphetamine use. We need to start tackling some of those causes of mental illness. Dr Jonathan Phillips, the former head of mental health in this state, told me in a discussion I had with him some time ago that, for in the order of 70 per cent of people presenting to the emergency wards of our hospitals in respect of an acute psychotic episode, the episode is drug and substance abuse related. Let us start tackling those issues. However, if we put the same degree—

The Hon. R.P. Wortley interjecting:

The Hon. NICK XENOPHON: The Hon. Mr Wortley says that it is long term. My suggestion is that, if we implemented some policies, including the Montana meth program, which actually shocked people into reconsidering the whole issue of drug use and warning people of the risks, we would not have the problem of so many disruptive tenants in this state. This is about a deep systematic change. I would like to think that, by moving this amendment, which the government is so resolutely opposing, it will shift the culture of what is occurring in the Housing Trust. The Housing Trust is already evicting people. This does not seek to increase the number of evictions: it seeks to reduce the number of disruptive incidents of behaviour.

Some tenants simply push the envelope because they know that they can get away with it. They know that they cannot get away with it with a private landlord, but they know that they can get away with it with the Housing Trust because they have on so many occasions in the past.

If the Housing Trust knows that it will be subject to a court case—a civil case or prosecution—even though it is a fine of up to $2 000, that will, I believe, change the practices and the procedures quite fundamentally. I believe it will be a tool to empower those people who are subjected to disruptive tenants. The Hon. Mr Hood says: what do you do about those who are evicted? This provision is not about eviction. I see this as reducing the incidence of disruptive tenancies and, above all, this is about giving the same right to the overwhelming majority of Housing Trust tenants who do the right thing and want to live in peace. It empowers them with a potential tool, and that is what I consider to be quite fundamental.

In relation to the instances that the Hon. Sandra Kanck gave and the scenario of the ex boyfriend with a mental health problem, I can understand her concern and I respect that, but I cannot see how with the wording of this legislation a court could possibly hold the Housing Trust liable when it takes all reasonable steps. How can it be responsible for someone who is not a resident of that property? That is a case of harassment and police action.

The Hon. Sandra Kanck interjecting:

The Hon. NICK XENOPHON: If they move back in under those circumstances (and there is a whole range of factors), the reasonableness test will apply, and I believe a court would be loath, given what I have seen of Ingram's case and the way the tribunal dealt with that in New South Wales, to apply that standard. So at the end of the day this is not about eviction. The Housing Trust already evicts people. This is about changing the culture within the Housing Trust once and for all to ensure a level of civil liability and also criminal liability which does not exist but which exists for private landlords.

The Hon. S.G. WADE: I am disturbed at the way government members are seeking to characterise the Hon. Mr Xenophon's amendments in terms of eviction when it does not attempt to do that at all. There is no suggestion here that a person who has needed to be moved because of disruptive behaviour will be denied accommodation in the future. This is about active tenant management. This is making sure that not only the person who needs support but also those who are affected by living near them receive the support they need.

I also think it is important that we look at the whole clause. Mr Xenophon's amendment has been attacked in the context of the potential for active tenant management, as I would call it, in relation to clause 2 and 'quiet enjoyment'. If one goes back to subclause (1), it provides other rights to the tenant themselves. I draw the committee's attention to subclause 1(a). It talks about the tenant being entitled to quiet enjoyment of the premises without interruption by the landlord or a person claiming under the landlord or with superior title to the landlord's title. Why should public housing tenants not have the right to enjoy their property without Housing Trust officers inappropriately disrupting their quiet enjoyment?

Again I go back to the Hon. Mr Parnell's point. We should not have two classes of legal rights. In fact, he started by reminding us about property owners versus tenants, but let us not also have two classes of tenants, public and private. I also refer honourable members to subclause 1(c) which provides that the landlord will take reasonable steps to prevent other tenants of the landlord in occupation of adjacent premises from causing or permitting interference with the reasonable peace, comfort or privacy of the tenant in the tenant's use of the premises. Again, this is about active tenant management. It might well mean, for example, that in a particular case the Housing Trust might feel compelled through the obligations under this clause to take steps to ease the disruption. Let us say it might be soundproofing between walls so that a younger person is not disrupting an older person, and so forth.

I cannot see why we cannot expect the public housing authorities to provide active tenant management and endure what is not a particularly onerous burden in terms of the $2 000 as a maximum penalty. We have had evidence from the Hon. Nick Xenophon that there has been a diminution of active tenant management by the Housing Trust in recent years. An allocation officer sounds like a remarkably sensible measure. I understand from what the Hon. Mr Xenophon was saying that that was previously part of the Housing Trust regime, and it is not now. We would expect that from a private tenancy agency: why should we not expect it from the Housing Trust? I urge crossbench MPs not to be sucked in by government members' characterisation of this as some sort of eviction bill. I regard it as active tenant management. Certainly, if the Housing Trust needed to move a disruptive tenant out of a tenancy, I would be holding it accountable to make sure they found an appropriate placement so that the person with the needs got the housing they needed and also the other tenants could have their quiet enjoyment.

The Hon. P. HOLLOWAY: I do not think that anyone in this debate is really arguing that there should not be effective management of disruptive tenants. Certainly Housing SA acknowledges that it has an obligation and responsibility to manage disruptive disputes as per the disruptive tenants' policy, and it will continue to enforce the conditions of tenancy where clear breaches occur. This has been an interesting debate. As I said, I do not think that

anyone really disagrees that we need to do something: it is more about the methods.

Perhaps I am a little prejudiced in that I do not have as great a faith as others may have in the legal system in terms of producing good outcomes. I could probably name many areas where letting judges determine things does not always lead to the best outcomes on the ground, but I must admit that I am a little prejudiced in that respect. In relation—

The Hon. S.G. Wade interjecting:

The Hon. P. HOLLOWAY: But it is an enormously expensive way of doing it as well, and that is the other point that needs to be made. Lots of dollars can get lost in the judicial system but, at times, not necessarily a commensurate amount of justice comes out of it. There has been debate about evictions, and so on. My experience of those is that, yes, there have been increasing numbers of evictions from trust properties. It is only anecdotal—I am not the minister and I do not have the stats—but certainly my observation is that many of those increasing evictions are for the non-payment of rent and those people who have parties and wreck things, and so on.

Generally when those people are evicted they can and do seem to look after themselves. The problem is the people who cannot look after themselves. Often the cause of disruptions are those people the Hon. Sandra Kanck talked about earlier who have syndromes, and so on. That is where I think the issue of eviction becomes important, not in the case of those people who are just careless, reckless and have parties but who can generally survive in the community and possibly even find other accommodation.

The concern, really, is that there are people who would be regarded as disruptive and who really do not have any other alternative, and I think that was the point the Hon. Dennis Hood made. I think it is those people in particular to whom we have a special responsibility. There are no easy solutions here. I do not think that anyone should pretend that there is some miracle cure for people such as those the Hon. Sandra Kanck described who are disruptive by way of some personality disorder or mental illness and those who suffer the long-term effects of drug use, or whatever, but we still have to deal with them.

That is where the issue of eviction becomes important, because we do have a moral and social obligation to look after those people who cannot look after themselves. If they do not pay the rent or if they just misbehave, well, okay, by all means kick them out. I would be the first person to say we should do that, but we do have a special obligation to some people. Certainly there are some community providers other than the trust, but the trust has a disproportionately large number of people in that situation.

The Hon. A.M. BRESSINGTON: I am a little confused about the last comments of the minister. He is basically trying to give the impression that the Housing Trust oversees all problems. It would stand to reason that, if we have tenants in Housing Trust houses who have a mental illness or who suffer problems as a result of long-term drug use, the government would have a responsibility to provide services and care to both those groups of people. However, no-one would expect the Housing Trust alone to deal with that behaviour or meet the needs of those target groups of people. This has been a long-term argument with respect to shortage of services for substance abusers and mental health patients. It has been an ongoing thing also. Perhaps by introducing this amendment and drawing a line in the sand it will help the government make a decision to take steps to manage mental health patients and substance abusers in a better way.

The Hon. D.G.E. HOOD: I do not want to protract this matter, but it looks as though it has come down to us. I think the Hon. Mr Xenophon slightly misunderstood my point about the evictions, and that is that fundamentally this amendment will lead to a higher level of evictions because the Housing Trust, when subject to legal measures, will take steps in order to reduce its exposure. Some of the steps it will take, inevitably, will be to increase the number of evictions. Some may argue that that is a good thing because why should somebody have to live next to somebody who is causing undue discomfort and destroying their quiet enjoyment. I think I was misunderstood.

Whilst this does not specifically deal with evictions, I believe the result will be an increased level of evictions. The real question I have been struggling with in listening to the debate is to what extent. Will it be an increase of 1 per cent, in which case it is probably the worst 1 per cent and that may be a good thing? Will it be an increase of 5 per cent and would undeserving people be subject to this? That is the difficulty we are all confronting in this debate.

The Hon. T.J. STEPHENS: I hark back to the SARC inquiry that we sat through. Part of the problem is that it became incredibly sexy decades ago to deinstitutionalise people and put them in communities. That concept was fine if they were given the right amount of support. However, the evidence we heard time and again, whether it involved people with mental illnesses or those who had difficulties with drugs, was that they were placed in communities that they totally disrupted, and governments have failed to provide adequate services to ensure that those people could be rehabilitated and lead a normal life, as was the intention. It has completely stuffed up the lives of all those living in close proximity.

This amendment may ensure that the Housing Trust is vigilant and works extremely hard on listening to people's complaints but, given that the Housing Trust is really a solely-owned subsidiary of government, the government will also have the heat applied to ensure that people who cannot look after themselves with adequate services are not parked in the middle of good, law-abiding citizens seeking quiet enjoyment, who subsequently have their lives ruined.

The Hon. J. Gazzola: Where?

The Hon. T.J. STEPHENS: We had people with mental illnesses decades ago deinstitutionalised because it was a sexy thing to do. The thought was that they would have social workers and mental health nurses visiting them on a regular basis. It was an honourable thought at the time, I am sure, but the system has failed over decades to provide those people with adequate support services. Governments have failed and it has ruined the lives of the people who live around such people. This amendment could well ensure that we constantly work to improve those services and perhaps save the lives of some of those people who are living miserably.

The Hon. D.G.E. HOOD: I think I can bring this to a close. Family First will support the amendment. The Hon. Terry Stephens spoke very eloquently and put the matter in context. I do not think people should be subjected to living next to some people who should not be in the community, and that fundamental issue needs to be addressed, and for that reason I will support the amendment.

The committee divided on the amendment:

AYES (12)

Bressington, A.	Dawkins, J. S. L.
Evans, A. L.	Hood, D.

AYES (cont.)

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

NOES (9)

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

Majority of 3 for the ayes.

Amendment thus carried.

The Hon. P. HOLLOWAY: I move:

Page 40, after line 14—Insert:

(4) Section 5(2)—after paragraph (c) insert:

(ca) Section 87 (Termination on application by landlord);

This proposed amendment to the Residential Tenancies Act will enable section 87 to apply to the South Australian Housing Trust. The amendment will enable more timely orders for possession where the tenant has intentionally or recklessly caused or permitted, or is likely to cause or permit, serious damage to the premises—for instance, as a result of drug production or cultivation or personal injury to the landlord, the landlord's agent or a person in the vicinity of the premises.

This amendment will enable the South Australian Housing Trust to more effectively deal with these issues. We have just had a very long debate in relation to disruptive tenants. If we were now to require (as the amendment that was previously passed requires) that the trust be liable, it obviously follows that we need to provide the trust with at least some powers to effectively deal with those issues.

The Hon. T.J. STEPHENS: I indicate the opposition's support.

The Hon. D.G.E. HOOD: I indicate support for the amendment.

The Hon. NICK XENOPHON: I indicate my support, but I ask the minister whether this amendment ensures that the Housing Trust is brought into line with private landlords in relation to this amendment.

The Hon. P. HOLLOWAY: Yes, my advice is that it will have exactly the same provisions.

The Hon. A.M. BRESSINGTON: I support the amendment.

The Hon. NICK XENOPHON: I welcome what the government is doing, and it was announced at the public meeting by the Minister for Housing on 14 April. As I understand it, the Housing Trust will have the powers that previously existed for private landlords, and I think that speaks volumes. The government is certainly moving in the right direction here, and I hope that it can reconsider its position in relation to section 65.

Amendment carried; clause as amended passed.

Remaining clauses (94 to 99), schedule and title passed.

Bill reported with amendments; committee's report adopted.

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): I move:

That this bill be now read a third time.

The Hon. SANDRA KANCK: I did not make a second reading speech, but when we were close to the end of the second reading it became apparent that this bill could well be defeated. I spoke to the minister's adviser, and the consequence was that we did not move it into the committee stage. During April, I met with the minister to share my concerns about the bill. I had intended to vote against it after talking to people such as Lionel Orchard, who expressed the view to me that it really did not matter whether or not this bill got through because of the way it was gutting the Housing Trust. The consequence of the conversation I had with the minister was undertakings to prepare some amendments that would be acceptable.

I acknowledged last night the role that the minister and his adviser have played in this matter. I also want to acknowledge the opposition, because its principled stand against the abolition, effectively, of the Housing Trust—the gutting of the Housing Trust—was what allowed this bill to be kept in motion, because I would otherwise have voted for the amendments that the opposition came up with.

I want to put on record what I think has been a very constructive debate in the committee stage of this bill. I think it epitomises what the Legislative Council stands for. Whereas in the lower house a bill can be rammed through and it does not matter what anyone other than the government thinks, what we have done here over the past two nights is to take issues of quite deep social consequence and discuss them and tease them out. For some people who read the *Hansard* it might not set the world on fire, but we have all been acting from a position of principle and cooperation and it really has been the Legislative Council producing the best results that it can. I am very proud of the outcomes of this committee stage, the debate and this whole bill.

Bill read a third time and passed.

ADJOURNMENT

At 10.57 p.m. the council adjourned until Thursday 31 May at 11 a.m.