LEGISLATIVE COUNCIL

Tuesday 19 June 2007

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

ASSENT TO BILLS

Her Excellency the Governor, by message, assented to the following bills:

Residential Parks,

Statutes Amendment (Affordable Housing),

Supply.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 340, 492, 539 and 541.

MENTAL HEALTH FUNDING

340. **The Hon. J.M.A. LENSINK:** How many people, who were not previously receiving community based mental health services, have been allocated a package of services from the one-off $14 million allocated by the government in 2005-06?

The Hon. G.E. GAGO: I am advised:

As at 31 December 2006, 427 people had received psychosocial rehabilitation support packages under the $14 million one-off allocation. People receiving these support packages have been recent clients of specialist mental health services who were in transition from inpatient or acute care to community living.

492. **The Hon. J.M.A. LENSINK:** For the years 2002-03, 2003-04, 2004-05 and 2005-06:

1. Which non-government organisations received funding from the South Australian Government to provide mental health services; and

2. How much funding did each organisation receive in each year?

The Hon. G.E. GAGO: I am advised:

The following information regarding non-government organisations that received funding from the South Australian Government to provide mental health services has been sourced from National Mental Health Report data:

Organisation	2002-03	2003-04	2004-05	June 2005 ($25m)	2005-05
Centrally Funded					
Anglicare SA	-	-	-	500 000	-
Association of the Relatives & Friends of the Mentally Ill SA Inc	14 500	21 500	18 300	90 000	18 800
Australian Assoc of Occupational Therapists – SA Inc	-	-	-	-	9 500
Baptist Community Services (SA) Inc	-	-	110 000	1 580 000	160 000
beyondblue Ltd	278 000	278 000	278 000	1 000 000	278 000
Bounce Back Foundation Limited	-	-	100 000	-	100 000
Carers Assoc of SA Inc	-	-	-	995 000	60 000
Catherine House Incorporated	-	-	-	190 000	-
Centacare Catholic Family Services	106 000	460 500	447 900	1 730 000	453 900
Clubhouse SA Inc	169 500	209 400	178 900	-	184 300
Consumer Advisory Group	25 400	-	-	-	-
Eating Disorders Association of SA Inc	74 300	91 900	78 500	-	80 900
Edwards Crossing Community House	50 000	131 000	-	-	-
Flinders University	-	-	98 250	-	-
GROW (SA) Inc	359 800	444 700	379 900	-	391 300
Health Consumers Alliance of SA	-	-	170 000	-	204 800
Helping Hand Aged Care Inc	-	-	-	1 100 000	-
Isolated Person Project of Norwood Inc	39 100	48 400	41 300	-	42 500
Life Without Barriers	-	-	430 000	3 340 000	742 500
Mary McKillop Foundation	-	-	70 000	-	-
Mental Health Coalition of SA Inc	-	180 000	141 500	-	249 500
Mental Health Council of Australia	-	-	-	-	13 376
Mental Illness Fellowship of SA Inc	368 227	491 330	432 500	1 200 000	467 765
Mood Disorders Association SA Inc	116 000	174 250	154 200	-	158 850
Multicultural Mental Health Access Program Inc	63 100	45 000	-	-	-
Neami Ltd	-	250 000	700 000	3 010 000	900 000
NPY Womens Health Council	150 000	150 000	150 000	-	150 000
NSW Institute of Psychiatry	-	-	-	420 000	474 000
Obsessive Compulsive Disorders Support Service	52 646	65 700	55 300	-	78 000
Panic Anxiety Disorders Association Inc	47 800	59 000	50 400	90 000	51 900
Quality Management Services	-	-	-	140 000	-
Relationships Aust (SA) Inc	-	-	-	300 000	225 000
Richmond Fellowship of Victoria	-	-	385 000	2 780 000	681 636

Roofs South Australian Housing Association Inc	21 200	26 100	22 300	430 000	23 000
SA Division of General Practice Inc	-	-	-	2 750 000	-
SPARC Disability Foundation	7 225	-	-	-	-
Southern Cross Care	-	-	-	710 000	-
Survivors of Torture & Trauma Assistance & Rehabilitation Service	109 300	135 000	182 000	-	187 500
UnitingCare Wesley Adelaide Inc	-	-	190 000	1 045 000	295 000
UnitingCare Wesley Port Adelaide Inc	731 100	1 358 540	1 619 200	1 600 000	1 719 900
University of Adelaide	-	-	36 364	-	-
YMCA of SA Inc	-	16 700	7 800	-	8 000
Youth Development Australia	-	-	250 000	-	-
Funded via the Department for Families and Communities					
Catherine House Incorporated	-	-	670 000	-	690 000
Neami Ltd	-	-	150 000	-	154 500
UnitingCare Wesley Port Adelaide Inc	-	-	400 000	-	422 300
Country Supported Accommodation—Various	-	-	689 000	-	689 000
Supported Residential Facilities Care Subsidy—Various	-	-	420 000	-	420 000
Eyre Regional Health Services					
Baptist Community Services (SA) Inc	-	-	5 000	-	N/A
Ceduna Koonibba Aboriginal Health	45 000	130 000	-	-	N/A
Centacare Catholic Family Services	-	10 000	55 000	-	N/A
Consumer and Carer Groups	-	28 000	13 000	-	N/A
Matthew Flinders Home	-	-	20 000	-	N/A
Port Lincoln Aboriginal Health Service	85 000	50 000	90 000	-	N/A
Small Grants	-	-	15 000	-	N/A
TAFE (COGS Project)	-	-	18 000	-	N/A
West Coast Youth Services	-	10 000	-	-	N/A
Hills Mallee Southern Regional Health Service					
Encounter Craft & Social Centre	20 000	20 000	70 000	-	N/A
Lower Murray Nungas Club Inc	-	-	40 000	-	N/A
Murray Mallee Consumer Advisory Group	8 000	8 000	9 272	-	N/A
Tailem Bend Community Centre	4 000	-	-	-	N/A
Mid North Regional Health Service					
Association of Relatives and Friends	1 850	-	-	-	N/A
Club Kaos Kids Club	500	-	-	-	N/A
GROW Community Mental Health	2 100	2 000	-	-	N/A
Mary Knoll Refuge	2 500	-	-	-	N/A
Rotary Club of Port Pirie	-	1 000	-	-	N/A
St James School	1 000	-	-	-	N/A
The Mid North Positive	1 000	1 000	-	-	N/A
Uniting Care Central Mission	1 350	-	-	-	N/A
South East Regional Health Service					
Anglican Community Care	-	-	2 900	-	N/A
Blue Lake Band	-	1 800	-	-	N/A
Bordertown Mental Health Support Group	-	-	1 700	-	N/A
Bordertown Uniting Church	-	5 000	-	-	N/A
CAHMS—Local	-	1 000	-	-	N/A
Country Arts SA	-	2 000	-	-	N/A
Early Intervention Swim Group	2 500	-	-	-	N/A
Early Links	15 600	-	-	-	N/A
Home Care Plus	-	-	3 000	-	N/A
Lambert Lodge	2 500	-	-	-	N/A
Lifeline South East SA	-	3 200	3 000	-	N/A
Mental Health Illness Fellowship	-	3 300		-	N/A
National Suicide Prevention—Bordertown	-	4 400	-	-	N/A
Neighbourhood Development Group	-	2 500	-	-	N/A
State Schools—Various	-	17 600	-	-	N/A
SE Carer Association	1 700	-	-	-	N/A

Suicide Prevention Program	-	1 900	3 000	-	N/A
Tenison Woods College	-	5 300	4 000	-	N/A
Uniting Church Bordertown	6 200	-	-	-	N/A
Uniting Church Millicent	2 500	-	-	-	N/A
UnitingCare Wesley	-	-	8 500	-	N/A
Wakefield Regional Health Service					
Division of General Practice	-	-	40 000	-	N/A
The Station	15 500	35 000	35 200	-	N/A
Wakefield Consumer Advisory Group	-	-	5 000	-	N/A
Southern Adelaide Health Service (SAHS)					
Due to the incompatibility of data systems, a breakdown of individual NGOs is unavailable for SAHS.	424 000	486 000	-	-	N/A
COMBINED TOTAL	3 425 998	5 466 020	9 548 186	25 000 000	10 785 727

Data from health regions for 2005-06 is not available at this time as information for the National Mental Health Report is not due to be lodged until April 2007. However, based on funding provided in previous years, it is anticipated that the final figure for 2005-06 will be in excess of $11 million.

CO-MORBIDITY PROBLEMS

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

1 (a) Which government agencies provide crisis services to people with co-morbidity problems; and

(b) Is there a lead agency?

2. (a) Which non-government services provide crisis services to families of people with co-morbidity problems; and

(b) Is there a lead agency?

3. (a) Which government or non-government services provide crisis services to families of people with co-morbidity problems; and

(b) Is there a lead agency?

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

1. (a) The Department of Health provides crisis services to adults with co-morbidity problems through the Assessment and Crisis Intervention Service (ACIS) for people in the metropolitan area, and through the Rural and Remote Emergency Triage and Liaison Service for people in country areas. In addition, crisis services are available through the emergency departments of all major metropolitan and some country hospitals.

The Children, Youth and Women's Health Service provides crisis services for children and young people with co-morbidity problems through the Mental Health Emergency Response Service and the emergency department at the Women's and Children's Hospital.

Drug and Alcohol Services South Australia provides a telephone service to people with co-morbidity problems through the Alcohol and Drug Information Service (ADIS), a 24-hour information, counselling and referral service.

1. (b) The lead agency for any individual and/or family is based on a clinical assessment of risk of the particular presentation.

2. No non-government organisations (NGO) provide clinical crisis services for people with co-morbidity problems. If a person with co-morbidity is receiving a service from an NGO and requires crisis clinical care for mental health and substance abuse, the NGO would liaise with ACIS to determine the most appropriate action.

3. (a) Where the presenting issue is mental health, ACIS provides crisis services to families of adults with co-morbidity problems in metropolitan Adelaide and the Rural and Remote Emergency Triage and Liaison Service provides these services in country South Australia.

The Mental Health Emergency Response Service of the Children, Youth and Women's Health Service provides crisis services to the families of children with co-morbidity problems.

ADIS provides telephone support, counselling and referral to members of families when they are seeking assistance for someone with co-morbidity problems.

The Department for Families and Communities also provides crisis services to families of people with co-morbidity problems, if there are dependents involved, through its child protection services.

A number of non-government organisations provide respite services which can be used in times of crisis, including the mental health specific respite services offered by Carers SA, the Richmond Fellowship and Uniting Care Wesley, Port Adelaide.

(b) The lead agency will vary with the clinical needs of the person and family or with the requirements of their management plan.

MOBILE ASSERTIVE CARE EMPLOYEES

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

1. (a) What are the employment criteria for Mobile Assertive Care employees; and

(b) How many years of clinical experience does the average front line worker have?

2. What are the criteria for assessment by Acute Crisis Intervention Service (ACIS) while clients are in an acute hospital setting?

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

1. (a) The essential minimum requirement for any employee of Mobile Assertive Care Teams is a degree or registration in a relevant health profession, such as mental health nursing and psychiatry. Allied health staff must also be eligible for membership of their relevant professional association.

Staff are usually employed at or beyond the second level of seniority (eg PO2), on the basis of the complexity of the work they are required to undertake.

(b) The clinical experience of mental health workers is highly variable within clinical teams, including inpatient and community services. This may range from months of experience such as a new graduate to decades for more senior clinical staff.

Consistent human resource practices are in place to ensure that all potential employees meet the clinical experience criteria required for each clinical position within mental health teams. Team structures are multidisciplinary in nature and people are recruited to ensure an appropriate mix of skills, experience and knowledge.

2. The Assessment and Crisis Intervention Service (ACIS) comprises community teams that provide assessment to consumers who are suffering a mental health crisis. A person may either contact the service themselves or be referred by a carer, their general practitioner or another community service. These assessments are conducted in homes or other places in the community.

When a person is in an acute inpatient unit, ACIS would not be involved in the assessment.

However, where an ACIS worker is rostered to an emergency department they will provide a comprehensive mental health assessment to people who present with a mental health problem. Depending on the nature of the presenting problem and whether the person is a known client of mental health services, the emergency department doctor and psychiatry registrar may also be involved.

PAPERS TABLED

The following papers were laid on the table:

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

- Terrorism (Preventative Detention) Act 2005—Report, 2005-06
- Regulations under the following Acts—
  - Associations Incorporation Act 1985—Fees
  - Bills of Sale Act 1886—Fees
  - Births, Deaths and Marriages Registration Act 1996—Fees
  - Business Names Act 1996—Fees
  - Community Titles Act 1996—Fees
  - Co-operatives Act 1997—Fees
  - Coroners Act 2003—Fees
  - Cremation Act 2000—Fees
  - Criminal Law (Sentencing) Act 1988—Fees
  - Dangerous Substances Act 1979—Fees
  - District Court Act 1991—Fees
  - Employment Agents Registration Act 1993—Fees
  - Environment, Resources and Development Court Act 1993—Fees
  - Explosives Act 1936—
    - Fees
    - Fireworks Fees
    - Miscellaneous Fees
  - Fair Work Act 1994—Fees
  - Fees Regulation Act 1927—Fees
  - Firearms Act 1977—Fees
  - Freedom of Information Act 1991—Fees
  - Goods Securities Act 1986—Fees
  - Harbors and Navigation Act 1993—Fees
  - Land Tax Act 1936—Fees
  - Magistrates Court Act 1991—Fees
  - Motor Vehicles Act 1959—
    - Fees
    - Expiation Fees
  - Occupational Health, Safety and Welfare Act 1986—Fees
  - Partnership Act 1891—Fees
  - Passenger Transport Act 1994—Fees
  - Petroleum Products Regulation Act 1995—Fees
  - Public Trustee Act 1995—Fees
  - Real Property Act 1886—Fees
    - Fees
    - Land Division Fees
  - Registration of Deeds Act 1935—Fees
  - Roads (Opening and Closing) Act 1991—Fees
  - Road Traffic Act 1961—
    - Expiation Fees
    - Miscellaneous Fee
  - Security and Investigation Agents Act 1995—Fees
  - Sexual Reassignment Act 1988—Fees
  - Sheriff's Act 1978—Fees
  - Strata Titles Act 1988—Fees
  - Summary Offences Act 1953—Application Fee
  - Supreme Court Act 1935—Fees
  - State Records Act 1997—Fees
  - Valuation of Land Act 1971—Fees
  - Worker's Liens Act 1893—Fees
  - Youth Court Act 1993—Fees
- Rules of Court—
  - District Court—District Court Act 1991—Child Sex Offenders
  - Supreme Court—Supreme Court Act 1935—Child Sex Offenders
- Rules under Acts—
  - Road Traffic Act 1961—Mobile Phones

By the Minister for Mineral Resources Development (Hon. P. Holloway)—

- Regulations under the following Acts—
  - Mines and Works Inspection Act 1920 Fees
  - Mining Act 1971 Fees
  - Opal Mining Act 1995 Fees
  - Petroleum Act 2000 Fees

By the Minister for Urban Development and Planning (Hon. P. Holloway)—

- Regulation under the following Act—
  - Development Act 1993—Fees

By the Minister for Emergency Services (Hon. C. Zollo)—

- Regulations under the following Acts—
  - Adoption Act 1988—Fees
  - Aquaculture Act 2001—Fees
  - Authorised Betting Operations Act 2000—Fees
  - Barley Exporting Act 2007—Fees
  - Branding of Pigs Act 1964—Fees
  - Brands Act 1933—Fees
  - Chicken Meat Industry Act 2003—Fees
  - Fire and Emergency Services Act 2005—Fees
  - Fisheries Act 1982—Fees
  - Gaming Machines Act 1992—Fees
  - Housing Improvement Act 1940—Fees
  - Livestock Act 1997—Fees
  - Lottery and Gaming Act 1936—Fees
  - Primary Produce (Food Safety Schemes) Act 2004—Fees

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

- Regulations under the following Acts—
  - Ambulance Services Act 1992—Fees
  - Botanic Gardens and State Herbarium Act 1978—Fees
  - Building Work Contractors Act 1995—Fees
  - Conveyancers Act 1994—Fees
  - Crown Lands Act 1929—Fees
  - Environment Protection Act 1993—
    - Fees
    - Miscellaneous Fees
  - Fees Regulation Act 1927—Fees
  - Heritage Places Act 1993—Fees
  - Historic Shipwrecks Act 1981—Fees
  - Land Agents Act 1994—Fees
  - Liquor Licensing Act 1997—
    - Dry Zones—Goolwa
    - Fees
  - Local Government Act 1999—Fees
  - National Parks and Wildlife Act 1972—
    - Fees
    - Hunting Fees
  - Native Vegetation Act—Fees
  - Natural Resources Management Act 2004—
    - Council Levies
    - Differentiating Factors
    - Fees
    - Meter Fees
    - Prescribed Wells
  - Pastoral Land Management and Conservation Act 1989—Fees
  - Plumbers, Gas Fitters and Electricians Act 1995—Fees
  - Prevention of Cruelty to Animals Act 1985—Fees
  - Private Parking Areas Act 1986—Fees
  - Radiation Protection and Control Act 1982—Fees
  - Second-hand Vehicle Dealers Act 1995—Fees
  - Sewerage Act 1929—Fees
  - South Australian Health Commission Act 1976—
    - Fees
    - Medicare Patient Fees
    - Miscellaneous Fees
  - Trade Measurement Administration Act 1993—Fees
  - Travel Agents Act 1986—Fees
  - Upper South East Dryland Salinity and Flood Management Act 2002—Projects Works Corridor
  - Waterworks Act 1932——Fees

By the Minister for Mental Health and Substance Abuse (Hon. G.E. Gago)—

- Regulations under the following Acts—
  - Controlled Substances Act 1984—
    - Fees
    - Pesticides Fees
  - Tobacco Products Regulation Act 1997—Fees.

NATURAL RESOURCES COMMITTEE

The Hon. R.P. WORTLEY: I bring up the report of the committee concerning Deep Creek.

Report received.

HEALTH REFORM

The Hon. P. HOLLOWAY (Minister for Police): I lay on the table a copy of a ministerial statement relating to health reform made earlier today in another place by my colleague the Treasurer.

PLANNING REVIEW

The Hon. P. HOLLOWAY (Minister for Police): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. HOLLOWAY: One of the key aims of the Rann government is to make South Australia the most competitive place in Australasia in which to do business. We also want to achieve a competitive advantage based on effectiveness and efficiency, and to have the nation's most effective planning and development system. The government has already begun the reform process, with significant progress in areas such as council development assessment panels, the Better Development Plans program, the Industrial Lands Strategy and protecting heritage. However, it is clear that there is a need for further reform to improve and streamline our planning and development processes, and to ensure contemporary policy agendas are handled more effectively within the planning system.

Consequently, the government has initiated the state's most intensive and wide-ranging review of the planning system, with a view to ensuring South Australia leads the nation in planning reform. The State Planning and Development Review will deliver a new wave of reform to build on the important planning system changes already implemented by the government. It will focus on the planning system in its broadest sense, including South Australia's planning agency Planning SA, its culture and its relationship with local government. The review will be directed by a small, independent steering committee, reporting to the minister, and the committee will engage additional expertise as required during the review process.

The parliamentary secretary to the Premier, Michael O'Brien MP, will chair the steering committee. The committee membership includes Michael Hickinbotham, Fiona Roche and Grant Belchamber from the Economic Development Board, Tim Jackson and Stuart Moseley from local government, and planning law expert Jamie Botten. The steering committee will report progressively to the government during the course of the review to ensure early adoption and implementation of recommendations for reform. It is expected that the steering committee will complete its work by the end of this year.

The main objectives of the review and the resulting reforms will be:

- realise a range of targets and objectives in South Australia's Strategic Plan;
- establish South Australia as the most competitive place in Australasia in which to do business;
- improve the performance, timeliness, certainty and accountability of the planning system—in both state and local government areas; and
- review the role and responsibilities of Planning SA and local government—within the overall planning system.

The reforms likely to result from the review process will help the government to deliver a number of economic, social and environmental targets of the South Australian Strategic Plan.

The Economic Development Board has identified the need for planning reforms to help implement economic development in South Australia. While much of that reform has been achieved, this next stage will ensure that South Australia is a leader in an area critical to the state's competitiveness.

QUESTION TIME

NIGHTCLUB SECURITY

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 in relation to nightclub security.

Leave granted.

The Hon. D.W. RIDGWAY: On Wednesday 13 June, at about 4 o'clock in the afternoon, I had an appointment and met with the owners and operators of the Tonic Nightclub and Savvy Bar. We had an interesting discussion about a whole range of issues, including the lack of lighting in the Light Square precinct and the lack of a police presence, in that they do not see enough police on the beat in that particular area.

However, of particular interest to me was the very sophisticated video surveillance equipment on both premises (which cost many tens of thousands of dollars) which enables them to monitor activities that are taking place from a central control room in each premises. It is the latest technology and quite impressive. Owners and operators are able to log in from their own private home or a remote location to access the video footage at any time to see what is going on.

Some time ago, as a result of their concerns about the risk of increased violence in the area, they offered SAPOL the same secure access—I might add at no cost to the police force—but, unfortunately, SAPOL rejected the offer to access this sophisticated equipment, and again last weekend we saw another horrific assault in the Light Square precinct. My questions are:

1. Given the ongoing issues with security in Light Square, why has SAPOL rejected this offer?

2. How many other premises with similar video equipment have made a similar offer to SAPOL but also been rejected?

The Hon. P. HOLLOWAY (Minister for Police): In relation to the owners of the Tonic and Savvy nightclubs, there were also discussions with myself and the Minister for Consumer Affairs (who, of course, has responsibility for the Liquor Licensing Act) and the police and the Liquor Licensing Commissioner were present. It was a very useful discussion, I might say, in relation to a number of issues in terms of the operation of nightclubs.

However, I wish to make the point that, while police do everything they can, and will continue to do everything they can, including looking at changes to legislation to assist them in relation to dealing with matters in nightclubs, it is not the role of the police to be security agents for licensed premises. Licensed premises have the principal responsibility. We have 4 000 police, and I am not sure how many licensed premises we have, but it is not the job of the police to be sitting outside licensed premises all the time.

The principal function of the police is to ensure law and order—they are there to ensure that the law is enforced. If incidents occur at these places the police attend. Nightclubs and licensed venues are very profitable and it is the function of the owners to ensure, to the best of their ability, that the safety of their patrons is upheld. Where the police can contribute in assisting the owners of these establishments, they will do so. As I said, there were some very useful comments which the government is now considering and I hope we can make an announcement soon in relation to how we can assist.

I might also say that nightclub owners were very complimentary towards the officers of Operation Cornerstone, which has been working with the owners of licensed premises to deal with the infiltration of certain outlaw motorcycle gangs, but it is not good deployment of police to have them carrying out the functions of private security agents. Certainly, the police need to show a presence, where it is appropriate, and they need to assist. It is not their job to act as security agents, and I think that needs to be emphasised; we would simply not have enough police to do that.

I know that the issue of cameras was raised in the discussions we had with a senior police officer. Let me say that there is significant monitoring of security cameras, CCTVs, around the city area, and the police have an establishment there. I think that the shadow minister should have a look at that operation, and I would be happy for him to visit the police arrangements. Obviously, there are some capacity limitations in relation to how much footage of CCTV one can monitor in the city.

I have been to London, where they have a massive number of security cameras throughout the city, and a number of agencies, including the City of Westminster and other councils, are responsible for monitoring and reporting to police. It is my understanding that the City of Adelaide is also similarly involved. Whereas CCTV is a very important element in assisting police, it should not necessarily take over the role of policing. In other words, there should be a limit to the number of police who are assigned purely to monitoring the cameras. If there can be better deployment, if there is an outbreak of a particular crime in a particular area, then the police will respond.

Clearly, there are technical issues in relation to security cameras, and I believe that that may be a factor here. I will take that part of the question on notice and obtain the exact detail. However, there are issues in relation to technical capacity, storage and so on, as well as security and other reasons. Obviously, the number of CCTV camera locations available to police has been steadily increasing, and I am sure that it will increase over time. However, there are some technical issues, and I will get a further response in relation to some of those and bring back a reply for the honourable member.

The Hon. D.W. RIDGWAY: I have a supplementary question. How many CCTV cameras in Light Square are currently monitored by the police?

The Hon. P. HOLLOWAY: I think that the Hon. Terry Stephens asked a question about Hindley Street, and I provided some information in relation to that issue. There are lots of areas where one could justify putting CCTV cameras. If we had the resources, I suppose we would put them through the entire city and key parts of the suburbs. Inevitably, there have to be limits.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: We have CCTV cameras in Hindley Street, and we also have lots of police who patrol there. It reminds me of the fact that, about 12 months ago, the then shadow minister of police was saying that we should have a permanent increase in the police presence in Hindley Street; if we did, we would now have fewer police to go to other parts of the city. We have more police than ever before, but what happens is that crime actually moves. It shifts. If you have a heavy policing component in one area, criminals tend to move and not want to go where the police are; they go somewhere else. Crime moves on. As we pass laws and become more effective in addressing crime, so criminals shift their activity. That has been the history of crime. It has been around since Adam and Eve, and I guess that it always will be. What we have to do is keep up with it.

Today, we had a meeting with the Police Commissioner in relation to outlaw motorcycle gangs and organised crime. This is a classic case of where criminals are shifting and how this type of crime is becoming more sophisticated, national and, indeed, international, and so it is within the city and in relation to petty crime. With respect to clubs and nightclubs, this government has been effective, through policing activities, in removing these criminal elements, particularly bikie gangs in clubs. But they do not want to miss out on the profits. They will not suddenly say, 'We give up. It is too tough for us. We are going away.' They will keep trying other means. They will hire the best lawyers money can buy, because they have plenty of money to do that. They will try to get other associates to sell their drugs or peddle their other criminal wares wherever people congregate.

So, just as we got on top of issues in Hindley Street 12 months ago, just as the police moved in and cleared the area out, so the criminal element will shift. Remember the Heaven nightclub on West Terrace where there were bikies? We closed that down. But these people will not go away, because their criminal activities are highly profitable, and they want to get new clients to peddle their drugs and to be involved in their other criminal activities. So, we will continue to move resources.

I said in relation to this particular nightclub that we had some useful discussions with its principals and, as a result, we will look at a number of issues, and I am sure the police will take that into account. But, if we become effective in Light Square, I am sure these people will not go away but will look at shifting their criminal activities somewhere else, and we will have to move the police there. I can say that the government will support the police in whatever way is necessary to keep doing that, to keep chasing these people, until we drive them out of business.

VON EINEM, Mr B.S.

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Wade has the floor.

The Hon. S.G. WADE: —Minister for Correctional Services a question about prisoner placement.

Leave granted.

The Hon. S.G. WADE: On 9 December 2004, the then minister (Hon. T.G. Roberts) advised the council that prisoner von Einem had been held in high security since he began his sentence at Yatala some 20 years ago. Last week, von Einem was reportedly moved from Yatala's B division to Yatala's

top security G division following the laying of child pornography charges. My questions to the minister are:

1. Since the statement by minister Roberts, was prisoner von Einem moved to less secure parts of Yatala prison? In particular, how long was he held in B division?

2. Considering the Department of Correctional Services and police investigations of predatory sexual behaviour, why did the government wait for pornographic material to be found in von Einem's cell before moving him to high security G division?

3. Given concern by the mother of the prisoner who laid the allegations of sexual assault that he had been subjected to bullying and harassment by several prisoners as a result of direct investigation by the police, what steps have been taken to protect the prisoner in question?

The Hon. CARMEL ZOLLO (Minister for Correctional Services): For the information of honourable members, prisoner von Einem was held in high security B division, and I understand he has been there virtually since he was sentenced. G division is maximum security, where he is at the moment.

I think it is important that I place on the record in this chamber that all of the matters that have been raised in this chamber and in the media about Bevan Spencer von Einem have either been dealt with or are being dealt with by the department, the police or the courts. If honourable members remember, matters raised in regard to the sale of Christmas or birthday cards by von Einem and the entirely inappropriate prescription of Cialis to him have been dealt with administratively by the department in the following ways:

- First, von Einem was investigated, charged and fined for five separate counts of selling his art work to prisoners.
- Secondly, as has been publicly reported, he is now currently accommodated in the highest security, which is G division, under a changed regime.
- Thirdly, a direction was issued to staff by the chief executive that prevents staff entering into contracts with prisoners without the approval of the chief executive.

Of course, honourable members will recall that the health minister addressed the issue of prescribing viagara-style drugs within the prison system last year, so drugs such as Cialis will never be prescribed in our prisons again.

Of course, I have recently introduced supporting legislation to parliament that will prevent money to which a prisoner may not be entitled or where the identity of the sender is not known being placed in a prisoner's prison trust account. It will prevent prisoners from entering into contracts with correctional staff or other designated people who frequent prisons, and it will stop prisoners from removing goods from prison that they may have made whilst in prison to be sold in the community. As we know, legislation currently before this chamber will also prevent prisoners from being supplied with prescription drugs that are not approved by the chief executive.

In regard to the charges of rape in which von Einem is alleged to have been involved, I am advised that these have not proceeded due to the lack of sufficient evidence. The most recent allegations that von Einem has been charged with—possession of pornography—are currently before the courts, and I am unable to comment further on the details of those matters.

I think I need to reassure this chamber that, when evidence first came to light in 2005 suggesting the commission of a criminal offence, the department immediately advised SAPOL, as it did in 2004 over separate allegations and as it has done consistently with any allegations of a criminal nature. It is also worth reminding members that the department at that time took every reasonable step to investigate allegations at the departmental level where criminality was not suggested but where inappropriate behaviour or breaches of regulations and procedures were. As I have said before, both in this council and publicly, neither I nor the Chief Executive of the Department for Correctional Services is satisfied with what has occurred, and every effort has been made to ensure that these events do not recur. I would also remind members, as I think I have done on several occasions, that the new level of intelligence gathering and investigation marks a new era of cooperation between DCS and SAPOL with the new integrated Police Corrections Section. Certainly, the Hon. Paul Holloway and I advised the council late last year of this initiative.

I should also place on record that, in relation to staff rotation, the department is now in the final stages of developing procedures in conjunction with staff and the Public Service Association that will result in the rotation of custodial staff. It is anticipated that the implementation of the new arrangements will commence within the next fortnight. I guess this should overcome the familiarity that can develop from time to time between prisoners and staff. I think I have demonstrated since becoming the Minister for Correctional Services that whenever any allegations of criminal behaviour are brought to my attention they have been investigated immediately, and the Department for Correctional Services rightly refers anything to do with allegations of criminality to SAPOL.

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Correctional Services another question on the subject of prisoner von Einem.

Leave granted.

The Hon. R.D. LAWSON: On 8 September 2004 I asked the minister's predecessor questions which had arisen from a letter received from a prisoner at Yatala concerning prisoner von Einem. The prisoner raised a number of issues, all of which I might say were subsequently proven to be correct. Amongst them was the claim that a young prisoner—whose name was given—had reported that he had been raped by von Einem and had complained that charges had never been laid against von Einem despite constant demand for them. At that time the then minister dismissed all of these allegations and said they were baseless, but subsequently they were all proven to be correct.

Last month it was reported that the Director of Public Prosecutions decided that there was insufficient evidence to ensure a successful rape conviction against von Einem, and it was also reported that the family of the victim was examining the possibility of a claim against the department for failing to ensure his safety at Yatala. I do not expect the minister to have the dates in her head, but I seek an early response. My questions to the minister are:

1. When did the department first become aware of the allegations of rape which were reported to this parliament on 8 December 2004 and on what date were the police brought in to investigate those allegations?

2. In relation to the subsequent allegations of rape by von Einem in 2005, when did those allegations first come to the notice of the department and on what date were the police brought in to investigate those allegations?

3. Finally, has the minister received any advice to the effect that a prisoner who is a victim of an assault by von Einem might have a civil claim against the Department for Correctional Services for breach of its duty of care and that that duty exists, irrespective of whether or not any conviction for rape has occurred?

The Hon. CARMEL ZOLLO (Minister for Correctional Services): In relation to receiving a claim for breach of duty of care, I advise that at this time I have certainly not received any such claim. In relation to the rape allegations, I have on previous occasions in responding to questions placed all the information I have had before me on the record. I certainly do not have dates in my head presently but will bring them back to the chamber.

It is important for the Hon. Mr Lawson to remember that the police have investigated the alleged rape thoroughly and a decision has been made not to prosecute due to insufficient evidence. This is not something in which the department can be or should be involved; such matters are handled by SAPOL and the Office of the DPP and we have no influence in any shape or form. As I said previously, I have placed on the record all the information I have on the floor of this chamber. If I need to bring back any other dates, I will certainly do so. The police have advised that no further action is being taken in relation to the alleged rape at this time.

Members interjecting:

The PRESIDENT: Order!

STATE EMERGENCY SERVICE

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the deployment of State Emergency Service volunteers to assist their counterparts in other states.

Leave granted.

The Hon. B.V. FINNIGAN: South Australia's emergency service agencies have a proud history of assisting other states in times of need. I note that a contingent of State Emergency Service volunteers departed Adelaide yesterday to assist in New South Wales. Will the minister provide further details about this deployment?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): Over the weekend the New South Wales—

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

The PRESIDENT: Order! The minister has some very important news about our wonderful volunteers.

The Hon. CARMEL ZOLLO: I certainly do. Over the weekend the New South Wales SES requested assistance from South Australia in its recovery efforts after the devastating storm, thought to be the worst in New South Wales in 30 years. Providing support to our interstate counterparts is very much part of the SES ethic. In an amazing testimony to the commitment of our local volunteers, once the call went out that our interstate colleagues required assistance, the places were quickly filled. Not only did we have 60 people willing to leave their families and the comfort of their homes but there was a waiting list of those able to stand in at short notice if required. Volunteers from all corners of the state responded, including the South-East, the West Coast and the Riverland.

Yesterday, 60 South Australian SES volunteers departed to help with the recovery effort in New South Wales. Today, New South Wales has requested additional support in the form of a second task force of up to a further 60 personnel. Work on putting together this task force is occurring today and tomorrow, with a likely departure for New South Wales later this week. This is a very significant call for assistance from New South Wales. Whilst it is hoped that the second task force can be filled by SES volunteers, CFS and MFS assistance is available should it be required.

Our volunteers in task force 1 are expected to spend three days working in the field doing the work they do so well here in responding to storm and flooding damage. They are working in the Lake Macquarie area near Newcastle, which has been particularly ravaged. Their assistance will be invaluable in helping this region get back on its feet. South Australia's SES volunteers are among the most highly skilled and practised in the country. Task force 2 will continue the good work started by their colleagues. I thank all those who responded and who are doing so now as we sit in parliament to the call for volunteers for task force 2.

My thanks also go to our paid staff involved in the organisation of the deployment and, of course, especially the volunteers themselves and their families and employers, many of whom, I understand, have been extremely flexible in the circumstances. I make special mention of the employers of the volunteers. Without the support of employers, and many small business people, our volunteer emergency service agencies would not be able to respond so rapidly to these emergency incidents. These volunteers are representing the hundreds of dedicated SES volunteers in our state.

We are proud to have well-trained and highly-skilled volunteers willing to come to the aid of the community any time, anywhere. Commander John Thorne (who previously led a task force to Sydney to help out with major hailstorms several years ago), Task Force Commander Derren Halleday and South Australia/New South Wales Liaison Officer Colin Goodrich are playing key roles in the initial deployment and deserve special mention. Key roles in the second task force are currently being determined. I am certain that I am joined by all members in the chamber in wishing them all a safe deployment.

ENVIRONMENT PROTECTION AUTHORITY

The Hon. M. PARNELL: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about the EPA solid waste levy.

Leave granted.

The Hon. M. PARNELL: The increase in the EPA solid waste levy, which will take effect on 1 July, is being heralded by the government as a further step towards protecting the environment. On 25 May on ABC Radio 891, in reply to a question by David Bevan about whether all of the levy increase of $10 million would be used to manage waste or some of it would go into general revenue, the minister replied:

> $5 million of that will go to Zero Waste and $5 million will go to the EPA, so I can absolutely assure listeners that the full amount will be going into waste, if you like. None of that waste levy collected will go into general revenue.

One would assume that this would result in an increase of $5 million to the operating budgets for each of those agencies. However, this is not the case. At the same time as $5 million extra is coming into the EPA budget, state general allocations to the EPA will drop by $5 million. This comes at a time when the EPA is incredibly stretched with demands increasing, yet its operating budget has not increased. The justification for an increase in the solid waste levy is that the price signal will drive a reduction in waste to landfill.

I think that is certainly correct for businesses that closely monitor fees, and they adjust their behaviour to cost increases. However, the increase in the solid waste levy will also affect local councils. Local councils can respond in one of two ways: they can either pass on the levy to their ratepayers as an increase in rates, and that is unlikely to drive behaviour change amongst South Australian residents; or they can try to absorb the levy by cutting other services, which will also not decrease any of the waste going into landfill. The key to this issue seems to be that we should be assisting councils to make the leap from landfill waste to zero waste, but this takes expertise and money to change systems and behaviour. Councils need support, and the EPA as part of its role in regulating landfill sites is ideally placed to assist them to meet waste minimisation objectives. My questions are:

1. Why is there no increase in the operating budget of the EPA, despite your claims that none of the waste levy will go into general revenue?

2. What extra support will be given to local councils by the EPA to assist them to move away from landfill and towards meeting the government's zero waste goals?

3. Will any extra support be funded by the increase in the waste levy and, if not, why not?

4. Do you still stand by your comments on ABC radio that the full amount of the waste levy will be going into waste services and that none will be going into general revenue?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his important questions. I have spoken at length on this issue in this chamber before and outlined the solid waste levy proposal, and I am happy to go through it all again.

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: Don't worry, there is plenty of time. I will answer all the questions, every single one of them. Given that I have answered these questions before, and clearly members opposite have not listened to the answers, it is important that I provide a full explanation. We have doubled the waste levy, as I have reported in this place before, to generate an extra $10 million in revenue, and that was done as a policy driver. As part of our Strategic Plan target, we have set a target to reduce landfill by 25 per cent, and the doubling of the levy was about assisting to provide a driver to help us achieve that, both in terms of providing a disincentive to place waste into landfill—currently it is quite cheap to do so, compared to recycling options—as well as $3 million from the $5 million that will go into grants to be made available to both local councils and industry to provide initiatives and incentives for them to develop new recycling programs. So, those funds will be, in effect, helping to provide new initiatives to focus on recycling. I have reported on that in this place before and have been quite clear about it.

In relation to the waste levy money, I have been very clear in this place and on radio and other public forums that, of the $10 million from the waste levy that will be going to the EPA, the EPA basically keeps $5 million of it and $5 million of it is passed on to Zero Waste. I have said that all of that waste levy money will be spent on waste, both in terms of the EPA and the management of its programs, etc., and in terms of Zero Waste, the administration of that program, and also the grants programs that it provides, to provide initiatives for local councils and others to enhance recycling. In terms of appropriation, the appropriation will be adjusted accordingly in terms of general revenue.

Members interjecting:

The Hon. G.E. GAGO: There is nothing to hide. It is all in the budget documents. There is nothing hidden. It is all in black and white in the budget documents, and so it should be. I believe that we are moving to a polluter pays system. Why should not those people who pollute contribute finances towards the waste levy? That is good policy. Why should we be diverting the taxpayers' hard-earned money, and diverting general revenue, into addressing pollution? I think that is incredibly bad policy. What we have done is move towards a polluter pays principle, and I think that is good policy.

General revenue (that is, the hard-earned taxes of the general population) should be spent on our really important health services. That is, again, really good policy. General revenue should be put into developing new services in terms of addressing our mental health reform agenda. I have spoken at length in this place before about the huge deficits that have been left, and the shambles that our mental health system has been left in. That is a good use of general revenue. That is where general revenue should be going.

In terms of polluter pays, those people who are polluting should be paying for programs to address waste management, recycling and other initiatives. That is good policy, and we make no apology for it; it is very clear and transparent. I have spoken about it publicly before. It is clear in terms of being black and white in our budget documents. It makes good policy sense.

POLICE, BRITISH RECRUITS

The Hon. T.J. STEPHENS: My question is to the Minister for Police. How many British police recruits have resigned from the first year's intake, and how many are still in service with SAPOL from that first year's intake?

The Hon. P. HOLLOWAY (Minister for Police): There has been a higher level of attrition from the first intake of police from the United Kingdom than from later groups of police officers recruited from the UK. The UK recruiting program has been a great success. Overall, 247 recruit UK policemen have joined SAPOL since March 2005. The arrival of the UK recruits has helped the government achieve record numbers of police on the beat in South Australia. It would have been very difficult for us to do that otherwise. This is against the background of the Australian Defence Force recruiting very aggressively, as are the Australian Federal Police and, indeed, a number of other agencies that target similar people who might seek to become policemen. It is a very competitive market at the moment.

We would have been very hard-pressed without those UK recruits. In fact, our UK recruiting program has been so successful that Western Australia has followed our lead in recruiting officers from the UK, and I believe there are other jurisdictions, such as Canada and New Zealand, which have also been recruiting from the United Kingdom. To date, SAPOL has had six intakes of officers from the UK, recruiting a total of 247 officers, of whom 31 have separated from SAPOL. Of the 31 who have separated, 25 were officers recruited from the first intake back in March 2005.

If one discounts that first March 2005 intake (where there were exceptional circumstances, from which we have learnt), the attrition rate of just over 2½ per cent (six members out of 164 for the remaining UK courses) compares extremely favourably with that of the average attrition rate for members recruited locally since 2002-03 who have left within two years of commencing at the police academy. There was a high level but, discounting the first course, there have been

only six other resignations, which certainly shows how committed and valuable our UK officers are to a future in South Australia. To show how effective this is, our latest recruiting campaign in the United Kingdom attracted 300 applicants.

Of course, the government's desire would be to have 100 per cent local recruitment. We would prefer to give the opportunities to young South Australians who were suitable. However, our very ambitious police recruiting program must be understood in the context of the current low unemployment rate (the lowest it has been for many years), a competitive labour market and recruitment into the defence force, the AFP and other areas. Indeed, some of our police who have separated have transferred to various AFP services—and it is just as well they do. Perhaps the Hon. Robert Lawson should read what the Police Association has said in relation to what it believes should happen with the AFP—that it should recruit extra people to take the load off state police forces.

The recruiting task that SAPOL faces is very significant. We have to recruit at least an extra 1 000 officers over this term of government to cover natural attrition and to meet the commitment of a net increase of an extra 400 officers. It is inevitable that, when we recruit officers, some will find that the police force is not what they thought it was, and there will be some attrition. However, if one discounts the first course and remembers that SAPOL has learned from it, and that targeting in subsequent courses has responded to those lessons, attrition has been lower than one would expect from local recruits in the same period, so I do not accept the criticism that it has been unsuccessful.

I conclude my answer with some comments made on 3 May 2007 by the opposition leader (Mr Hamilton-Smith). While being interviewed by Ali Rodda, he said:

> There's full employment, lots of people have got well paid work—it must be extremely hard at the moment for the Police Commissioner to find the right calibre and quality of recruits for the Police Force. . . Our police are well qualified. They have to be mature, well balanced, sensible and well adjusted people. You can't just have anybody sign up into the police. It must be a real challenge for the Commissioner. That's why we're looking elsewhere.
>
> I'm sure the Commissioner is doing everything he can to get the right number of people but, clearly, there is still a need to go to the UK and elsewhere.

I believe that the Leader of the Opposition in the other place, on this matter at least, has got it right.

The Hon. T.J. STEPHENS: Given that there is such a high attrition rate, is this not an indication that you do not have your transfer of tenure levels correct, given seniority and so on?

The Hon. P. HOLLOWAY: I do not think that the Hon. Terry Stephens listened to the answer. There was a high level of attrition in the first course. The police have learned, and they have targeted people as a result of what they learned from that first course. There are issues in relation to matters such as tenure. I understand from officers of the South Australian police force that the level of training here, the qualifications (the level of examination and so on) and the level of understanding required of officers is significantly higher here than is the case elsewhere. We have a very high level of training within our police force, and the levels in the UK are not immediately transferable to the levels in this state.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: IT is one of them. The British police force do things a bit differently. Because of our suburbs, and the large distances involved, we have IT in our vehicles. It is a very important part of our system, and I believe that it is at a higher level than that in the UK. As I said, if one discounts the first course, the fact is that we have learned, and that is why the attrition rate is less. However, as he always does, the Commissioner will continue to look at better ways. Discussions do take place with the Police Association and others in relation to acknowledging prior service, but this is a complex area and, obviously, if one has to take that into consideration it is something that needs to be negotiated with the Police Association in relation to just how much one can do.

It is my understanding that prior service and qualifications are not immediately transferable, because my advice is that the level of qualification for appointment to officer level (whether that be inspector or superintendent, and so on) is higher than in many of the forces in the UK, and I believe there are 43 separate police forces in the UK. So, it is not just a simple matter of transferring that here. Clearly, that is one of the issues the police will address, and the fact that they have addressed it is reflected in the better statistics since that first course.

The Hon. R.D. LAWSON: I have a supplementary question. Will the minister advise what proportion of the first intake of police recruits from the UK who did not continue in the South Australian police force transferred to other Australian police forces?

The Hon. P. HOLLOWAY: I do not know whether we can possibly get that information. It may well be the case that after two years they decide they prefer the sun in Queensland or somewhere else. But I do not know how it would be possible to get that information because, once those officers separate from SAPOL, I do not believe we would keep that information. Obviously, we do not track where they go afterwards. If there is any information, I will get it, but, as I say, once someone resigns from an organisation—

The Hon. R.D. Lawson interjecting:

The Hon. P. HOLLOWAY: Well, as I said, the police have been effective in doing that, and that is why the retention rates for subsequent courses have improved, because of the work the police have done to reflect that. But, in terms of separations, those statistics are not readily kept because, once people resign, there is no means of getting that information.

I was at a graduation ceremony the other day with the shadow police minister and, as well as some UK recruits, there was an officer from New South Wales who joined here. So there are transfers as police officers move around the country, and that is a good thing. There are many South Australian police officers who have served in the Northern Territory. Our Commissioner is a former Victorian police officer—a very good police officer—and the Commissioner of the Northern Territory was a very good police officer here in South Australia. There are transfers of police and that is generally a good thing, but they are two ways, not one way.

PLACES FOR PEOPLE AND OPEN SPACE FUNDING SCHEMES

The Hon. J. GAZZOLA: My question is to the Minister for Urban Development and Planning. Can the minister provide details about the latest round of grants under the state government's successful Places for People and Open Space funding schemes?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): I thank the honourable member for his question. The government has announced a number of new grants in relation to the people concerned.

The Hon. J.M.A. Lensink: Come on, can't you ad lib it?

The Hon. P. HOLLOWAY: I can. What I can say is that there is more than $3 million in grants.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: There is $3.7 million in grants and a number of programs. These grants are the latest round of grants under the Places for People and Open Space funding initiatives. Funding is being shared between 18 local government projects in metropolitan Adelaide and regional South Australia, and all these projects are set to deliver important benefits for their respective communities. Eleven projects are receiving a total of $2.29 million from the Open Space funding scheme which, as the name suggests, is aimed at providing financial assistance to local government throughout the state for the purchase, development or planning of significant open space.

Seven projects will receive a total of $1.418 million from the government's Places for People initiative, which is an urban design program available to all South Australian councils (except the Adelaide City Council) for public space improvement strategies and projects. Places for People, in particular, has been proven to be a very successful scheme, with more than 130 council projects receiving a total of about $7 million in funding since the scheme was created in 2002.

All of the 18 projects in this round of grants are worthy of government support, as they will all deliver important social, cultural and economic benefits to their communities. The following grants have been made under the Open Space funding scheme:

- $522 000 to the City of Charles Sturt for the construction of a new link between the Torrens Linear Park and the Adelaide Shores caravan park at West Beach. Once this project is completed the result will be a continuous off-road corridor from the start of the Torrens Linear Park at Athelstone all the way through to Glenelg, so it is the final link for that corridor;
- $300 400 to the City of Port Lincoln for a major redevelopment of the Port Lincoln foreshore. Anyone who has been to Port Lincoln recently will have noticed the new hotel that is being constructed. Already the foreshore has been upgraded in recent years, thanks to a grant from the Planning and Development Fund. This will enable that development there, which has greatly enhanced the foreshore at Port Lincoln, to be extended around in front of the area where that new hotel has been constructed;
- $300 000 to the City of Adelaide for the next stage of the council's 'Parklands Trail' project, which is extending the trail in the West Parklands; and
- $250 000 to the City of Marion for the preparation of design plans and the start of works on a new pathway adjacent to the Morphettville Racecourse, linking Morphett Road with Park Terrace. This is part of the government's 'Tramway Park' initiative. It is again very important because, if you wish to ride a bike or walk between Adelaide and Glenelg at the moment, you cannot get through near the Morphettville Racecourse. This corridor will provide a link for anyone who wishes to ride a bike from Glenelg through to the city.

Members interjecting:

The Hon. P. HOLLOWAY: This will be by the racecourse, so it is one of those gaps that has been able to be filled. It is one of the first parts of the Tramway Park, and it is a very good one. The following further grants have been made:

- $250 000 to the City of Adelaide for the major redevelopment of the north-eastern part of Hindmarsh Square, where there will be a park for children;
- $180 000 to the City of Onkaparinga to purchase priority land along the Sturt River at Coromandel Valley to advance the council's Sturt River Linear Park strategy;
- $179 000 to the City of Marion for the redevelopment of Harbrow Grove Reserve at Seacombe Gardens, including a focus on the retention and reuse of stormwater;
- $175 000 to the City of Port Adelaide Enfield for the redevelopment of Regency Park Reserve;
- $80 000 to the City of Adelaide for the construction of a shared use pathway along the railway corridor next to the Showgrounds at Keswick, connecting the Forestville Reserve with the South Parklands. Again, this is an area where along the transport corridor people will be able to move and it will be a very useful and welcome link in that area;
- $78 975 to the District Council of Tumby Bay for the redevelopment of the Tumby Bay foreshore; and
- $5 000 to the District Council of Clare and Gilbert Valleys for the construction of a new shelter along Clare's very popular Riesling Trail.

Grants made under the Places for People scheme include:

- $550 000 to the Light Regional Council for a major redevelopment of Hanson Street at Freeling, including the undergrounding of power lines, pedestrian safety measures and the installation of new street furniture and lighting;
- $300 000 to the District Council of Clare and Gilbert Valleys for the next stage of the Clare town centre redevelopment;
- $200 000 to the Wakefield Regional Council for the implementation of recommendations made under the Port Wakefield master plan, including a new entrance at the southern end of the town and new signage throughout the town aimed at reducing clutter;
- $170 000 to the District Council of Yorke Peninsula for the revitalisation of under-used land at Maitland for the creation of a new community and cultural centre, part of the council's 'Heart of Maitland' project;
- $138 000 to the City of Salisbury for the construction of performance and shelter structures in the Salisbury Civic Square;
- $40 000 to the City of Port Augusta to prepare an urban design framework for Port Augusta's central civic precinct, including the long-term protection and sustainable use of heritage places within the precinct. The $40 000 government funding is made up of $25 000 from the Places for People scheme and $15 000 from the Department for Environment and Heritage; and
- $20 000 to the District Council of Cleve for the preparation of an urban design framework for the council's Arno Bay township project.

In almost all cases these government grants are provided to the relevant councils on a dollar-for-dollar basis. So, this government is committed to providing more open space and better civic spaces for South Australian communities and, as one can see from these projects, they go right around the state, and this latest round of grants is proof of this commit-

ment. Through the grants system, the government aims to revitalise public spaces that play such an important role in the life of respective communities and to foster a strategic urban design culture within the state's councils.

NEEDLE EXCHANGE PROGRAM

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 about the SAVIVE needle exchange program.

Leave granted.

The Hon. D.G.E. HOOD: I understand that the state government funds the AIDS Council of South Australia, and its SAVIVE needle exchange program is part of funding to the Drug and Alcohol Services Council. Yesterday, Family First witnessed a 16-year old girl go into the Norwood SAVIVE service, which sold this child a body piercing needle for $3. This event was photographed by a journalist.

Family First has received reports from two sources that children are obtaining needles and have been piercing each other at school during the lunch break, particularly at the Seaford 6 to 12 school and at the Noarlunga Downs Primary School. A recent survey has indicated that more than 1 000 people have been treated in the past year for body piercing-related infections in the southern suburbs alone, often as a result of inexperienced or unhygienic piercing, which is quite a concern. My questions to the minister are:

1. Given that legal and more hygienic alternatives exist to self-perform piercing, what possible harm minimisation argument is there for SAVIVE's sale of body piercing needles?

2. Are these needles sold by SAVIVE used by backyard or inexperienced operators, and could they be contributing to our very high rates of cross infection?

3. Finally, is the SAVIVE service currently operating within government guidelines or is it simply out of control?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for his important questions. The AIDS Council of South Australia conducts a range of programs that aim to improve the health and well-being of key client groups, particularly in relation to the prevention of HIV transmission, and funding for those services comes from a range of different sources, including commonwealth and state funding. The state government funds are provided by Drug and Alcohol Services, and there is some commonwealth funding as well.

In relation to illicit drug diversion initiatives supporting measures relating to needle and syringe programs, two key programs funded by the council include the South Australian Voice for Intravenous Education (SAVIVE) and the Sex Industry Network (SIN) outreach service. In relation to SAVIVE, my advice is that this is a primary clean needle site located at the AIDS Council head office in Norwood. This primary clean needle program is significant in this state in relation to ensuring that sterile injection equipment is distributed.

The program also provides injecting drug users with referrals for drug treatment and other health and welfare services, as well as education and information on blood-borne virus prevention and a range of support and other advocacy services, which I have been advised have been funded by the state government. SAVIVE also administers the placement of five peer educators at a number of the high volume clean needle program sites located within community centres across metropolitan Adelaide, and the work is funded by the Australian government. Peer education has been demonstrated to be a successful method of engaging drug users to change risk-type behaviours.

I have been informed that the total funding to the AIDS Council of South Australia for the 2006-07 financial year was just under $500 000—about $474 000—comprising federal funding of just over $200 000 and state funding of $264 363.

I am not aware that any of the programs funded by DASSA involve the selling of body-piercing needles. Certainly, I am not aware that that is part of any of the Drug and Alcohol Services programs it provides. I have been advised only in relation to the clean-needle program and the other programs I have outlined. I am not disputing what the honourable member has said. However, I need to seek further advice and information in relation to that and bring back a response.

REPLIES TO QUESTIONS

STAMP DUTY

In reply to **Hon. D.G.E. HOOD** (27 March).

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

In South Australia first homebuyers are eligible for a full exemption from conveyance duty on first homes valued up to $80 000. A partial conveyance duty concession is available on first home purchases valued up to $250 000.

1. The Valuer-General's office has advised that there are 12 537 residential properties in South Australia with a capital value under $80 000. Note that purchases of vacant land on which first home-buyers intend to build their principal place of residence are also eligible for the First Homebuyer stamp duty concession.

2. There are no statistics held on the number of families who cannot afford to buy a first house – whether due to insufficient income to meet loan repayments, inability to save a deposit, or the cost of stamp duty.

3. With regard to increasing the stamp duty exemption threshold, stamp duty relief has to be considered in the context of other competing pressures on the State Budget.

Although the threshold for a full exemption from stamp duty has remained at $80 000, the first home concession was expanded in the 2004-05 Budget to provide partial stamp duty concessions to first homes valued up to $250 000. Previously, the concession ceased at property values of $130 000. Any further expansion of the concession scheme would need to be looked at in the context of the many competing priorities on the State Budget including essential services such as health, education and police.

4. As stated above, stamp duty relief for first homebuyers is one of many pressures on the State Budget and has to be considered in that context.

PETROLEUM INDUSTRY

In reply to **Hon. D.W. RIDGWAY** (2 May).

The Hon. P. HOLLOWAY: Registration fees for the APPEA conference ranged from nil (as part of the package for an exhibition booth) to between $1 276 and $1386 per person for early bird and standard registration. A total of 15 PIRSA Minerals and Energy Division executives, geoscientists, engineers and tenement administrators attended the conference.

Based on the extrapolation of national statistics provided by Tourism SA, the conference added more than $4 million to the SA economy.

NATURAL RESOURCES MANAGEMENT (WATER RESOURCES AND OTHER MATTERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 May. Page 129.)

The Hon. J.M.A. LENSINK: I rise to indicate opposition support for this bill. I express my appreciation to the minister's office and her department for the briefings provided to us, sometimes at short notice. The staff have been very cooperative. As I understand it, this bill broadly brings the South Australian regime of water licences into line with interstate regimes so that, where obliged, we can commence trading under the National Water Initiative. Currently, our legislation is not compatible with interstate trading, so this bill makes those provisions consistent.

Because they are already outlined in the minister's second reading explanation, I will not go through all the details in relation to water access entitlement, water allocation, water resource works approval, site use approval and delivery capacity entitlement. However, I understand that, for certain reasons, some of those measures are tradeable and some are not. The bill will also establish a new water registry system. The current system, known as WILMA, will be transferred into a new water registry system. This bill is consistent with changes we have made to the natural resource management system we brought into this state in that it will work closely with water allocation plans.

My understanding also is that the current systems will change as each of those new water allocation plans for each region are made legitimate by the minister's signing off. I put this as a question on notice to the minister just because I think it should be on the *Hansard* record, but one assurance is that licence fees will not be affected by this bill, that is, a licence holder whose licence is converted to the new system will not be liable for any additional costs as a result of the implementation of this bill.

I would like the minister to clarify this, but I have also been advised that the transfer process is likely to be simplified, and that concern has been expressed by a number of members of the Liberal Party parliamentary team. One is often suspicious that measures are designed to increase levies and to increase the red tape for people who are going about their daily business, and they deserve not to have any additional impediments imposed upon them.

I consulted with a large number of organisations, including: the South Australian Farmers Federation, a number of the irrigation groups, specific industry groups, and an organisation by the name of Water Find, which is involved in water trading in this state. Not many concerns were raised, but I will just outline some. The South Australian Farmers Federation stated that it welcomes and supports this particular bill but it has a concern in relation to the length of time—this is, indeed, consistent with what other stakeholders have told me—that it takes for applications for transfers or new applications to be processed.

It has been put to me that, in terms of South Australia, Victoria and New South Wales, South Australia has the worst waiting times for approvals of transfers and new applications for water licences. I would also like to ask the minister what the average length of time is for simple applications, as opposed to more complex applications, and what categories the simple types will include and what types will fall within more complex applications that generally deserve more time.

There is significant concern, not just with SAFF but with other organisations, that the department is not adequately resourced to ensure that these applications are processed in a timely way, and it is to the disadvantage of the system within the state. This may well be just an anecdotal example, but someone whom I spoke to very recently said that what takes three working days in New South Wales can take up to four weeks in South Australia. I think that is a significant concern and we would like to know, at least in the short term, how many officers are currently allocated to those tasks and whether any additional officers will be allocated.

Another concern is how the changes to the system will be rolled out to the community, licence holders, interest groups and so forth. This legislation is quite technical and complex and I must confess that, while I have no legal training, I do often like to think that I can get my head around these things, but this is quite a complicated change, and for laypeople who are not used to reading legislation or briefing papers and so forth it would be doubly so. So, I would like to know from the government what sort of information they intend rolling out to ensure that people understand the new rules.

Other stakeholders have expressed to me a few different issues that they would like to have addressed. One is a right of appeal for various water decisions; that there should be an appeal process. I foreshadow that I have drafted amendments—and they have been filed—for registered security holders. Another area in which concerns have been expressed to me involves issues in relation to governance and the transparency of the approval process. It has been suggested to me that there should be a public register of trades and their value. These may well be things that the government is working towards considering further down the track as well as envisaging what sort of progress there will be in relation to the direct licensing of water entitlements.

I think that particular issue cannot necessarily be addressed in this bill. I understand that this is bill is to bring about a substitution of different components of water licensing, so we cannot take on too many issues, particularly given the timing of this bill and the need for it to be passed by 1 July. I have put those questions on the record and I foreshadow that I have some amendments to the bill. SAFF takes the view that seven days in relation to notifications by the minister of reductions in water allocations is not sufficient. It seeks an amendment to 14 days and I have filed an amendment to that effect. With those comments and questions, I indicate that the Liberal Party broadly supports this bill and commends it to the council.

The Hon. R.P. WORTLEY: I rise to support this bill. This bill will help ensure that adequate measurement, monitoring and reporting systems are in place on both national and state levels to support public and investor confidence in the amount of water being traded between jurisdictions. This will be achieved through the establishment of a two-stage process for the separation of water rights. The first stage makes only minor amendments to the legislation to assist the state's participation in interstate water entitlements trading by 1 July 2007. The second stage is the establishment of a separate water rights regime.

South Australia has long been at the forefront of water management in Australia. In 1983 we led the nation when permanent water trading was first introduced in this state. This was the first time in Australia that water access entitlements were separated from land title. The bill before us today demonstrates that we will continue to have strong water

management leadership. The successful passage of this bill will create a new entitlements system which will separate water rights into five main components: a water access entitlement endorsed on a water licence; a water allocation; a water resource works approval; a site use approval; and a delivery capacity entitlement.

To enable the continuing national productivity and efficiency of Australia's water use and the health of the river and groundwater system, a national reform was agreed upon in 1994. It was recognised by the then Council of Australian Governments Water Reform that better management of Australia's vital resources is a national issue. This ultimately led to the development of the Intergovernmental Agreement on National Water initiative which has built on the previous Council of Australian Governments Framework for Water Reform.

The National Water Initiative Agreement was signed by all governments on 25 June 2004, with the exception of Tasmania (which later signed the agreement on 3 June 2005) and Western Australia (which signed on 6 April 2006). The National Water Initiative Agreement has proven important in maintaining the pace of water reform in Australia and, with the proposed amendments in this bill, we, as a state, and the nation will continue to benefit from these reforms. Greater clarity will be provided to buyers, interested parties and sellers by creating a compatible market as a result of separating the different elements of water licences.

A key component of this bill is the introduction of interstate water trade across the southern Murray-Darling system. The legislation will allow for the use of water purchased from interstate without owning a licence in the state of destination. Although this is already allowed in New South Wales and Victoria, South Australia's current legislation does not permit this to occur. At present, a person must hold a South Australian water licence to take and use water in the state.

An open and effective water trading market is critical to achieving a sustainable balance in water resource management, both for the consumer and the environment. These amendments and others, such as water access entitlements, water resources work approvals, delivery capacity entitlements, and a water registry system, will create the provision to allow the taking of water in South Australia through an approval issued by the minister without the need to hold a water licence. It will also create a greater certainty of the legal framework that will apply to the water allocation plan. It is important that we address water management issues today which may impact on water users and communities in the future.

The Hon. R.D. LAWSON: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

The Hon. CAROLINE SCHAEFER: My colleague the Hon. Michelle Lensink has outlined the position of the opposition on this bill. I thank her for consulting widely with key interest groups, many of whom, I am disappointed to note, have not responded or have done so only very briefly. As has been outlined, the bill endeavours to have conforming legislation in regard to the licensing of water across the nation but particularly within those states affected by the Murray-Darling Basin, namely, South Australia, New South Wales and Victoria. I recognise that there is some urgency in passing this legislation so that the national water strategy can proceed.

My reason for speaking is that, as an irrigator, there are a number of questions I would like the minister to deal with before we proceed into committee. It always disappoints me if the relevant minister does not respond to such questions at that time, because I have no real idea as to whether or not I will support the bill. As I say, my questions are quite specific to irrigation. It appears to me that the bill converts a water holder's licence, or existing water rights, if you like, from a one-licence system into five separate conditions.

One of the questions I have is: how is this then going to simplify their right to take or use water? I will give an example. If someone has a water licence which may allow them to take some megalitres of River Murray water, some megalitres from their dam and some megalitres from ground water, such as a bore, the way I read this is that their water allocation will be subject to not one but three different licences.

One of the other queries is that it says that none of these licences now will last for more than 12 months. First, do the five different licences mean that if you were affected as an irrigator, as in the example I have just given, you have three separate fees to pay—three separate lots of licences to apply for—on an annual basis? The way it reads to me, that is probably the case.

These licences then do not exist for more than 12 months at a time. I wish the minister, or one of her assistants, was listening because I want an answer to these questions. These licences do not last for more than 12 months, and that is currently the case. It is a very different system but, currently, River Murray irrigators are told what percentage of their allocation they will be able to use on an annual basis. However, someone who has a licence to use their bore, for instance, has a licence to either irrigate a certain number of hectares or use a certain volume of water. This bill converts to volumetric—that is, one will have access to a certain amount of water rather than an area-based allocation. But, never before, as I understand it, has someone who has a bore allocation been subject to it changing on an annual basis or having to reapply on an annual basis.

My next question is with regard to there now being no differentiation between a holding licence and a taking licence. My understanding of holding and taking licences is particularly relevant to the South-East, where there are large areas of land where people originally received their allocations on an area basis. Many of them are, in fact, dry land farmers and graziers who have no wish to irrigate but they do not wish to surrender their licence because at some time in the future they may want to irrigate or they may want to sell their property and the next person may want to irrigate. So, it was agreed some time ago that those people could pay a holding licence so they were contributing to the upkeep and sustainability of water resources in their region, but they were not paying as much as someone who was taking from that ground water and using it for irrigation. So, if there is no difference now between a holding and a taking licence, will the fee for each be the same? If there is no difference, I suggest that water would be very tradeable and very much sought after, and there will be no incentive for those people to save or keep that water.

A further issue that I would like to deal with is the third condition, which is a water resource works approval. This is a location-specific right attached to a land site and cannot be traded. The approval provides the holder with the right to construct works for the purpose of taking water—for example, a pump or a dam.

Surely this does not mean that every time someone wants to change a pump or put in a new one they have another piece of red tape to jump through in order to do what they have always done. It also provides that it may include conditions about the ongoing maintenance of those works. I read that to mean that someone who has a dam they want to clean out because it is filled up with silt or whatever it is has to get yet another permission from DWLBC to do so. Further to that, my understanding is that most of these issues are already covered in the water allocation plans which are part of the natural resource management plans, so I cannot understand why we need yet another piece of legislation to further complicate what are already quite contentious water allocation plans. I seek some examples of what is meant by that and how it will affect everyday irrigators and, for that matter, everyday farmers because, although I have assumed that this applies to irrigation, there is nothing which actually says that it does not apply to ordinary stock and domestic dams.

Further to that, we need site use approval, which is a location specific right to take water from a specific site for a particular purpose, and it cannot be traded separately from the land on which it is located. Again, I want an example which will show me what is the difference between site use approval, water resource works approval and, indeed, a water allocation. The original explanation is that we will have fully tradeable water rights and this system will simplify it. If that is the case I will be very happy to agree to this legislation and let it proceed, but right now I am entirely puzzled as to how it will simplify anything and why it is necessary to overlap with both water allocation plans and natural resource management plans. I understand that this is to conform with a national policy and a national process but, that being the case, I then wonder why we have to proceed with water allocation plans, because it seems that they are now superseded by this piece of legislation. Again, these may be personal concerns, but I am sure that, if many irrigators and certainly many dry land farmers were aware that they will suddenly need permission to clean out their dam, they will also be very concerned about them. I would like the minister to answer my questions before we proceed any further.

The Hon. M. PARNELL secured the adjournment of the debate.

COMMISSION OF INQUIRY (CHILDREN IN STATE CARE) (CHILDREN ON APY LANDS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 June. Page 277.)

The Hon. R.D. LAWSON: I rise to make a second reading contribution to this bill on behalf of the Liberal Party. Whilst we are sympathetic with the aims of this legislation, it must be said that we are deeply concerned by the government commissioning yet another report to go on the already huge pile of reports dealing with indigenous issues. This week, amongst much publicity, the report of the Northern Territory Board of Inquiry into Protection of Aboriginal Children from Sexual Abuse was released. This report, prepared by Rex Wild and Pat Anderson for the Northern Territory government, canvasses issues which it is now proposed by this legislation will be given to the commission of inquiry of children in state care—the Mullighan inquiry as it is most commonly called. There have been countless other reports examining this aspect of the many issues around indigenous communities. The Northern Territory report found that child sexual abuse occurred in every one of the 45 Northern Territory communities visited by its authors. The report painted a bleak picture of life in remote communities where pornography circulates freely and alcohol and marijuana are chronically abused in what was called a national shame.

Similar reports have been made in the past. For example, the New South Wales Attorney-General established the Aboriginal Child Sexual Assault Task Force in July 2004 to examine the incidence of child sexual assault in Aboriginal communities and to review the effectiveness of government service responses to this issue. The New South Wales government's response to that task force report (which is itself referred to in the Wild-Anderson report) contains a short summary of some of the critical findings of the New South Wales task force, as follows:

> The report found that child sexual assault is endemic and intergenerational in some Aboriginal communities in New South Wales, is poorly understood and is often affected by that particular community's dynamics, such as the community's standing of the perpetrators, geographic location and levels of substance abuse.

The task force reported that Aboriginal communities perceived government and non-government responses to Aboriginal child sexual assault often to be ineffective, culturally inappropriate or inconsistent in their responsiveness and were mistrustful of some government services due to historical and present day factors. That is a highly current response this year from the New South Wales government.

The authors of the Northern Territory report comment that the words I have just quoted could as accurately be written about the Northern Territory and, without undertaking any detailed examination at all, I assure the parliament that the South Australian report, if fair, would contain exactly the same information. However, the government says that it wants to spend an additional $3.2 million on yet another inquiry into life on the Aboriginal lands. Of that amount, $1.6 million is coming from the commonwealth government. One of the justifications for this exercise seems to be that the commonwealth government has made available $1.6 million, so let's spend it.

The South Australian government has said that it will contribute $1.6 million in in-kind support for this exercise. Our position is that, if $1.6 million is coming into South Australia for use in relation to Aboriginal communities, it would be better spent on actual frontline services; and, if $1.6 million worth of in-kind services are to be provided by the South Australian government, that money would be better spent on providing support to Aboriginal communities in some concrete way rather than on another inquiry that will lead to yet another report, which I fear will gather dust on the shelves which are already stacked with reports about Aboriginal disadvantage in this country.

It seems that other states have had similar inquiries—everybody is having inquiries. One can quite understand the feelings of Aboriginal people, especially the leaders of Aboriginal communities, who find they are constantly being interviewed by bureaucrats, inquiries, commissions, working parties, parliamentary committees and the like. They are constantly being asked to explain their stories and the situation in their communities, constantly saying what they would like to do, constantly reading reports and platitudes of governments saying they will do things and bureaucrats making promises, yet all too little happens.

So, we are uncomfortable about this extended inquiry. We have supported the Mullighan inquiry, which is focused on the sexual abuse of children in state care. The Liberal Party actually called for a royal commission into that matter: a discrete matter about which there was all too little evidence in the public arena in South Australia. We were certainly highly supportive of the establishment of the Mullighan inquiry, and the feedback we are receiving from many (although not all) of the people who have told their stories to that inquiry is positive and we look forward to that inquiry producing a report which will have benefit to the South Australian community and, particularly, the victims of sexual abuse.

The Mullighan inquiry is being conducted in a particular way. It is not seeking to ascertain criminal or civil liability or culpability. It is a form of inquiry which is unusual in the way in which Commissioner Mullighan is conducting it—highly sensitively—and it is intended to have—this is not quite the right word—a therapeutic effect upon the victims who are coming forward. Of course, we do not know yet what the recommendations of Commissioner Mullighan will be, and we do not know yet—and we will not know for many years—whether or not it has had the positive effect on victims that we hope for it.

However, we are concerned about whether this other inquiry that is being engrafted upon Mullighan as something of an afterthought is the best way to go. One thing we do fear is that it may divert the attention of those who are employed in the Mullighan inquiry from their principal responsibility, which is to produce a report by the end of this year on the sexual abuse of children in state care. We do not believe that those officers should have their attention diverted from that important task. During the committee stage, we will introduce an amendment—because we would like to improve the bill even though we do not like its general thrust—to have this inquiry (if, in fact, there is to be an inquiry) occur after Mullighan has reported on his principal terms of reference.

I remind the council also that in this state we have had yet another inquiry, the Layton inquiry, which was a very lengthy and detailed review of child protection in this state. Commissioner Robyn Layton delivered her report in March 2003. It was an extremely thorough and weighty document containing substantial recommendations, including recommendations for the care and wellbeing of indigenous children. Whilst the government claims to have implemented many of the recommendations in the Layton report, I specifically ask the minister to indicate what steps the government has taken to implement the recommendations relating to Aboriginal disadvantage: recommendation 32, recommendation 33 (which relates specifically to child abuse in Aboriginal communities) and recommendations 35, 36, 37 and 38.

One of the disturbing tendencies of this government has been its capacity to commission reports and have them prepared at vast public expense but then not to implement the recommendations so that the reports make good speeches in parliament and good press releases in the community but do not result in improvements occurring elsewhere. I would also like the minister to indicate exactly what the $1.6 million of in-kind state support (which is proposed to be provided to this aspect of the inquiry) will be used for. In addition, the minister indicated that the government had consulted with a number of persons working on or with people on the APY lands, but no public information has been provided about who was consulted, when those consultations took place, and whether the persons consulted support an inquiry in this current form.

That is important, because all too often decisions are taken in Adelaide—1 000 kilometres away from the APY lands—about what people in Adelaide think would be to the advantage of those communities. The consultations that occur are not really meaningful consultations at all; rather, they are statements by people in Adelaide about what they think ought to happen and what will happen. They ask people whether they would like to comment upon them, but those comments are rarely taken into account. It is my strong suspicion that those people working with children—in the health services, Nganampa Health Council and the Women's Council—would prefer to see $3.2 million spent in a more productive way on the lands than this inquiry.

No doubt they may not have objected strongly to an inquiry—they know that inquiries go on whether or not they object—but I think this council ought to know what they did say about the services, because if some of the $1.6 million worth of state government in-kind support is to go towards the provision of vehicles on the lands, rooms and evidence being given by health workers and the like that will divert those employees away from their principal responsibilities.

I would ask the minister to indicate whether consideration has been given to what sort of support or resources might be made available after the inquiry has concluded and the report is written. It is all very well to say, 'We are committed to ascertaining precisely what it is that has been going on in the lands', but you must be prepared to say in advance, 'and we commit to do something about it', other than to publish a report with lovely photographs and put it on the shelf, as I say, to gather dust.

What resources will the government provide to implement the recommendations? More particularly, in an inquiry of this kind where vulnerable people are being asked to come forward and give information of a highly personal nature and which can be distressing and disturbing to them, what support do you actually give to encourage them to do that, to support them through the process, to ensure that what they are saying is appropriately understood, and to ensure that they understand what they are going in for? These things do require support, and especially in the case of an inquiry of this kind where the government trumpets, as it always does, in its tough language, 'Police prosecutions will follow'.

It might sound good in Adelaide to say, 'police prosecutions will follow, and the perpetrators will be prosecuted by the police', but how good does that actually sound to somebody on the lands? It might be that by providing information it will lead to the incarceration (perhaps for a very long time) of somebody who is a relative, or a community elder. What will the life of that person be like if they are held responsible by others for the incarceration of a relative?

These are very difficult issues and there is no assurance, in what the government provides by way of a second reading explanation, that this sort of support will be provided. I know that the Mullighan inquiry, and Commissioner Mullighan himself in particular, is alive to these issues in relation to the current inquiry, but it is a lot easier, I would suspect, to provide that sort of support in the metropolitan area than it is in the remote communities of the APY lands—and they are remote. Regrettably, the language skills of the current generation are not as good as the previous generation, and many of them will be highly suspicious of authorities coming into the lands to take evidence.

We are not convinced, from what the minister has stated, that there is a full appreciation of these issues. True it is that minister Weatherill has said that this inquiry poses genuine risks, and I am not suggesting that he is not alive to some of these possibilities but, as I say, we are not convinced that they have been adequately addressed.

One of the deficiencies, it seems to us, of this legislation is that it is highly selective. It does not require the commission to investigate this issue across the whole of the lands. Proposed new clause 10(2)(a) specifies that the inquiry will select AP communities to form the focus of the inquiry. There are only a small number of communities on the lands—only a handful of communities. There are only about 2 500 people on the lands, and a fair proportion of them are under the age of 15, and because of the itinerant nature of indigenous existence a lot of people pass through the lands. But the idea that you can actually select one or other of those communities to form the focus of the inquiry is rather disturbing. What criteria are to be applied to the selection process? What inquiries do the inquirers have to make before selecting which community will be the focus?

As I say, there are only about five or six communities, I think, where there are more than 100 people and, given that we have $3.2 million for this inquiry, we cannot see why the inquiry, if it is to take place, ought not examine the situation across the whole of the lands so that we can have a better perspective across the lands, because there is nothing to suggest, I would think, that all forms of sexual abuse in each community will be the same. We believe that the bill would be improved if that requirement to select a community comes out of the legislation and that the purpose of the inquiry would be, in the language of paragraph (b), to examine allegations of sexual abuse of children on the APY lands, without seeking to limit them to particular communities. I will file amendments to achieve this result.

If the commission is to continue, we believe that it ought to not only commence after the Mullighan report is handed down but also that the inquiry be limited to a period of six months so that it is not one of those protracted inquiries that goes on forever and leads to further frustration on the part of those people who come forward to the inquiry and give their stories, only to find that months and years go by before anything is seen of it. With those remarks, I indicate that we look forward to the committee stage of this bill.

The Hon. SANDRA KANCK: This bill extends the terms of reference of what is colloquially known as the Mullighan inquiry—which is investigating the issue of the sexual abuse of children in state care—so as to allow an investigation into the sexual abuse of children on the Anangu Pitjantjatjara Yankunytjatjara lands (which I will, of course, refer to as the APY lands from here on in). Around the nation reports have been done and are being done about family violence in the many forms in which it is perpetrated on vulnerable people in remote Aboriginal communities. The term 'family violence' includes but is not limited to child sexual abuse, and it is used because of the ways these various forms of violence are interconnected and interact.

The Human Rights and Equal Opportunity Commission Social Justice Report 2003 had this to say:

> There is no issue currently causing more destruction to the fabric of indigenous communities than family violence. This has been acknowledged by all levels of government in recent years, with a number of significant inquiries and initiatives undertaken or commenced at the federal, state and territory level to address its impact.The intensive scrutiny and public awareness of this issue has not, however, led to sufficient commitments of resources and effort to date, nor has it led to continuous support for innovative community led solutions to address the violence or the adoption of an holistic, coordinated approach to it. Overall, there is still not enough action being taken to address this issue with the priority and urgency that it requires.

A paper by Nick Richardson, from the National Child Protection Clearing House, entitled 'Child abuse and neglect in indigenous Australian communities' brings together information from the Australian Institute of Health and Welfare and the Australian Bureau of Statistics. What it shows is what most people accept as the reality for Aboriginal and Torres Strait Islander children, and that is that they are over-represented in child abuse statistics, and that the rate of abuse is increasing.

At this stage what those figures show, in regard to indigenous children, is that substantiated reports are more likely to be about neglect rather than abuse, but this is in comparison to the anecdotal evidence about child sexual abuse, and there appears to be an unwillingness for Aboriginal people to report the abuse that is happening to them. Richardson refers to the Queensland Robertson report in 2000, which says that 88 per cent of all rapes in indigenous communities go unreported and, although that figure, of course, is not just about children, it is indicative of the silence that is maintained on the issue.

In 2002, in Western Australia, the Gordon inquiry report concluded that, unless Aboriginal men and women demanded an end to the abuse, the future of Aboriginal children would lie in more youth suicide or higher imprisonment rates. Clearly, we know from the figures here in South Australia that the imprisonment rates and the suicides amongst young people are higher than they are in the mainstream community.

Last week a report into the sexual abuse of Aboriginal children in the Northern Territory was handed to the Chief Minister. It declared that the sexual abuse of minors is happening in all Aboriginal communities in the Northern Territory. There is no reason for us to consider that a line on a piece of paper (that is, the border between the Northern Territory and South Australia) would alter the behaviours in this state. After all, the APY live in the Northern Territory, Western Australia and South Australia.

That Northern Territory report was entitled 'Little children are sacred'. *The Australian* editorial heading on Saturday took those words and changed it to 'Little children are scared'—which is certainly the case—but I would like to take it a step further and say that little children are scarred, and it is not only the little children; it is the big ones as well, because once you are scarred the scars grow with you.

Those children grow up and continue to bear the scars, usually as victims, and some of them (a small number) become perpetrators. In last Saturday's *The Australian* (that is, 16 June) it took one excerpt from the report that I want to read, as follows:

> HG was born in a remote Barkly community in 1960. In 1972, he was twice anally raped by an older Aboriginal man. He didn't report it because of shame and embarrassment. He never told anyone about it until 2006, when he was seeking release from prison where he had been confined for many years as a dangerous sex offender. In 1980 and 1990, he had attempted to have sex with young girls. In 1993 he anally raped a 10-year-old girl and in 1997 an eight-year-old boy (ZH). In 2004, ZH anally raped a five-year-old boy in the same community. That little boy complained, 'ZH f..ked me'.

I have no doubt at all that we are going to see a lot of stories of what amount to sexually transmitted abuse. When I was on a select committee on Pitjantjatjara land rights we visited

the lands in 2003 and, on the basis of things that we heard, I am certain that this inquiry will uncover plentiful amounts of evidence about child sexual abuse.

It is interesting that the minister, in introducing this bill, says that it has arisen out of the June 2006 Intergovernmental Summit on Violence and Child Abuse in Indigenous Communities. We have also been told that the government wants this bill given priority treatment so that the inquiry can make its visits to the lands before the hotter summer temperatures make it too uncomfortable. Given that the intergovernmental summit happened 12 months ago, I am very surprised that something has not happened earlier than this.

The Mullighan inquiry could have been up on the lands in autumn if this government had responded quickly. It was 11 months after the intergovernmental summit that the government finally made an announcement. I would really like the minister to explain why the government's response was so tardy. Concerns have also been raised with me about who on the lands has been consulted in preparation for this bill, and I would appreciate advice from the minister in that regard.

The Democrats have concerns about the bill in terms of its limitations: first, it deals only with sexual abuse; secondly, it will not provide an opportunity for all Anangu to contribute because of restrictions on the number of settlements the inquiry is likely to visit; thirdly, it does not seek information about child sexual abuse in other Aboriginal communities; and, fourthly, the issue of confidentiality. When the Children in State Care legislation was debated in 2004, the Democrats did their best to amend the legislation to allow the investigation to look also at the physical and emotional abuse of children in state care. We were unsuccessful. However, the same arguments arise in relation to children on the APY lands, many of whom have been scarred (in some cases, quite literally) from the physical violence they have endured. So, this extension of the Children in State Care inquiry will, of itself, have limitations.

In 2004, when I spoke to the motion to note the report of the select committee on Pitjantjatjara land rights, I said:

> The chances are that these young Anangu, when they report to school on day one, will already have been abused physically, emotionally and sexually, or they will have seen their mothers and aunties beaten up. They will have already been traumatised, they will have already internalised the pain, and they will already have found ways to shut down their emotions.

Sexual abuse is only part of it. When a child is thrown into a fire (and I am aware of at least one instance of this happening, because I know a nurse who works at the Women's and Children's Hospital), that child will be just as traumatised as one who has been raped, and that will be one of the limitations of the inquiry.

There will be another limitation, that is, the inquiry will visit only a few of the larger communities on the APY lands and so will not get a complete picture. I think that a lot of expectations will be dashed amongst Aboriginal people and the APY themselves about this inquiry. It is certainly clear to me that, when children see dad bash up mum, there is a message that violence is acceptable, no matter what its form. When children become addicted to sniffing petrol, they are more vulnerable and open to sexual abuse, and the boundaries of this inquiry will therefore not be clear in its implementation.

I am also concerned that, for those who want to create mischief, it could also make the APY fall guys, as though they are the only Aboriginal grouping in this state where child sexual abuse has been occurring. I certainly do not believe that other communities are blameless. There is also the risk of guilt by association where all APY men will be tarred with the same brush, and that would also be unfortunate. It appears that this inquiry has a use-by date, which is approaching, yet it will set up expectations for those who have been abused and other remote Aboriginal communities that they, too, might be able to tell their stories and that action might be taken to stop those crimes in the future. Unfortunately, they will be disappointed.

When the inquiry has reported and we hear the resultant shocking revelations about what has been happening to the Anangu, what action will the government take to investigate communities in other areas? As I said earlier, the Northern Territory inquiry found that child sexual abuse is happening in all communities in the territory, so it may well be that we will be able to look at the findings and recommendations and apply them to all remote Aboriginal communities in South Australia. However, one of the options I would like the government to look at in the longer term is to consider asking the Guardian for Children and Youth to conduct further inquiries in other areas, although, of course, that would require extra resourcing.

The extension of the inquiry is also complicated by the issue of confidentiality. It is fairly anonymous for someone in Adelaide to front up to a room in a tower in Grenfell Street, but it is not quite the same on the APY lands. In many cases, the perpetrator continues to live in close proximity to the victim and is, if not a next-door neighbour, in the same settlement. That proximity may well cause victims to choose not to come forward. With the size of these communities, everyone knows when an inquiry, a delegation or a committee is in town, and there will be an audience because boredom is one of the many problems on the lands. Again, the select committee I was on certainly found that every settlement we visited brought a large gathering to where we took the evidence.

Even with evidence taken in camera, everyone outside the building will know that Mary-Lou, for instance, has gone into that room to talk about sexual abuse. The upshot may well be that Mary-Lou might be able to talk about her own experiences as a child but, because of the unspoken risk of punishment or payback, she will not feel free to talk about the children in that community (perhaps even her own children) who are subject to abuse at that time. There will be other people like Mary-Lou who will not be prepared to speak at all because their abuse continues and their abuser lives in the same community. That is one of the difficulties the inquiry will face—knowing that there are communities they will go to where the victims are in an impossible situation. I guess that will be one of its challenges.

The Robertson report on violence perpetrated against indigenous women in Queensland stated that the low level of reporting was due to a number of considerations: shame, fear of reprisal from the perpetrator, fear of payback from relatives, and loyalty to family and community, because no-one wants to see a father or an uncle sent off to prison. These are the sorts of problems that the inquiry will have to overcome. Nevertheless, I note that the Northern Territory inquiry managed to get indigenous people to speak, so I hope that the committee inquiring into children in state care will take advice from them on how they achieved that.

The select committee of which I was a member got around some of that issue (although sexual abuse was not the issue, per se) by having two lots of hearings. First, we went to Alice

Springs for two days, and a fortnight or so later we went to the lands and visited five or six communities. By having hearings in Alice Springs, there was a greater deal of anonymity, so that people who were not comfortable appearing before the committee on the lands were able to appear before us in a room set aside at the motel where we were staying. That is a potential device, of course, that this inquiry can employ.

There are also a number of APY women living off the lands, some of them in Adelaide, who have fled because of the ongoing abuse. They are effectively refugees. In undertaking this inquiry, I wonder whether the minister will address the question of how these women in Adelaide, and in other areas of the state, will find out about the inquiry so they are able to have an input.

The Northern Territory report talks of the white men who are effectively turning Aboriginal girls as young as 12 into prostitutes, providing alcohol and drugs in exchange for sex. The Select Committee on Pitjantjatjara Land Rights heard inferences along similar lines—in particular, about opal miners at Mintabie who were involved in bringing alcohol onto the lands—but, as it was mostly men who gave evidence to that committee, little was said overtly about child sex abuse. In fact, I recall one particular instance when one of the men who was speaking went to great lengths to talk about these evil white men who were bringing alcohol and drugs onto the lands, when it was common knowledge that this man had a record as a child sexual abuser, but in his evidence he made no reference to child sexual abuse. Had we been able to hear more from the women of the communities we visited, we might have had something more concrete to offer in our recommendations in this regard.

I am certainly aware that, as far as the Northern Territory report and what is happening with these mining communities is concerned, there is a very strong push, particularly by the Chamber of Mines, to get on with exploiting mineral resources on the APY lands. I hope that the recommendations that come from the inquiry will anticipate this mining activity and the sexual exploitation that is likely to occur when mining and exploration intensify in the future.

The potential impact of the mining industry is, of course, one thing—it is a potential impact—and I hope the inquiry will be able to make some pre-emptive recommendations in this regard. But there is also the known reality of white people who have sexually abused children on the lands in recent times. This raises questions about police becoming inured to the violence when a matter is drawn to their attention and their initial report says that the allegation is not substantiated. I have informally drawn to the attention of the inquiry a specific case where there are two conflicting police reports, one in the first instance saying that allegations were not substantiated and a further report indicating that there may have been some strength to the allegations. It may be that in this particular instance the police made a mistake, but it also raises questions of a form of corruption where two white people effectively collude, where a white police officer is more inclined to believe the denial of a white person because that person holds a position of esteem or importance in that community. I stress the importance of investigating the role of white people in the sexual abuse of Aboriginal children, and I am confident that the inquiry will tackle this issue head-on if that is what is needed.

Of the terms of reference of this inquiry the two that are probably of greatest significance are:

(d) to identify and report on the consequences of the abuse for the APY communities; and

(e) to report on any measures that should be implemented—

(i) to prevent sexual abuse of children on the APY lands; and

(ii) to address the identified consequences of the abuse for the APY communities.

I did a web search on the words 'consequences of child abuse', and it threw up 1.9 million entries in 25 seconds, and I chose what I think was the second or third of those entries from a website called Darkness to Light, which is a US group. I will read out the consequences of child abuse that that group catalogues:

> Sexual abuse touches every life when it leads to losses of trust, decreases in self-esteem and development of shame, guilt and depression. Sexual abuse touches every life when it leads to eating disorders, substance abuse, suicide, promiscuity/prostitution and other psychobehavioural problems.

I must say that that sounds a lot like what has been happening on the lands. It continues:

- Victims of child sexual abuse report more substance abuse problems. 70-80 per cent of sexual abuse survivors report excessive drug and alcohol use.
- Young girls who are sexually abused are three times more likely to develop psychiatric disorders or alcohol and drug abuse in adulthood than girls who are not sexually abused.
- Among male survivors, more than 70 per cent seek psychological treatment for issues such as substance abuse, suicidal thoughts and attempted suicide. Males who have been sexually abused are more likely to violently victimise others. . .
- Children who have been victims of sexual abuse exhibit long-term and more frequent behavioural problems, particularly inappropriate sexual behaviours.
- Women who report childhood rape are three times more likely to become pregnant before age 18.
- An estimated 60 per cent of teen first pregnancies are preceded by experiences of molestation, rape or attempted rape.
- The average age of their offenders is 27 years.
- Victims of child sexual abuse are more likely to be sexually promiscuous.
- More than 75% of teenage prostitutes have been sexually abused.
- Adolescents who suffered violent victimisation are at risk for being victims or perpetrators of felony assault, domestic violence, and property offence as adults.
- Nearly 50% of women in prison state that they were abused as children.
- Over 75% of serial rapists report they were sexually abused as youngsters.

All of these characteristics are likely to show up in one form or another in the inquiry's final report. In order to recommend measures to control the problem, the report is obviously going to need to look at the causes, although this is not included in the terms of reference. Richardson, to whom I previously referred, summarised in his paper a great deal of research about the causes of child sexual abuse, and they include the removal of Aboriginal children from their families, oppression, dispossession, forced assimilation, poverty, unemployment, substandard or inadequate housing, lack of self-esteem, dysfunctional families, alcohol and substance abuse and inter-generational trauma. Looking at that list, one would have to ask which one is the chicken and which one is the egg. There is obviously a cycle that is going on with one thing feeding another. Richardson further stated:

> A more detailed understanding of the association between the various causal factors is needed. It would appear that there may often be intervening variables. For example, the presence of domestic violence may cause children to roam the streets, making them more vulnerable to sexual abuse, especially in areas of high alcohol consumption.

So, it will be very difficult to untangle some of these issues. Term of Reference 3 is very definite: the inquiry is to relate

(and only to relate) to sexual abuse occurring before the commencement of the schedule. To me it sounds like investigating a boating accident where the investigators look at the state of the boat and do not take into account anything like the condition of the sea on which the boat was sailing at the time. Again, that will be another challenge for the inquiry. On page 274 the Northern Territory report states:

> There have been some attempts to advance indigenous self determination and empowerment and to better acknowledge culture.

This is a very interesting little quote:

> For example, the Yaitya Tirramangkotti unit operating within the South Australian Department of Human Services—

and that obviously dates it—

> is a central Aboriginal child protection consultation and response team. Staffed by Aboriginal people, Yaitya Tirramangkotti makes sure that everything is done to involve Aboriginal families and [make] them care for their children in ways that are culturally appropriate.

The reference is Tomison and Poole 2000. The reference to the Department of Human Services is a give-away; it tends to indicate that this was in the time of the previous Liberal government, but it was certainly a group that I was not aware of, and I am not aware of its ever having been drawn to the attention of that select committee I was on in 2003-04. Perhaps it was a program that had gone out of existence by that time.

I would appreciate if in responding at the end of the second reading the minister could provide some advice about that program. How long did it operate; has it gone out of existence; and, if so, when and why? We certainly do need some proven and effective models for how to provide protection for at-risk children, so such information is particularly important as the South Australian inquiry gets under way.

Among the Northern Territory recommendations was the tightening of pornography laws and better education, and I would suggest that such education has to be for both adults and children. Last week on ABC radio's *The World Today* a Central Australian indigenous woman, Rosalie Kunoth-Monks, was interviewed about the Northern Territory report. She agreed with those recommendations, saying, 'I know of people who've had a pornographic DVD on in a room, with children, with teenagers as well as little ones, yes, and it's fairly explicit some of these pornographic videos.'

It could be just sheer lack of understanding of the impacts that sees this happening; it could be that those adults who are watching it have themselves been victims of child sexual abuse and have forgotten the import of it but, whatever the justification or the cause, it amounts to grooming behaviour which normalises sex acts for minors. I hope the inquiry will address this issue because, as well as accessing DVDs, the APY will soon be able to access cable TV, and some more forms of pornography will subsequently become available.

When this report is handed to the Governor—as this bill so quaintly puts it—the next important step will be for the government to act on it, and thereby hangs a tale. Looking at the select committee's recommendations from 2004, I see that recommendation 6 is that 'as a matter of urgency the government take steps to address the issue of substance abuse on the lands, including (c) establishing a drying out facility or facilitates at an appropriate location on or near the AP lands for use in the rehabilitation of persons affected by substance abuse'. What I have found out since then was that, in December 1986 (that is not a mistake), the then Minister for Health announced that a rehabilitation facility would be built for petrol sniffers 'within 12 months'.

The Hon. T.J. Stephens: Which 12 months?

The Hon. SANDRA KANCK: Which 12 months? That is a very good interjection, because it is almost 21 years since the government made that promise. Five years ago the state Coroner recommended the establishment of a substance abuse facility, and three years ago the committee of which I was a member recommended it. This current government did make an election promise in regard to this in the 2006 state election, and 12 months later it has announced that it will commence construction. I ask the minister where on the lands it has been constructed, whether construction has commenced and, if so, when it will be completed. The issue of petrol sniffing is inextricably related to child sexual abuse occurring on the lands. The State Coroner said, when he made his recommendations about petrol sniffing:

> What is missing is prompt, forthright, properly planned, properly funded action.

As has been shown with the drying out facility, despite deaths and brain damage, it has taken years, even decades, to get some action started. In March 2004 the then director of Mental Health Services in South Australia, Jonathan Phillips, having visited the lands, recommended the immediate appointment of two male health coordinators. To its credit the state government agreed to that, but it took quite some time for the positions to be filled. Now the February 2007 report, Progress on the APY Lands, from the Department of the Premier and Cabinet, advises:

> One of these positions has been vacant for some time but has recently been filled.

Mental health workers are an essential part of dealing with the trauma of child sexual abuse. I ask the minister in summing up to advise us of the status of the funding for the period when either or both of those positions had been unfilled and whether the total budget allocation was continued in the next financial year.

Recommendation 6(d) from the select committee's report related to taking steps to address the issue of substance abuse, including:

> (d) ensuring that holding cells on the AP lands satisfy the recommended requirements of the Royal Commission into Aboriginal Deaths in Custody.

Last year in June in this place I asked the Minister for Police questions about policing on the APY lands and, although he undertook to get back to me about it, the *Hansard* record shows that this did not happen. One of the questions I asked him was:

> What progress has been made on the recommendation by Bob Collins in 2004 for the immediate upgrade of the police holding cells at Ernabella and Amata?

Bob Collins' report, dated 23 April 2004, said:

> I asked the police officers about the adequacy of the short-term detention facilities in the region and whether they met appropriate standards. I was told the facilities were substandard and would need to be substantially improved. It is essential that this matter be attended to at once, regardless of a response to other issues.

Later in the report the specific recommendation around that finding was:

> That funds be provided to immediately upgrade the short-term detention facilities at Pukatja (Ernabella), Amata and Pipalyatjara.

The words he used were 'at once' and 'immediately'. He did not say 'at the end of the year', 'next year', 'the year after that' or 'the year after that'. What do we find? Although

minister Holloway was unable or unwilling to reply to my question last year, I advise the chamber that more than three years on neither of these facilities has been completed. I believe it may be the case that the government has finally called for tenders for the Amata police station, but there is no sign of the Ernabella facility being upgraded.

Similar things have happened in other parts of Australia. Reports have been made and there has been no action or limited action on the recommendations. The Gordon report in 2002 in Western Australia, to which I have already referred, was checked out in terms of government action by the Western Australian Auditor-General. I have a press release from the Western Australian Auditor-General dated 23 November 2005, with a heading, 'Little known on progress of Gordon inquiry action plan, says Auditor-General', and it states:

> Three years on from the Gordon inquiry little is known about the progress of an action plan with initial funding of $66.5 million and more than 120 initiatives developed to address the inquiry's findings. A report by WA Auditor-General, Des Pearson, tabled in parliament today, reveals that an authoritative account of the progress in implementing the initiatives and the action plan overall does not exist. The result is that groups formed to monitor and oversight the plan do not have available such basic information as: the number of initiatives and how many have been implemented; how many are behind schedule; expenditure against budget; estimates on final expenditure and anticipated final completion; and, a summary of the actions taken to resolve delays and barriers to timely implementation. The limited quantity and quality of information supplied to the oversight groups has meant that any public reporting has only provided information on a small number of initiatives and the public has not been informed about the progress of many initiatives nor of the action plan overall, says Mr Pearson. Further, an evaluation framework to assess if the action plan was making a difference has not been finalised and is two years late, it being due for delivery at the end of 2003.

So, the examples I have provided about recommendations made by various people, groups and reports in recent years and not so recent years going back to 1986, plus that example in Western Australia, demonstrate the difficulty of simply reporting and hoping that something will happen. Over the years governments seem to have had a peculiar unwillingness to act promptly on the recommendations of these reports and, because of this repeated pattern of governments failing to act on information and reports, I will move an amendment in committee to ensure a proper government response to the recommendations of this inquiry. The minister's explanation says:

> It is hoped that this inquiry will provide a process that will help break the cycle of abuse and underreporting, which has prevailed in Aboriginal communities.

We will need to do much more than hope.

It is clear that tribal Aboriginal people are killing themselves and their culture. It has been happening—at least in part—as a consequence of the blind eyes we have turned to the violence that is occurring or, when we have known, our failure to take any substantive action. We made the mistake of thinking that, by passing laws to return land to the APY, all the dehumanisation and disenfranchisement of 150 years would sort itself out. Not surprisingly, it did not, but I wonder whether we have yet learnt. When it has reported, will the inquiry produce yet another document to add to the groaning piles on the shelves with recommendations that gather more dust? Will a show trial or two of child sex offenders result and then everyone will walk away thinking that justice has been done?

The only value of this inquiry will be if it results in action, and I do not mean sporadic action but continuous intervention putting into action whatever this inquiry recommends. Despite the concerns I have expressed about the limitations of this inquiry, I do commend minister Weatherill for taking this action, and I indicate Democrat support for the second reading.

The Hon. A.L. EVANS: I rise to indicate that Family First supports this bill with some reservations. Family First believes that addressing the serious disadvantages of our indigenous communities is a matter for immediate priority. Family First appreciates its strong connection with the indigenous community. Our first national leader, Andrea Mason, was the first indigenous woman leader of any political party in Australia, and my position on the Aboriginal lands standing committee allows me to visit the lands and regularly deal with indigenous issues.

Family First is quite aware that the people of the APY lands are sick of report after report being prepared and the regular fly-ins by officials who stay for just a few days or a few hours and then leave. Time and again officials visit and reports are written but, to quote Lowitja O'Donoghue, people in the lands are left 'with an overwhelming feeling of despair that year after year the situation remains as bleak as ever'. The people of the APY lands are not crying out for another report but as former coroner Wayne Chivell commented on 2 September 2002 prompt, forthright, properly planned, properly-funded action. In all likelihood, the final report will closely resemble the Northern Territory Inquiry into the Protection of Aboriginal Children from Sexual Abuse, which found:

> . . . as all the inquiries before us and the experts in the field already knew. . . the cumulative effects of poor health, alcohol, drug abuse, gambling, pornography, unemployment, poor education and housing and general disempowerment led inexorably to family and other violence and then on to sexual abuse of men and women and, finally, of children.

That report also noted that the Northern Territory had already lost many years in 'thinking and talking about and designing principles and models for service delivery'. The report also noted:

> It's now time for some brave action. We have an enormous amount of knowledge and experience about the problems. It should now be applied. . . We are positively convinced that unless prompt and firm decisions are made and leadership shown at all levels of society, real disaster faces Australia within a generation.

Family First will support this bill, but we hope to see results from this inquiry. We do not want to see yet another report prepared only to collect dust on a shelf. This bill will broaden the current Mullighan inquiry to deal with sexual abuse on the APY lands, and my understanding is that a proportion of the costs in extending the investigation will be borne by the federal government, which has promised $1.6 million. This whole measure and commonwealth support of it is something of a win for the Minister for Aboriginal Affairs. On 24 June last year on ABC News the minister pushed his federal colleagues for a Mullighan-like inquiry on the APY lands. So, it appears as though this concept has come from the minister, even if he does not get the acknowledgment for his part in pushing this course of action. The government submits that the Mullighan inquiry has been very successful in getting people to disclose many disturbing instances of child abuse. This may come down to the fact that the inquiry protects confidences of its witnesses; further, it does not automatically instigate criminal proceedings upon an allegation being made, and it is independent.

The real question is whether an inquiry, which has worked primarily in metropolitan cities, can be transplanted successfully onto the APY lands. I am content that the Mullighan inquiry has sufficient experience in dealing with indigenous issues. It has visited various communities in the APY lands during its proceedings. The expanded inquiry will also have the benefit of two assistant commissioners, one of whom will be an indigenous person, according to clause 6. The other will likely be Andrew Collett who is already assisting the inquiry. I am aware that, as a barrister, Andrew Collett regularly deals with indigenous issues and has played a significant role in several Aboriginal death in custody matters.

Former justice Mullighan himself is aware of the indigenous issues. I understand that, for many years, he chaired the Cultural Awareness Committee of the Supreme Court and that in 1997 he helped to convene an important Law and Justice Conference on the APY lands. Further, I have been informed by the government that Bernard Singer, Chair of the APY Executive, supports this measure, although I imagine that support for this inquiry would not be universal. In any event, the government has plainly admitted that previous attempts to get people to talk have been unsuccessful—perhaps this attempt will be more successful. With these few words, Family First supports the second reading of the bill.

The Hon. A.M. BRESSINGTON: I have some concerns about the allocation of $1.6 million towards yet another inquiry, and that has been reiterated by the Hon. Rob Lawson, the Hon. Sandra Kanck and, of course, the Hon. Andrew Evans. I wonder how many inquiries we will need to identify the problems that exist.

At a drug summit in 2005-06, which was sponsored by the Hon. Nick Xenophon, people from the Mount Theo project came down to talk about how they had actually dealt with the problem of substance abuse and, as a consequence, the domestic violence and sexual abuse that was happening in their community. They were also asking why their particular project had not been held up as a model and looked at by government to expand into other communities. Here we are, looking at spending $1.6 million on an inquiry when we have a community up there that may have some valuable insights into how to actually fix these problems in indigenous communities. We know that there are already services on the lands and I have been told that there seems to be either a reluctance to report or an attitude of, 'What's the point?' So, I wonder what we hope to achieve by an inquiry which, as the Hon. Rob Lawson said, is going to have these people answer yet more questions and have them feel like they are in a fish bowl once again.

For a person standing on the outside looking in, it is fairly obvious why this generational cycle continues. It is a generational cycle and our children live with what they learn. We have had children in generation after generation being brought up to accept that this is normal behaviour within their community. I believe that education programs running on these lands would perhaps help to break that haze, if you like, that addictive culture that exists and wake people up to the fact that they do deserve better and that there is a way to change this. As the Hon. Andrew Evans said, we have not heard the people on the APY lands screaming out for another inquiry but, when the horrific circumstances in which people are surviving with this level of abuse (both physical and sexual) aired on ABC TV last June, every government felt like they had to do something.

My office contacted the Hon. Mal Brough's office yesterday to find out about the allocation of this money. We were told that they approved the expenditure of this money for the inquiry, mainly because no other proposal had been put forward by this state government, and that, if a proposal had been put forward to actually address the child abuse issues in indigenous communities, it would not have been turned down. So, I wonder how much thought has been put into the expenditure of these funds in an appropriate manner to actually solve the problem, rather than continuing to identify and re-identify the problems that exist, the generational cycles of domestic violence, substance abuse and sexual abuse that occur with the people on these lands. I also wonder whether the money could not be more appropriately spent to assist the people who work on these lands to deal with the circumstances that they are dealing with and to have confidence in the fact that if they do report a matter it will actually be dealt with.

I was speaking with the Hon. Vickie Chapman from the other place not so long ago and she said that when you get 5-year old children presenting with syphilis and chlamydia it is pretty obvious what the cause is. Treatment is one part of it but also the building of the expectations that a community should have, not only for the elders but also for the children of that community, is vitally important—to develop a relationship between the elders and the police, to know that if a person is reported for such crimes that they actually will be prosecuted and that there will be consequences for actions. There seems to be quite a lack of that in the APY lands. As I said, as an outsider looking in I have to ask why.

I support the bill and I look forward to the committee stage, but I would like to close by making the point that I believe that perhaps we could do it differently and do it better. Rather than have another inquiry, $3.2 million on the ground could go a long way to actually delivering services that are going to help to break the cycles that exist on these lands.

The Hon. M. PARNELL: The Greens will be supporting this legislation. I would also support the words of my colleagues in this place, all of whom have acknowledged that child abuse on the Aboriginal lands is a serious problem and that attention to it is well overdue. None of us can have failed to be touched by the Northern Territory report Little Children are Sacred. The stories to which other honourable members have referred already and which we have seen on television or read in the press must have touched us all.

Previously, the Greens have called for the Mullighan inquiry to be extended because we believe that it was a model whose worth was being proved by the encouraging reports of people coming forward and telling their stories. We believed that the Mullighan model was one that would have suited, for example, children who had been abused in church care as well as in state care, but it applies, I think, equally to children on Aboriginal lands.

The critical issue for us, given the relative haste with which this legislation has been brought forward, is whether or not consultation with the Aboriginal people has been adequate. I have been reassured by minister Weatherill's office that this legislation and this model does have the support of members of the APY executive, including the chairperson, Bernard Singer. It is supported by Lowitja O'Donoghue, I am told, and also the Aboriginal Advisory Council, and I understand that the minister has also spoken

with the NPY Women's Council. If, in fact, all those key stakeholders are supportive of this legislation and this model of inquiry then I think that should encourage us to support it as well. I recognise the urgency of the situation. Every day that goes by and sees abuse of children not addressed is a tragedy for us all. I am keen to see this resolved quickly and also to see it resolved within the existing time frame of the Mullighan inquiry, which I understand is the intention of this legislation.

I want to address very briefly some of the concerns that have been raised about the legislation. The first of my concerns, to which I alluded beforehand, is that it might delay the finalisation of the wider Mullighan inquiry but, again, I have been reassured by the minister's office that the extra resources that have been received to handle this inquiry will make sure that neither the existing inquiry, nor this new inquiry will be delayed.

Another criticism that has been addressed is that it may be too narrow in its focus. I understand that the focus is on the whole of the APY lands but that there will be special attention paid to certain communities. I do not have any particular concern with that. If it turns out that certain communities that do receive the focus of attention show a wider problem, then perhaps we can address looking at all communities in more detail. Basically, the Greens' support for this legislation is that we see it as being another trial, if you like, of the Mullighan model, which will be used hopefully to unlock some of these stories of abuse in the APY lands. We do have to be cautious in our approach. We are looking at very delicate community sensitivities and we must tread warily.

My final point is to reinforce what other honourable members have said, which is that, once we have identified the stories, once we have identified the extent of abuse, then nothing will come of it if resources do not follow. We have to invest resources and we have to follow through to the people of the lands with a long-term commitment. That commitment must be one to make all children in South Australia safe, whether on the APY lands or in the general community. With those brief words, the Greens are happy to support this legislation.

The Hon. P. HOLLOWAY (Minister for Police): I believe everyone who wanted to speak on this bill has done so, and I would like to thank them for their contribution. There have been some questions asked and I will be happy to address those when we move on to the bill tomorrow. Obviously, the government would like to see this bill in place as quickly as possible, given that there is the time frame for the conclusion of this inquiry by the end of the year when Commissioner Mullighan completes his other work. We would like to get it through as speedily as possible. I will seek leave to conclude my remarks now and I will address any points raised by members during the debate when we resume tomorrow.

Leave granted; debate adjourned.

DEVELOPMENT (REGULATED TREES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 June. Page 265.)

The Hon. D.W. RIDGWAY: I sought leave to conclude my remarks the last time we sat. I indicated, at that time, that this particular piece of legislation created a whole range of questions that, from the opposition's point of view, as yet remain unanswered. Whilst key stakeholders (namely, the Local Government Association, the Property Council and other similar bodies within the community) have a number of concerns, as yet they have not raised any specific amendments or concerns but they have raised some questions. It is my intention to put their questions on the record and indicate that the opposition, whilst supporting the bill at this point, reserves its right perhaps to rethink its position upon receiving the answers the minister provides.

One of the opposition's concerns is that, if we are going to set a value (if you like) for a tree to be removed—under this bill you will perhaps be able to pay into a fund for a tree to be removed—we want to know if there is a consistent formula for the valuation. If that is not set in place by regulation there are implications that applicants with a greater financial capacity to contribute to an urban tree fund will have a greater advantage in terms of having their application approved.

My first question is: what formula should be used by councils to quantify the value of a tree, and will that be consistent across a council area? By way of example—I think I may have mentioned this in my previous contribution, but I will say it again—if there is a suburb containing, for example, 1 000 trees and if over a period of time the community removes 200—let us just say the value is $1 000—but if, after a period of time, there are only 800 mature trees left, does the value of $1 000 per tree to be paid into the fund still stand? Or, because the community has decided they have lost 200 of the mature trees, are we then to see the value of those that has to be paid into the urban tree fund go up? I would like some clarity on what formula the government would expect councils to use to quantify the value of a tree.

Clause 7(8) provides for the protection of trees planted and maintained with the funds of an urban tree fund. It states that, when established, they will constitute significant trees under the act. Our understanding is that, if we apply to remove a significant tree, pay $1 000 into the fund, take that tree down and then trees are established under that fund, they become significant trees. This raises the question: what constitutes establishment? At what point is a tree established? Is it the day that the seedling is planted? Is it when it becomes mature? Is it when it becomes independent of irrigation? I guess that, if we are to have water restrictions placed upon us, we may not see irrigation of any trees in the community. We would like to know what constitutes establishment.

If you remove a significant or regulated tree, get approval to do so and replant trees in your own garden (you chop down one tree and plant a couple of others), does the same level of protection apply to the trees that are planted under the urban trees fund, and would they become significant or regulated trees? Does the same status apply to the trees you plant in your own garden following the removal of a significant or regulated tree?

In Clause 10, proposed new section 106A(1)(c), the minister proposes that a council determines that any given tree must be nurtured, protected and maintained until fully established under the make good order. What is 'fully established'? I cite the example of someone who has a 50 year old tree they wish to cut down. They get all the approvals in place, cut it down and put it back into their property. Because you have taken down a 50 year old tree, how long is it before it is a well-established tree? Under the make good

orders, if somebody illegally removes a tree and, under this bill, is forced by council to replant the tree, at what point is it determined that a tree is fully established, if it was a 20, 30, 40 or 50 year old tree?

In my contribution a couple of weeks ago, I raised the issue that, in a make good order, unless you have a couple of hundred thousand dollars (as we saw occur with the kurrajong tree in Victoria Square), to make good and repair the damage done by removing a significant or regulated tree, how you would be able to make good if it were a 100 or 200 year old tree? My question is: what constitutes a tree being fully established under the make good order? My next point relates to clause 10, proposed new section 106A(4), which affords the court the ability to authorise a person, who is not the owner or occupier of the land to which a breach applies, to enter and carry out an order on the land. The question is: what legislative rights does the owner or occupier have in this case in terms of refusing entry to a person to execute a make good order on their property?

My final question is one that has been asked of me on a number of occasions in my days on the ERD Committee, and I think that I alluded to it a couple of weeks ago, and it relates to when a tree, whether it be under the two-metre circumference threshold, or regulated or significant, is causing major damage to a neighbouring property and the owner of the tree refuses to have it removed, and the only practical way to prevent further damage or danger is removal of the tree. By way of example, recently I was contacted by a film studio that had a cracked floor as a result of the roots of a tree coming from another property. The roof had also been damaged because of branches hitting it. They wanted the tree removed, but the owner of the land would not do so. In that case, what legislative power does this bill give to the owner of the property whose property is being damaged to have the tree removed?

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: Well, these are the questions I want answered. They are issues that are constantly being raised by members of the House of Assembly. In the ERD Committee, the member for West Torrens (Tom Koutsantonis) stated that these issues of damage being done to neighbouring properties had been raised with him. We are trying to make this whole issue of significant and regulated trees simpler and easier to progress. However, on my reading of the bill, I have not been able to give any of the people who have contacted me any comfort that this will make it easier for them. I would be grateful if the minister could bring back a response to those five or six questions.

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: There may be some amendments, but we are happy to progress it. However, as we did not have an answer to these issues and there was insufficient information on them during the briefing, we think it is best and appropriate for the minister to bring back a reply. With those few words, we support the second reading of the bill.

The Hon. B.V. FINNIGAN secured the adjournment of the debate.

ENVIRONMENT PROTECTION (SITE CONTAMINATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 May. Page 48.)

The Hon. M. PARNELL: The Greens welcome this legislation, which has been a very long time coming. In fact, the topic of South Australian legislation for contaminated land is one I set my students in the early nineties. We have had green papers, discussion papers and a range of documents regularly since then; however, we are now at the business end of the cycle, with a bill finally before parliament. The Greens will support the legislation in principle. However, there are a number of things we wish to ask questions on, and perhaps a number of amendments should be considered as well.

As an environmental lawyer, one of the first instances I came across in relation to contaminated land, and one that I think informs the debate on this bill, was the case of the Bridgestone plant at Edwardstown. A number of underground tanks had leaked, and the chemical contaminants had found their way into the groundwater. As a result of the pollution, Bridgestone contacted SA Water and sought permission to pump the polluted groundwater from beneath its plant and dispose of it to the municipal sewer. That might seem quite unremarkable, but the issue was that this activity of trying to deal with contaminated land had gone on for two whole years without the state EPA knowing what was going on.

The reason that situation arose, that our pollution watchdog had no idea that one arm of government was dealing with a contaminated land situation, is that we have in the Environment Protection Act a quite remarkable defence clause which basically says that a person can pollute their own property with immunity. Effectively, that means that the chief cause of land contamination, which is people polluting their own property, is one that has triggered a number of defences in the Environment Protection Act, including defence to a charge of failing to notify the EPA of an incident that could give rise to serious environmental harm.

So, two law reform issues flowed from the Bridgestone example. The first was that, even though people might have this general defence that they were only polluting their own land, that should not apply once ground water is involved. That was one reform that was brought in a few years ago in response to the Bridgestone incident. The second was that we had one part of government, SA Water, knowing all about the land contamination but having no legal obligation to inform the pollution watchdog, the EPA. I can recall making representations to the then environment minister, David Wotton, saying that we needed to broaden the scope of mandatory reporting. We needed to make it obligatory for government employees to report land contamination that came to their attention, because it was outrageous that our pollution watchdog had no idea of this two-year history of contamination and attempted rehabilitation. I note in the bill before us, in proposed new section 83, it picks up that question of mandatory reporting, although it does not extend it as broadly as I had hoped many years ago when I first raised the issue to have it apply to all public servants, but it certainly applies to land contamination assessors, for example.

The second case study which I think informs this legislation is one that all members would be familiar with, and that is the contamination of the Port Stanvac oil refinery site. Many of us would recall reading in the media reports of former workers at that plant who would freely admit that they would take a back hoe, or some digging machine, and they would dig a pit and fill the pit with toxic sludge and cover it again, and that was the acceptable way of disposing of waste. The problem for the EPA and the government was that much of that pollution had occurred prior to 1995 and therefore was

prior to the Environment Protection Act coming into force. The argument that was raised then and is now raised, although not as strongly, is that people should not be responsible for something that was not against the law when they did it. So, that raises the issue of the retrospectivity of these laws. I am very pleased that most of the commentators on this legislation have not objected to the fact that this bill is retrospective in its operation. I think that is important because, if the bill was not retrospective, it would not work. If all we could do was deal with land contamination post-1995, we would probably miss the vast bulk of contaminated land in this state.

So, whilst we have legislation before us now, it is fair to say that, until this bill becomes law, the legislative regime in South Australia has failed to deal with contaminated land, but that is not to say that as a society we have completely failed, because we have not. In fact, the planning system has, to date, dealt with this issue, although there have been some rather flexible criteria applied and there has been a lack of clear accountability in terms of decisions that are made by the different planning authorities. Nevertheless, the planning system has worked to some extent in dealing with land contamination.

The inconsistency in approach between different planning authorities is probably best illustrated in the example that you could have two parcels of land very close to each other, one owned by the state (perhaps through the Land Management Corporation) and one owned by private landholders. Even though they might be physically proximate, one would be dealt with by the Development Assessment Commission and the other perhaps by a local council. The Development Assessment Commission, on my understanding, has been far more rigorous in making sure that land was rehabilitated to an appropriate standard before allowing more sensitive uses to occur, but local councils, on the other hand, have been quite varied in their approach and often quite lax in requiring contaminated land to be cleaned up.

Whilst we do not have any reliable data, I think it would be a reasonable estimation that probably about 80 per cent of contaminated land issues—known issues, anyway—in Australian jurisdictions that have been remediated in one form or another have been resolved by the market and through the planning system. The method that has been used, as it has been used in South Australia, is that there are various triggers. For example, if there is a move to rezone a piece of land to a more sensitive use or someone lodges an application for development approval for a more sensitive use, that has triggered the assessment and, ultimately, the rehabilitation of that land before it can be used.

But there are other reasons why a legislative approach is needed and we cannot just rely on the planning system, and that is that we have to deal also with setting appropriate assessment and remediation criteria—in other words, to level the playing field. But the point to be made, I guess, is that, if we are going to be realistic about this new legislation, I think we need to appreciate that it will probably deal with a minority of contaminated land issues. This will not be the most important tool but it will be a tool for where the planning system does not address the problem.

Another point I am keen to make is that, as important as this legislation is, it is equally important that we see the regulations that will complement it, and in particular the regulations under the Development Act.

The commentary that was published in relation to the discussion draft of this bill released in late 2005 indicated that new development regulations would be brought in to reflect the current non-statutory system provided by Planning Advisory Notice No. 20 that has currently been the guiding document for council and DAC planners. So, I am keen to see those regulations and I think it would be a good idea for the regulations to be published at least in draft form while we are considering this legislation.

It is also apparent, I guess, that the regulations will also consider the recognition of auditors of contaminated land which are referred to in the proposed amendments to the Environment Protection Act, but I think the regulations under the Development Act will still be critical, because they will determine the extent to which, first, the proponents of development on potentially or actually contaminated land will be required to use auditors—in other words, the triggers for requiring an audit—and, secondly, the extent to which assessment and remediation criteria are applied as a precondition to development approval.

I think this idea of assessment and remediation criteria being a precondition is important, because at present what has tended to happen is that the detail of remediation has been regarded as a reserved matter. In other words, the developer is given their approval and they are then allowed to negotiate separately with the council and EPA on the appropriate method of site rehabilitation. That might sound quite reasonable—developers do not want to spend too much money before they have an approval in their hand—but, if we look at the case of the Allenby Gardens rubbish dump rehabilitation, we can see that confining some of the most important detail to reserve matters can actually be to the detriment of local communities.

In that case the developers were proposing to use former industrial land that had been a rubbish dump as well for a senior citizens home. It was a category 3 development, so the local neighbours—in fact, anyone in the state—had the right to make a submission and ultimately to appeal against the approval if they thought it was an unreasonable decision in light of the local planning scheme. But my understanding in relation to Allenby Gardens is that there was no appeal by the local residents; they saw that a blighted block of land was going to be used for a useful purpose—a senior citizens home—and yet they are now complaining long and loud because, after their right to lodge objections and appeals had been exhausted, they then discovered that the developer was going to use an on-site rehabilitation scheme, which basically involved digging up the old rubbish dump and processing the waste material on site. Given that this is within a metre or two of the back fences of the local residents and they have been plagued with dust and vermin and various other inevitable consequences of reprocessing a rubbish dump, you can see that they would have been much happier had they had that information at a stage when they could do something about it rather than it being left as a reserve matter for later on.

I want to refer briefly to some of the specific provisions and omissions in the legislation. The first issue I wish to raise is one of orphan sites. There will be occasions when it is impracticable to require either the original polluter or current owner or occupier of a contaminated site to assess and remediate the land, and such sites are regarded as orphan sites. It is not common in Australia for the different jurisdictions to have established special funds to address these situations, but one exception is Western Australia, where they introduced a contaminated sites management fund under their Contaminated Sites Act in 2003.

The South Australian government has decided through this bill to have liability for site remediation first attach to the polluter (and I think that is correct) but, if that is not practicable—for example, if the original polluter as a flesh and blood person is dead or as a company is insolvent—then it is the owner of the land who can be made subject to a site contamination or site remediation order, but no practicability test is applicable to the owner of the site who is the subject of these notices. I would like to put a question on notice to the minister on the issue of why is there not such a test applying to the owner.

Another concern that we have is in relation to liability on innocent purchasers, in other words, someone who has purchased land which turns out to be contaminated but who had no knowledge of its state when they purchased it. Such a person can be the subject of an order under this legislation, and they do not have recourse to any simple objection procedure. In my view at the very least there should be a procedure whereby the owner in these circumstances can formally apply to the EPA to determine that their purchase was innocent and, if they do not have the means to rehabilitate the site, that should be taken into account. The alternative, I guess, is the situation where we are talking about a game of pass the parcel: when the music stops, if you are the one holding the certificate of title, then you are the one who is responsible for the clean-up.

I had a number of cases when I practised as a lawyer with the Environmental Defenders Office, one of which is directly on point, involving a woman who owned a block of land. She did not know at the time she bought it that it was contaminated. She was never going to be allowed to build her house on it, she could not afford to rehabilitate it, and the cost of rehabilitation was worth more than the value of the land. In fact, she was so frustrated that she tried to give the land back to the local council, saying, 'I'm sick of paying rates on it. It's a worthless piece of land; I can do nothing with it. Can you please take it off me?' The council said, 'No, we would prefer to collect rates from you; we don't want this contaminated parcel of land either and, if you stop paying the rates, given that you own other property in our municipality, we will just add those extra rates to your house where you live.'

This person was lumbered, in perpetuity, with a problem not of her making and there seemed to be no way out for her. I ask the minister how will we deal with that sort of situation where an innocent purchaser does not have the means to rehabilitate the land and apparently does not even have the ability to give away that land? Whilst we have appeal rights under this bill, if a site contamination or site rehabilitation order is made, it is not clear from the bill—bearing in mind that such a legal challenge would be a merit appeal under section 106 of the act—whether the fact of being an innocent purchaser and the person's means to pay will be taken into account by the Environment, Resources and Development Court.

We could, for example, refer to the objects of the Environment Protection Act under section 10, which requires economic and equity considerations to be taken into account when authorities are applying ecologically sustainable development principles to decision making under the act. That is relevant because, when the Environment, Resources and Development Court resolves these issues, it stands in the shoes of the EPA, so it must also have regard to the objects of the act. The very least we need is some formal protection for an innocent purchaser to be incorporated into the act, and the best way of doing that would be to have a contaminated land remediation trust fund, which could operate on a needs basis for these orphan sites.

Government officers when briefing me on this bill went to great lengths to say that they were not going down the path like American jurisdictions with a so-called super fund to pay for the clean-up of contaminated sites because, as it was put to me, that is simply a mechanism for making lawyers rich, and the hundreds of millions of dollars that have gone into that fund have ended up lining the pockets of lawyers rather than going to genuine environmental rehabilitation.

I now move to what is probably the most contentious aspect of this legislation and the one clause on which I have had the most representations, namely, the question of corporate liability for contaminated land and the ability of owners of land to divest themselves of responsibility at the same time as they divest themselves of the land. There is some consideration of this issue given in the bill because the possibility of a company trying to divest itself of responsibility by corporate manoeuvring, such as bankruptcy or the use of shelf companies or impecunious subsidiaries, is dealt with. It is possible, under proposed new section 103H for directors to be held liable; however, any director facing personal liability in these circumstances is more than likely to have divested himself or herself of the ability to pay for rehabilitation.

The question remains whether or not the mechanisms in this bill will be strong enough to prevent corporations from evading their responsibility. The question of who is responsible following the transfer of ownership is the one issue on which I have received most communication. The bottom line is the question: when a dispute arises over liability, is it the role of the EPA to apportion liability and responsibility or should it be the role of the courts? Proposed new section 103F provides that a person can go to the EPA and ask for a determination that he, she or it not be liable to clean up the contaminated site, even though they may be the polluter, because they have sold the land to someone else in an arm's length transaction at a price that took into account the knowledge or likelihood of contamination.

That is the mechanism. You go to the EPA and say, 'Sure, I caused this pollution way back, but I have sold it to someone else and the purchaser knew that it was contaminated and I want your determination that I am no longer responsible for it because I have engaged in this arm's length transaction.' Under the bill the EPA cannot give this protection to the vendor without first seeking the views of the purchaser. That makes sense as far as it goes, but it raises the important issue of whether or not it is appropriate for the EPA to overturn commercial decisions and to determine where culpability and responsibility should lie.

There are a number of scenarios one could look at. First, if an owner wants to protect themselves from future clean-up liability, they can on-sell the land and the liability for a price that reflects the estimated cost of pollution, which is straightforward. There are two situations: the first is that the price paid might overestimate the extent of the pollution and the cost of clean-up, in which case the purchaser gets a bargain—they do not pay very much for the land, the clean up cost is less than they thought and at the end of the day they end up with clean, cheap land. The flip side of the coin is that the estimated price for clean-up might be far less than what is actually needed to clean up, in which case the purchaser ends up paying far more for the land than they should have.

Had they known how much it would cost, they would never have entered into that arrangement to clean up. You can

see that situation arising with genuine, innocent parties not seeking to hide anything from each other, but you can also see it occurring where there is less than complete transparency. We need to make sure that we prevent owners of contaminated land from unloading liability to impecunious purchasers who cannot afford remediation. We must avoid that situation. The question is: is it the role of the EPA to determine the moral culpability of the different parties or is it the role of the EPA simply to do whatever it can to get the land rehabilitated and not concern itself morally in terms of where the most blame or responsibility should lie?

That raises the question in these disputes over commercial transactions about whether the EPA should take sides, because under this legislation, clearly, the EPA is able to take sides. The concerns expressed to me by the business community and the Property Council are that that would be an unfair situation and that we would be better off leaving it to the courts to determine where liability lies. It is probably quite reasonable to assume that the EPA, with an agenda of getting the land cleaned up, will chase the deepest pocket, and the deepest pocket might not be where the most culpability lies. So, when she closes the debate, I ask the minister to address the concerns that have been raised on that point by the Property Council and other business interests as to why it is that the government believes the EPA is the most appropriate authority to resolve those issues.

The final point I wish to make relates to the question of third party or, if you like, community enforcement of the legislation. The bill does provide that the civil enforcement section (section 104) will allow third parties to apply for orders in relation to contaminated land where the EPA is unable or unwilling to do so. However, there are some serious practicalities—not to mention legal costs—associated with trying to convince the Environment, Resources and Development Court that an order should be issued requiring the assessment or clean-up. For example, the fact that there is a likelihood of contamination on land may not by itself be regarded as a breach of the act, particularly in light of the general environmental duty (section 25); and, if there is no breach of the act, then, it is very unlikely that the court would entertain an application. You could get a situation where someone is breaching a site remediation order, or something similar, which would be a breach of the act, so that might trigger third party involvement.

The other question that I do not believe is answered in this legislation (and it may be one on which I will seek to have some amendments drawn up) is whether or not members of the community—in particular, neighbours—should have the ability to participate in legal disputes over contaminated land between, for example, a polluter and the EPA. It is never easy to be joined to someone else's court case, but it may well be that the community has the utmost interest in having a contaminated site properly rehabilitated. I therefore believe the legislation should make it clear that third parties are not prevented from participating in these court cases, because it is their local environment that is being cleaned up (or not) and therefore they have an interest in the matter. With those brief comments, I say again that the Greens will be supporting the legislation. However, we are looking for the answers to some questions, and will possibly move some amendments, when we finalise the bill.

The Hon. B.V. FINNIGAN secured the adjournment of the debate.

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

Adjourned debate on second reading.

(Continued from 30 May. Page 207.)

The Hon. D.G.E. HOOD: I rise to support the second reading of this bill. The bill seeks to amend the Summary Offences Act 1953 to expand the present powers to impound, clamp, forfeit and seize motor vehicles, and a few other offences as detailed in the bill. The bill expands the regime that the member for Napier in the other place tells us has seen some 1 400 cars impounded so far. From that perspective, the legislation seems to be working very well indeed. That is a good thing, and we commend the government on the legislation. A rough piece of arithmetic indicates that that equates to approximately 70 cars a month, which is approximately two a day, or just over. One would have to agree that the legislation has been very effective.

I take the liberty to speak on this bill today because I know that the shadow attorney-general in the other place put on the record the Liberal Party's qualified support for this bill 'subject to amendment in the upper house'. I have no hesitation in setting forth Family First's position on this important bill to stamp out anti-social hoon behaviour and generally the abuse of the privilege of having and driving a motor vehicle in our community. I also have some queries that I would appreciate the minister addressing in his summing up because, at times, if we follow convention and speak after the opposition, a bill is taken promptly through its remaining stages and our questions are not addressed.

I will now ask my questions which, I am sure, the minister will address in his summing up. This bill takes the successful impounding regime for misuse of a motor vehicle and enables police to wheel clamp vehicles for an existing offence and a range of further offences. One great benefit of wheel clamping is that, in part, it resolves the question of where you impound vehicles, that is, the vehicle will be effectively impounded on the owner's premises. I might add that I will use the term 'offender' here as it fits best in terms of describing the situation; though, of course, in some instances I am referring to people where it has not been proven they have committed an offence.

Wheel clamping first found success in the United States and the United Kingdom in the private sector as a means of ensuring that carpark tenants or debtors came up with overdue moneys for parking and the like. The private practice of wheel clamping had to be regulated in 1998 in New South Wales as it was being abused. For that reason, in other countries and states of Australia wheel clamping is about as popular as debt collectors and parking inspectors and, might I add, even politicians. But fortunately here it would seem that they have greater community acceptance as they are being used to target anti-social behaviour, rather than debt recovery, which I think is the appropriate use for them.

I would be surprised if SA Police are rejoicing about the paperwork that comes with this clamping regime, however, because on my perusal of the bill it seems there will be a potentially significant number of people to be notified in a case of clamping a vehicle and therefore a significant number of potential people to make submissions not only to SA Police but also to the court system. This is a significant initiative by the government not just because of the need for SA Police to clamp vehicles but also for the associated

administrative work to ensure the regime is fair to all parties concerned.

I do hope that the paperwork does not become a practical stumbling block and we see the police decline to use the full force of this law in order to, perhaps, shift some of the paperwork to the side. I am sure that would not be the case but one does have that fear. I might add that it could be argued that this is also a fair regime, given that in the United Kingdom in some circumstances cars are not sold when they are apprehended; they are in fact crushed. So, this measure, I feel, is a balanced response.

I think it worthy to note that technology, in some cases, may already have made wheel clamps somewhat redundant by the emergence of a new technology called automatic numberplate recognition which would enable the government to capture by photograph the driving of, shall we call it, a hoon vehicle and then automatically fining the driver if they have been ordered not to drive that vehicle. I understand that at the moment such a system is being rolled out in the United Kingdom, which has an abundant number of closed circuit television cameras in metropolitan areas to facilitate such measures. Whilst such a measure would take away the shame element, it would be more cost-effective and require less administrative work for the police than a physical wheel clamping regime. So, whilst, as I said, we are certainly supportive of this measure, it may be prudent for the government to examine in the future the possibility of introducing a similar scheme here.

Family First appreciates the government setting forth its intention to prescribe certain offences by regulation; that is, offences that will, in addition to the bill, be grounds for clamping or impounding. This sort of foreshadowing is a commendable measure by the government for the convenience of members of this place during their deliberations on the bill. Family First sees clear logic in the set of offences covered in the bill itself, including misuse of a motor vehicle; disobeying a police request to turn down a car stereo, for example, in appropriate circumstances; driving with excess speed; DUI; and driving with a prescribed concentration of alcohol. Those to be prescribed by regulation make similar sense, in particular, from our perspective—a second or subsequent offence of driving whilst a licence is suspended or disqualified or driving without a licence.

Family First hopes this measure will make a significant impact upon those who regularly commit such offences, as this takes their car away from them or, more particularly, takes away from them the ability to drive it. As I mentioned in relation to my bill passed in this chamber recently concerning driving an uninsured or unregistered vehicle, those offences figure in inordinately high numbers in our courts and indeed serve to clog our courts.

My office informs me that some of the other offences to be prescribed by regulation in this bill were also quite inordinately high in our study of motor vehicle offences that arise in the Magistrates Court. I have a question for the minister, not necessarily to be answered in his summing up but more so perhaps by the Attorney-General in the months ahead. I ask whether these measures have resulted in a discernible decrease in such matters coming before the courts; that is, in enacting this legislation in the months ahead we would like to see that it has an impact on the clogging up of our courts. We believe it will and, in due course, we look to the Attorney-General to confirm that.

I might also say that I am not as concerned as the shadow attorney-general about giving regulation-making power to the government in this instance to prescribe further offences, because, as the Attorney-General said in the other place, we have the ability to scrutinise regulations through the Legislative Review Committee. Hopefully, members will not need to be on their toes in that committee, as I do hope that, if the government is of a mind to add further offences that it has not disclosed in this debate, it would do so via media release, which, of course, is its normal practice, so that it is clear for the public and parliament alike that something new is to be added and ought to be considered.

I would appreciate an answer from the minister concerning the SA Police approach to the use of the new sections regarding the choice of vehicles to impound. Whilst commonsense would dictate that in the scenarios concerned SA Police would impound the vehicle that causes the most inconvenience or, if you like, does the community the most justice concerning the offender, there does appear to me to be the scope to create inconvenience for other people. For example, what is there to stop SA Police clamping dad's work ute when it was the son's Toyota sedan that was used in the hoon behaviour, where both are registered in the father's name? I think families who have young kids, for instance, ought to have some assurance that the vehicle impounded will, on most occasions, be the vehicle used. I am sure that is the intention but it is a potential problem with the legislation that should be addressed.

Having said that, I think the shadow attorney-general in the other place makes a good example with the Monaro, if I can call it that, and one of the offences to be prescribed; namely, dangerous driving to avoid police pursuit. It is often the case in that type of offence that the vehicle is not owned by the offending driver—it is usually stolen. That dangerous driving offence demonstrates further the usefulness of giving this discretion to police, so long as it is sensibly applied. In short, with respect to that situation, we believe there is some room for discretion whereby the police decide which car should be clamped, because there could be confusion as to the appropriate car to clamp, as in the example that I have just given.

I raise another point that I feel should be raised and I have not yet heard it raised in this debate. I refer to those hopefully non-existent cases or, at worst, extremely rare cases, where a car has been wrongfully clamped or impounded. What is the cost regime available to a person who is so wronged? That is, how would a person address this matter? Will they be compensated in some way for the inconvenience of their vehicle being impounded? Mistakes will be made; it is inevitable. Of course, they would not be intentional, but mistakes do occur. Some mention of this was made during the committee debate in the other place concerning a wedding car incident up north. I think we have the answer, but I would like to know whether there is some clear procedure by regulation to deal with restitution if a vehicle is clamped or impounded wrongly and redress is sought.

Exactly how that will be handled is important. As I say, no doubt mistakes will be make but, hopefully, very rare ones. On a related point, if a clamped vehicle or an impounded vehicle is sold by a credit provider and there are possessions of the offender in the vehicle, what will be the position regarding those items? Will they be automatically obtainable on request by the offender or will they, too, be subject to detention? That is not clear in the legislation.

We do hope that this law is passed through this place. It is a sensible law. As I say, we commend the government on its introduction. We think that for too long hoon drivers have

terrorised our streets. Some might argue that that is overstating it but I do not think it is. When people get into a car they have a right to know that they will not be subject to people acting improperly or irresponsibly on the roads in vehicles around them. I think many of us have seen the terrible footage and are familiar with the case of a poor young girl who was terribly injured by a driver who went through a red light at the Gepps Cross intersection some time ago. I think this legislation will make such occurrences less likely and, for that reason, Family First will support the bill.

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

HARBORS AND NAVIGATION (AUSTRALIAN BUILDERS PLATE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 June. Page 301.)

The Hon. D.W. RIDGWAY (Leader of the Opposition): I rise on behalf of the opposition to indicate that we are very happy to support this piece of legislation. It is a relatively small bill and my understanding is that it relates to a technical bill with an amendment to an Australia-wide change in legislation. It will bring our state up to speed in respect of putting compliance plates or small information plates on new boats that are manufactured here. It will have specifications on that boat as to the maximum horsepower of the engine—I assume minimum horsepower that the boat should be equipped with, but certainly maximum horsepower—also the number of passengers, the maximum load, the outboard engine rating and also the weight of the engine. That will perhaps be some guidance to the people who own boats and—

The PRESIDENT: What about the fish?

The Hon. D.W. RIDGWAY: Of course, Mr President, as you interject, the weight of the fish. That is something good fishermen like yourself and the Hon. John Gazzola will have to take into consideration before going out on a day's fishing expedition—that you do not overload it with your fish!

It is interesting that, when you look at the lifts in this place that have a compliance plate, they say that more than 17 persons or so many kilos will overload the lift and it will not go. One small concern I have is that people will still be able to disregard the manufacturer's indication of what is a safe load and still use the vessel. I was also interested to read in the second reading explanation of the minister, the Hon. Patrick Conlon, that these compliance plates will not need to be fixed to a vessel if it is used for racing in organised events, or destined for overseas export. I can understand that, while there might not be any requirement for boats for export markets to have these plates, surely it would be in the interests of safety worldwide to have these sort of plates on boats made in Australia so that at least we can demonstrate to the rest of the world that we are interested in maritime safety and the safety of the people sailing in those vessels. I do not wish to hold up the bill any further as it is late in the afternoon and the opposition gladly supports this small piece of legislation.

The Hon. P. HOLLOWAY (Minister for Police): I thank the Hon. David Ridgway for his indication of support for the bill. I have spoken to a number of Independent members in this place who also support the bill and, because it is very straightforward, they will not be speaking to it. I thank them also for their support and look forward to the speedy passage of the bill.

Bill read a second time.

In committee.

Clause 1.

The CHAIRMAN: My boat already has a compliance plate on it. Is that because it was made in Queensland?

The Hon. P. HOLLOWAY: It is a matter of making it a national scheme. I imagine it has been a voluntary system, but it is a matter of making it uniform and mandatory.

Clause passed.

Remaining clauses (2 to 8), schedule and title passed.

Bill reported without amendment; committee's report adopted;

Bill read a third time and passed.

STATUTES AMENDMENT (BUDGET 2007) 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 explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill contains revenue measures that form part of the Government's budget initiatives for 2007-08.

The Bill amends the *Pay-roll Tax Act 1971* and the *Land Tax Act 1936*.

The Government has decided to reduce the pay-roll tax rate from 5.5 per cent to 5.25 per cent for wages paid or payable on or after 1 July 2007. A further reduction to 5.0 per cent will apply to wages paid or payable on or after 1 July 2008. South Australia's pay-roll tax rate will then be equal to Victoria's and second lowest of all States and Territories.

These reductions will deliver pay-roll tax relief to business of $37.6 million in 2007-08 increasing to $83.0 million in 2008-09.

The Bill also inserts anti-avoidance provisions into the *Land Tax Act* to address the practice where owners of more than one piece of land avoid paying higher marginal rates of land tax by structuring their ownerships so that another party (or parties) hold a small minority interest in an individual piece of land thereby creating different legal ownerships.

The proposed anti-avoidance provisions will enable the Commissioner of State Taxation to ignore any minority interests in land that are 5 per cent or less unless the Commissioner is satisfied that there is no doubt that the interest was created solely for a purpose or entirely for purposes unrelated to reducing the land tax payable in respect of that, or any other, piece of land. If there is a legitimate reason for placing any very small interest in the ownership of another person or entity the parties will be able to satisfy the Commissioner of that fact.

Where a minority interest is greater than 5 per cent the provision will not apply unless the Commissioner forms the opinion that the purpose or one of the purposes for which the interest was created was to reduce land tax. The Government has no interest in attempting to aggregate holdings where there are legitimate reasons for the holding to be structured in that manner.

The placing of the onus on the Commissioner of State Taxation in circumstances where a minority interest is greater than 5 per cent may provide incentive for some taxpayers to increase the size of existing minority interests. The Government will be monitoring changes in minority interests and further action may be taken in the future.

Equally if Government receives advice from RevenueSA that there are other structures being entered into which have no purpose other than to avoid land tax further action will also be considered.

The new provisions target ownerships structured for the purpose of land tax avoidance and come into effect on 30 June 2008 (effective for the 2008-09 land tax assessment year).

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides that Part 1 will come into operation on the day on which the Act is assented to by the Governor. Part 2, which amends the *Pay-roll Tax Act 1971*, will be taken to have come into operation on 1 July 2007. Part 3, which amends the *Land Tax Act 1936*, will come into operation at midnight on 30 June 2008.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Pay-roll Tax Act 1971*

4—Amendment of section 9—Imposition of pay-roll tax on taxable wages

This clause amends the rate of tax imposed and chargeable on taxable wages from 1 July 2007. The current rate is 5.5 per cent of taxable wages. From 1 July 2007 until 30 June 2008, the rate will be 5.25 per cent. From 1 July 2008, the rate of tax on taxable wages will be 5 per cent.

Part 3—Amendment of *Land Tax Act 1936*

5—Amendment of section 13—Cases of multiple ownership and aggregation of value

The operation of section 13, which relates to cases of multiple ownership of land, will, as a consequence of this amendment, be subject to section 13A (inserted by clause 6).

6—Insertion of section 13A

This clause inserts a new provision. Under section 13A, if a person's interest in land owned by two or more persons is 5% or less, subsection (5) will apply in relation to the interest unless the Commissioner of State Taxation is satisfied, on application, that there is no doubt that the interest was created solely for a purpose, or entirely for purposes, unrelated to reducing the amount of land tax payable in respect of the land (or any other piece of land). An application under the subsection must be made by a person who, as an owner of the land, has an interest in the land exceeding 5%.

If a person's interest in land owned by two or more people is more than 5% but less than 50%, and the Commissioner forms the opinion that at least one purpose for the creation of the interest was to reduce the land tax payable in respect of the land or another piece of land, subsection (5) will apply in relation to the interest.

If subsection (5) applies in relation to an interest, the person holding the interest is to be taken not to be an owner of the land for the purposes of the Act. Also, land tax payable in respect of the land is to be assessed, and is payable, as if the land were wholly owned by the owner or owners of the land who do not hold the prescribed interest.

In determining the purpose of the creation of an interest for the purposes of section 13A, the Commissioner may have regard to the nature of any relationships between the owners of the land, the consideration (or lack of consideration) provided in association with the creation of the interest, the form and substance of any transaction associated with the creation or operation of the interest, the manner of entering into, or carrying out, any transaction associated with the creation or operation of the interest and any other matter the Commissioner considers relevant.

These provisions will not apply for the purposes of other provisions of the Act if their effect is to decrease the amount of land tax payable in respect of any land.

If the Commissioner rejects an application in relation to an interest in land of 5% or less, he or she must give notice of the decision to the owner. The notice must state the grounds on which the decision is based.

If the Commissioner forms an opinion in relation to an interest in land that is more than 5% but less than 50% that results in the application of subsection (5) to the interest, he or she must give notice of the operation of that subsection to each owner of the land. The notice must state the fact that the opinion has been formed and set out the effect of the opinion. The notice must also state the grounds on which the opinion is based.

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

ADJOURNMENT

At 6.16 p.m. the council adjourned until Wednesday 20 June at 2.15 p.m.