LEGISLATIVE COUNCIL

Thursday 21 June 2007

The PRESIDENT (Hon. R.K. Sneath) took the chair at 11.02 a.m. and read prayers.

STANDING ORDERS SUSPENSION

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

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15 p.m.

Motion carried.

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

Adjourned debate on second reading.
(Continued from 19 June. Page 351.)

The Hon. A.M. BRESSINGTON: I rise to let the council know that I will be supporting this bill. I think that it is long overdue, and I commend the government on the initiative it has taken. As the Hon. Dennis Hood said, hoon driving has been a major problem in our community for quite a long time. I note that the bill also extends, as the Attorney-General said on the radio, to people who have been caught for other traffic offences and graffiti. I hope that this bill will do what it is intended to do and clear some of the traffic out of the Magistrates Court. Hopefully, that will allow some room for the Hon. Dennis Hood's other bill to be considered in respect of simple cannabis offences. I support the bill and, as I said, I commend the government on its initiative.

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

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 31 May. Page 228.)

The Hon. SANDRA KANCK: I indicate that the Democrats have no problem with most of this bill. We agree that the identity of people who send money to prisoners should be known, that there should be controls on prisoners' access to prescription drugs, that there should be strict controls on contracts between prisoners and people working in or visiting prisons, and that there should be some controls on prisoners removing goods made in prison for sale in the community. However, where we part company with the government is in regard to part 5, which amends section 33A of the Correctional Services Act so as to require the approval of the Chief Executive for the selling of goods outside the prison.

Surely, this type of decision can remain with prison managers. Should mistakes emerge, they can be addressed through updating and clarifying policy and guidelines. It seems to me that it is quite a minimal task, in a sense, that would be clogging up the desk of the Chief Executive. However, we know that the reality is that the government is pushing for this type of legislation to make sure that the decisions are made with an eye to the politics of prison management and this government's enchantment with tough on crime policies. This political micromanagement reflects the fact that law and order is one of the government's public relations strategies.

I appreciate that Bevan Spencer von Einem was the catalyst for the bill, but it is important for members to remember and to remind the community that he is an extreme example, and we cannot design the whole prison system around extreme cases. We all know that our prisons are full of the victims of abuse, neglect and deprivation. Prisoners are more likely to be desperate than deadly; therefore, we should consider that making and selling goods can be an important part of the rehabilitation of the majority of prisoners. Building up a trust fund to draw on after release should be part of planning the release and reintegration of offenders into the community. If members are not aware, when prisoners leave prison, all they get is, basically, a fortnight of a Centrelink payment which does not even provide enough money for the bond on a house or a unit to rent.

We should remember that rehabilitation is not a soft option; it is a vital part of protecting the community, and it is something that our prisons really lack. We argue from time to time that that is what prisons are for, but so often when you look at the reality it does not happen. If we can give skills to offenders and deal with their emotional issues while they are in prison and then provide financial and social support when they leave, they are far less likely to re-offend.

I understand that Victoria is investing in rehabilitation and post-release support and they are starting to see real reductions in recidivism of their prisoners. I think that approach deserves attention by any member in this place who is serious about public safety. A crude 'tough on crime' focus comes at a very high price. The 2006 budget allocated $517 million to build more prisons to house our burgeoning prison population. That dwarfs the budget for education and it is not far behind the $614 million allocated for health in 2006-07 prior to the RAH redevelopment. Effective rehabilitation and post-release support would do far more to protect the community and at a far lower cost than the 'tough on crime' approach.

Former minister John Cornwall warned in his political recollections *Just for the Record* as follows:

. . . the Law and Order lobby is insatiable. Yet both major political parties and governments of all political persuasions try to meet its demands. One of the more bizarre results is prisons with more prisoners serving longer terms than ever before in our lifetimes.

That comes from page 214 of his book. We would do well to heed his advice as we deal with the ever increasing torrent of tough new laws. So, I indicate Democrat support for the second reading, but we will be opposing, when we get to the committee stage, the amendment to section 33A giving that power and responsibility to the chief executive.

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

CRIMINAL ASSETS CONFISCATION (SERIOUS OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 6 June. Page 300.)

The Hon. R.D. LAWSON: I rise to indicate that the Liberal opposition will be supporting the second reading of

the bill. This bill was correctly categorised in another place by the member for Mitchell as 'part of the Rann government's only war on crime'. This bill is principally designed to ensure that David Hicks, the self-confessed aider of terrorism, does not derive financial or pecuniary benefits from publishing material about his experiences, and that intention is supported by the opposition. The Leader of the Opposition in another place announced some months ago that legislation of this kind was necessary, and prior to the government introducing this bill Mr Hamilton-Smith had himself introduced a bill in another place but the government, wanting to gazump the Leader of the Opposition, introduced its own bill.

There are differences in the approach that the Leader of the Opposition introduced and the government's bill. It is probably unnecessary to dilate upon those differences. However, we do have some concerns about the effectiveness of the government bill, especially if Mr Hicks, who is, after all, the admitted target of this legislation, were to move to another jurisdiction, or to seek to have the literary proceeds of his illegal conduct put beyond the jurisdiction of the South Australian courts. Of course, this legislation will not only apply to Mr Hicks but will apply generally.

It is true that, since the Criminal Assets Confiscation Act 2005 was enacted, when this government belatedly followed the rest of Australia by abandoning a conviction-based system of criminal assets confiscation and moved to a more effective process, which had been adopted elsewhere, literary proceeds orders have been available to law enforcement authorities. However, whilst we are supporting this measure and look forward to its committee stage, during that stage we will introduce amendments to the criminal assets regime. We believe that the bill introduced by the government in 2005 did not go far enough in that it did not adopt the system that has been adopted in Western Australia, where an unexplained wealth declaration can be made.

In a sense, an unexplained wealth declaration, by its very title, indicates its intention. In Western Australia, the legislation that was introduced in that state about five years ago contained a mechanism whereby law enforcement authorities can obtain a declaration in the court freezing and ultimately forfeiting a person's unexplained wealth. The onus is cast upon the person against whom such an application is made to justify their wealth to a court. We all know the stories of large mansions being built by people who are on invalid pensions. Griffith in New South Wales is said to be lined with such premises. The activities of the National Crime Authority and its successor bodies have indicated that there are many people engaged especially in drug crimes in this country who live a lavish lifestyle but who have no visible means of support.

The provisions of our proposed amendment to include this regime are as follows. The Director of Public Prosecutions is empowered to apply to the court for a declaration that a particular person called the respondent has unexplained wealth. The court must be satisfied that it is more likely than not that the total value of the respondent's wealth is greater than the value of the respondent's lawfully acquired wealth. In determining an application, any property, service advantage or benefit that is a constituent of the respondent's wealth is presumed not to have been lawfully acquired unless the respondent establishes to the contrary. So, in those two provisions, we see, first, a reversal of the usual onus that rests upon persons making applications to the court. In this case, the onus will not be upon the Director of Public Prosecutions but it will be upon the respondent to demonstrate that he or she has lawfully acquired the wealth in respect of which the application is made. Secondly, the standard of proof required is not the criminal standard of proof beyond reasonable doubt but the less onerous civil standard of proof on the balance of probabilities.

The bill provides that, without limiting the matters to which the court may have regard, the court may have regard to the amount of the respondent's income and expenditure at times or at all times. When making a declaration, the court is to assess the value of the respondent's unexplained wealth and to specify the assessed value of the unexplained wealth. There are mechanisms in the provisions I will be moving to provide a mechanism for assessing the value of the unexplained wealth. Under our proposed amendments, the unexplained wealth will be payable to the Crown. The bill provides that the respondent is liable to pay to the Crown an amount equal to the amount specified in the declaration.

I mention also the provisions that define 'unexplained wealth'. First, it is necessary for this purpose to describe what constitutes a person's wealth, and in the bill that is very widely defined to include all property that the person owns, whether that property was acquired before or after this act will come into operation. It also includes all property that the person effectively controls. It also includes property that the person had once in his or her possession but gave away to another. It includes consumer goods and consumer durables, and includes the value of services, advantages and benefits that the person has acquired at any time. So, in the computation of a person's wealth this will enable account to be taken of the fact that people can spend vast sums on gambling (for example) and may not still have the money, but it has passed through their hands. We seek the council's support for this significant amendment to our criminal assets confiscation regime.

I mentioned earlier that in Western Australia the legislation includes similar provisions, and the provisions we seek to have included are based upon these provisions. I draw honourable member's attention to the latest annual report of the Office of the Director of Public Prosecutions in Western Australia. It is the report for the year 2005-06, and it contains detailed information about the operation of these provisions. It is interesting to observe that in that state there have been a number of freezing notices and orders as well as proceeds from drug traffickers under the unexplained wealth declarations. The DPP in that state certainly made a number of applications (13, I think, in the first four years of operation of the provision), and most of those have been finalised. Ten of the applications led to confiscation.

It is interesting that the number of unexplained wealth declarations in Western Australia has gone down, and it is not unreasonable to assume (and, certainly, this is our advice from Western Australian and South Australian police) that those in Western Australia who are likely to be caught by these provisions fled the state. We presume that some of them moved to the nearest eastern state, namely, South Australia, where our rather lax regime would allow them to continue living in the style to which they had become accustomed on the assets derived from their criminal activities. Whilst the government occasionally trumpets the fact that under our existing criminal assets confiscation regime we do receive funds from time to time, the amount of money (although it has been increasing) is insignificant compared to the total wealth that has been generated through drug and other illicit

activities. So, we seek support, in the committee stage, for the amendment I have tabled.

In conclusion, we commend the objective of the government's bill but I draw member's attention to the bill that the Leader of the Opposition in the other place tabled in the House of Assembly on 7 June which, we believe, provided a more comprehensive and more bullet-proof regime. However, my party has decided that it will adopt the government's bill, because the government clearly will not allow Mr Hamilton-Smith's bill to succeed in another place, and we want to see this legislation in place as soon as possible.

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

CRIMINAL LAW (SENTENCING) (DANGEROUS OFFENDERS) AMENDMENT BILL

In committee.

(Continued from 3 May. Page 90.)

Clause 1.

The Hon. R.D. LAWSON: The government introduced amendments to this bill on 3 May 2007. The bill itself had been introduced some time before that and had been passed in the other place. At the time these government amendments were introduced the government agreed to adjourn consideration of the bill to enable consultation to occur. The Law Society of South Australia was asked to comment on the government's amendments and the society, through its Human Rights Committee, made a submission which was substantially along the lines of an earlier submission that it had made in which it deprecated the fact that the general purport of the bill is to remove the principle of proportionality in sentencing which it regards as objectionable on human rights grounds.

We certainly note and respect, although we do not agree with, that proposition in relation to this bill. We had hoped to receive by now a submission from the Criminal Law Committee of the Law Society, but the Liberal opposition has not received any such submission. The reason why a submission from the Criminal Law Committee to the government's amendments would be valuable is that these amendments are relatively technical and very often the devil is in the detail. Sometimes policy makers and drafters do not see glitches in proposals of this kind which do become obvious when considered by those legal practitioners who are at the coalface, either as prosecutors or defence counsel.

We have not received a response from the Criminal Law Committee. We certainly do not criticise that committee for the absence of any submission. It is a committee made up of volunteers who provide invaluable advice to the parliament on matters of this kind. They do so out of a sense of duty and we are very pleased that they do. I certainly consider that the committee stage of the bill would be assisted by their comments.

I ask the minister to indicate whether or not the government has received anything from the Criminal Law Committee in relation to its amendments and I also ask the minister to indicate whether any submission has been received in respect of these amendments from the judges. I know, from informal discussions with a number of judges, that there is considerable disquiet amongst the judiciary on the effect of these amendments.

The Hon. P. HOLLOWAY: In relation to the government's amendments, my advice is that we have not received anything from the Law Society subcommittee. That is the advice I have received. In relation to the judiciary, I understand that the Chief Justice has made comments in relation to this bill and the government is moving amendments today in relation to some of those issues.

The Hon. R.D. LAWSON: Just taking up the last point made by the minister, is it proposed that there be further amendments to those that have already been filed?

The Hon. P. HOLLOWAY: We will not be proceeding with the amendments that were placed on file on 2 May, but we will proceed with the amendments which should have been circulated and which were placed on file recently. We will not be proceeding with the first lot but, as a result of those issues I raised earlier, we will be dealing with them. I can say that amendments Nos 1 and 2 are identical to those the government placed on file on 2 May. Amendment No. 3 has been modified to address concerns raised by the Chief Justice.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. R.D. LAWSON: Will the minister indicate the date upon which the second set of amendments was tabled?

The Hon. P. HOLLOWAY: They have been tabled today.

The Hon. R.D. LAWSON: I must say we do protest at that. This is a serious government bill introduced some months ago with great fanfare. On 2 May, a significant amendment was made. We are waiting for the criminal law people to comment on it. We have been examining it and, today, the government produces and places in my hands—this very second—another amendment. Whether or not that is a significant change from the earlier amendment, obviously I have not had an opportunity to discover. I propose that the minister indicate and put on the record the changes between the latest and earlier amendments, and that we report progress to enable some consultation to occur before the committee proceeds. Is the minister prepared to indicate whether or not that course is acceptable?

The Hon. P. HOLLOWAY: I hope that we can at least get up to amendments Nos 2 and 3 to clause 8, which are the same that have been tabled for several months. However, in relation to the third amendment (to insert new clause 32A), I can understand that the honourable member may wish to examine that. I hope that we could at least get up to that stage. However, I am happy to put on the record, before we get there, the government's views in relation to that and then report progress, if that is an acceptable way to go. I would hope that we can at least deal with the first two amendments.

The Hon. R.D. LAWSON: I am happy with that.

The Hon. SANDRA KANCK: Basically, my amendment No. 1 is to delete this clause, which is quite pivotal in this bill because it is altering the definition of 'sentence'. As I have indicated, I think the whole bill is unnecessary. It is part of the government's tough-on-crime agenda. It will not produce any more justice—possibly more retribution. I cannot move an amendment if I am just seeking to delete the clause. I simply indicate that I oppose this clause because it is so pivotal to the rest of the bill.

The Hon. P. HOLLOWAY: The Hon. Sandra Kanck has a number of amendments which seek to do the same. It is really just opposing the bill, in effect. I do not think we really need to spend any more time on debating the honourable

member's proposition because, really, we have done that during the second reading debate. Yes, the honourable member is opposed to the bill. She is entitled to do that and to vote against it. Obviously, we support the clause because it is an integral part of the bill.

The Hon. D.G.E. HOOD: Family First supports the clause.

Clause passed.

Clause 5.

The Hon. SANDRA KANCK: I vote against this clause, and I want it on the record that I am voting against the clause. Again, it is just part of the tough-on-crime agenda. It will not make our community a safer place.

The Hon. P. HOLLOWAY: Likewise, the government opposes the honourable member's view. The Hon. Sandra Kanck says that it does not make society a safer place if you keep people incarcerated who clearly have no intention of changing their behaviour. I strongly dispute that. The fact is that certain people within our community need to be locked away for the protection of the rest of society. Measures that do that in fact do make the community much safer.

Clause passed.

Clauses 6 and 7 passed.

Clause 8.

The Hon. P. HOLLOWAY: I move:

Subclause (1), page 3, lines 28 to 32 (inclusive)—
Delete paragraph (ab) and substitute:
(ab) If fixing a non-parole period in respect of a person sentenced to life imprisonment for an offence of murder, the mandatory minimum non-parole period prescribed in respect of the offence is 20 years;

Subclause (2), page 3, lines 34 to 38 (inclusive)—
Delete paragraph (ba) and substitute:
(ba) if fixing a non-parole period in respect of a person sentenced to imprisonment for a serious offence against the person, the mandatory minimum non-parole period prescribed in respect of the offence is four-fifths the length of the sentence;

As I indicated earlier, we will not be proceeding with the amendments that were placed on file on 2 May and, instead, proceed with the amendments which have been placed on file today, although I have indicated that we can report progress when we get to those that are different. As I said, the next amendment is to a different clause, so we can, perhaps, postpone the debate at that point. I should at least put on record the total approach so that the committee will be able to reconsider this matter speedily when we resume in several weeks.

The first amendment in my name to clause 8 of the bill (amendments Nos 1 and 2) are identical to those the government placed on file on 2 May. Amendment number No. 3 has been modified to address the concerns raised by the Chief Justice. Like the earlier amendments, these amendments address two related matters raised by the Law Society and by members of this place and another place during the second reading debates on the bill. The substantive amendment is amendment No. 3, amendments Nos 1 and 2 being consequential. These amendments go together and, as such, amendment No. 1 should be treated as a test amendment. If it is a test amendment, maybe we should adjourn at this stage. Anyway, perhaps we can have at least some debate on it and then adjourn it. But, if we are going to treat this as a test, I guess, even though No. 3 is different, we can perhaps adjourn after we have had some initial discussion.

I set out in some detail on 3 May the background to government amendments Nos 1, 2 and 3, and I do not propose to go into this detail again. Government amendment No. 1 is consequential upon government amendment No. 3 and reflects the fact that the circumstances in which a sentencing court may fix a non-parole period for murder as defined—that is, less than the prescribed mandatory minimum—are set down in new section 32A. Government amendment No. 2 is consequential upon government amendment No. 3 and reflects the fact that the circumstances in which a sentencing court may fix a non-parole period for a serious offence against the person as defined—that is, less than the prescribed minimum—are set down in new section 32A inserted by government amendment No. 3.

Government amendment No. 3 inserts a new section 32A into the act and addresses concerns with the application of proportionality and the exceptional circumstances test. There are two differences between this amendment and amendment No. 3 placed on file on 2 May. The first is the inclusion of the words 'and only those matters' immediately before new subsection (3)(a). This makes clear that the sentencing court may take into consideration only the matters specified in subsections (3)(a), (b) and (c) when deciding whether special reasons exist and not other matters relevant to determining a sentence.

The second difference is that the first of the matters to which the court must have regard, the circumstances of the offence, has been replaced with 'the offence was committed in circumstances in which the victim's conduct or condition substantially mitigated the offenders' conduct'. This revised form of words is included to make clear that the circumstances of the offence in the context of new section 32A(3) do not include the defendant's age, character, socioeconomic position, race or other such matters but extend only to the victim's conduct or condition and only where this contributes substantially to the offender's conduct by way of mitigation. For example, conduct may include provocation of the offender by the victim or threats made to the offender by the victim or some serious mistreatment of the offender by the victim. The victim's condition may include a terminal illness or other serious debilitating condition. In each case, it will be up to the sentencing court to determine whether the victim's conduct or condition was of such a nature and extent that it substantially mitigated the offender's conduct so as to justify a shorter non-parole period than the mandatory minimum.

New subsections (3)(b) and (c) are unchanged from the amendment placed on file on 2 May. They set out the other matters that a sentencing court must have regard to when determining whether special reasons exist. These are: if the person pleaded guilty to the offence—that fact and the circumstances surrounding the plea; and the degree to which the person has cooperated in the investigation or prosecution of that or a related offence, and the circumstances surrounding, and likely consequences of, any such cooperation.

Perhaps it might be helpful for future consideration of this matter if I put on record comments about amendment No. 4. This is a simple amendment and addresses a concern raised by His Honour the Chief Justice. New section 33A(1) in clause 9 of the bill is amended so that the application by the Attorney-General for a declaration that a person is a dangerous offender is made to the Supreme Court rather than the Full Court. Amendment No. 5 is consequential upon amendment No. 4 that was requested by His Honour the Chief Justice. It provides for an appeal to the Full Court by either the Attorney-General or the offender from a decision of the Supreme Court under new section 33A(9).

Progress reported; committee to sit again.

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

Adjourned debate on second reading (resumed on motion).

(Continued from page 403.)

The Hon. S.G. WADE: I rise to again indicate the opposition's support for this bill, as indicated by my colleague the member for Heysen in another place. This bill increases the period of police impounding from two days to seven days, allows wheel clamping as an alternative to impounding, and provides that notice of a motor vehicle being clamped or impounded be extended to four days.

The Liberal Party condemns what has become known as hoon driving. As shadow minister for road safety, I am particularly aware of the dangers involved. Even when a driver is doing his or her best to control a vehicle, a car can be a lethal weapon. The risk of serious injury or death is significantly increased when the driver is pushing the limits of their own and their car's capacity. After all, a motor vehicle can be a lethal weapon weighing between one and two tonnes.

Driving a motor vehicle on public roads is a privilege. Small mistakes can result in catastrophic consequences. Foolish actions and irresponsible driving may not simply harm the driver: they pose a great risk to innocent road users—people driving responsibly, and their passengers. In that context, it is tragic to note the death of a young woman yesterday morning as a result of a motor vehicle trying to avoid a police pursuit. My understanding is that the female was a passenger in the vehicle of the person being pursued. This highlights the reckless disregard that hoon drivers have for not only themselves but also their passengers.

Similarly, the opposition also appreciates the distress and dangers associated with other forms of antisocial behaviour, some of which is proposed to be covered by this bill. Of course it is important when passing any legislation to ensure that we recognise and address any flaws in them. It is important that we enact effective legislation with measured success.

Before the opposition supports this bill, we will move amendments, as indicated by the member for Heysen. I would also like to take this opportunity to highlight some of our concerns with the bill. Our first amendment relates to the definition of 'prescribed offence' in clause 3(1), which provides:

> 'prescribed offence' means an offence of a kind prescribed by regulation for the purposes of this definition.

This means that punitive measures provided under this bill would apply to any offence prescribed in the regulations. Whilst this may sound reasonable at first glance, a closer look reveals that this gives the government the power to apply the remedies involved without any reference to parliament.

Certainly, parliament does have the right to disallow regulations, but the opposition is of the view that these remedies are so significant that the applicable offences need to have the more direct scrutiny of the parliament through the legislative process. It is a responsibility of this parliament to ensure that offences and penalties are appropriate. Simply to hand this power over to the executive to include offences by regulation abdicates our responsibility and ignores the obligations of an accountable and responsible government. The opposition therefore proposes that the offences covered by this bill (should it be enacted) should be listed in the act and subsequent additions or deletions agreed upon by the parliament as a whole.

I would also like to take this opportunity to express some other specific comments and concerns that I have regarding this bill. First, I would like to address the common misconception that has been raised a number of times in relation to this legislation, that is, that the number of vehicles that have been impounded by police already indicates the success of the legislation. It has been reported that 1 400 vehicles have been impounded, as though to draw attention to that fact draws attention to the success of the legislation, but in fact all that figure shows is the number of cars impounded. The real measure of the success of the existing legislation will be whether instances of hoon driving have actually decreased. I would certainly be interested if the government could provide us with statistics indicating the prevalence of that sort of behaviour.

I am also concerned with the scope of the bill. As I mentioned in relation to our proposed amendment, the Liberal opposition believes that the legislation itself should carry the offences, because we are keen that these measures be applied only to offences that are relevant and appropriate. The bill also does not seem to recognise that often offenders engage in offences because of other factors: no job, not a lot of money, they do not attend university or school. If we take away their vehicle we are concerned that that may undermine their capacity to engage more effectively in society and overcome their antisocial behaviour.

Another concern that I have is the damage that the bill may have on innocent third parties. My colleague in another place made reference to this, but the Attorney-General's response was simply to say, 'If we are going to change behaviour, we need to make the punishment absolute.' In his comments he suggested that the offender should think about the consequences first, or that a person loaning a vehicle should be more careful.

The reality of community and family life is not that simple. There are many scenarios where there is no conscious action by the affected innocent third party. For example, a parent may leave their car at home and their son or daughter takes it out and engages in unlawful behaviour. The parent comes home and finds their car clamped and cannot drive it to work the next day. It is not their fault, but they (and maybe other siblings) will suffer, and it is no good saying the offender should have thought about it first; the offender is not the one who is paying the price.

This is especially concerning when we remember that there has not yet been a conviction for any offence. The alleged offender is innocent until proven guilty. Their vehicle is being clamped and they are being shamed, as the Attorney-General so proudly claims, but we are also creating problems for innocent third parties. With those comments I indicate the opposition's support for this legislation, but we will move amendments at a later stage to seek to improve it.

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

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 403.)

The Hon. S.G. WADE: I rise today to indicate the opposition's support for this bill. The primary driver of this bill has been the failure of the Department for Correctional Services in relation to the management of prisoner Bevan Spencer von Einem. The minister has already outlined the primary intent of the bill, so I will not detain the council by paraphrasing the minister's speech. The opposition supports that intent and therefore supports the bill as an appropriate step to improve prison management.

The opposition takes this opportunity to highlight a few points in relation to matters that the minister omitted in her speech. As I said, the primary driver behind the bill is failures within the department and a breakdown in communication between the minister and the department. This bill is a direct result of the revelations of favourable treatment of prisoner von Einem by staff at Yatala Labour Prison and the opposition's pursuit of this matter. The problem at the centre of all this is that von Einem was receiving favourable treatment and the minister was not informed that this was going on. There was an appalling lack of communication between the prison, the department and the minister. The suggestion in this bill is that the fault lies with the legislation and the policies and guidelines of the Department for Correctional Services. But legislation cannot guarantee effective communication, and it cannot guarantee effective enforcement of legislation, policy and guidelines.

Many of the issues surrounding prisoner von Einem's treatment were already covered by the department's policies. The problem was that they were not being adhered to by staff and officers within the department. The policies were not being adequately enforced. Staff were purchasing items from von Einem and providing him with meals and art supplies and, in general, giving him special treatment. Prison management policies already forbade such actions, but the policies were not being sufficiently enforced. This is particularly important, as this legislation will not prevent prison officers or departmental staff from making deposits into a prisoner's normal bank account, that is, an account held with an external financial institution.

There are still ways in which prisoners may sell their goods, and the only way to prevent this is through strong enforcement of the policies, regulations and legislation. Even when this bill becomes law, the department and the minister will still need to strengthen their enforcement to ensure that these sorts of actions do not occur again. This bill upgrades policies through legislation and imposes stricter penalties but, if the policy was not enforced, this council needs a guarantee that the legislation will be enforced better.

Similarly, in regard to the scandal about the prescription of Cialis to prisoner von Einem, there are already provisions within the department's policies to allow for the prohibition of certain drugs or classes of drugs. This legislation actually does very little to address that problem and, had the provisions of this bill been in place, there is no assurance that they would have prevented the prescription of Cialis. The key element that has characterised the whole ongoing debacle regarding the favourable treatment of prisoner von Einem has been the fact that the minister is not maintaining effective communication with and oversight of prisons around South Australia. The result is that, while this bill will support good prison management, it will not fix the problems without further action.

One particular issue we have in relation to the bill (and I would appreciate the minister's consideration of this issue before the bill is further considered by the council) is in relation to clause 4 and the proposed amendments to section 31(5)(a), prisoner allowances and other money. As discussed with the minister's office and the CEO of the department, this clause aims at preventing prisoners receiving money from anonymous sources, as was the case with prisoner von Einem's receiving funds from prison officers as payment for his artworks. I seek the advice of the minister as to whether clause 4 will make it mandatory for prison officers to ascertain the identity of the person depositing money into a prisoner's account before any other action is taken.

It appears that the bill as it stands does not actually require prison officers to determine the identity of the person depositing money and the circumstances of that deposit. There is a provision relating to a person who cannot be identified, but there does not seem to be a requirement to identify before other action is taken. I ask the minister to clarify whether there is a requirement and consider whether there is a need for an amendment to make this requirement mandatory. Other than these points, the opposition supports the bill, and we hope that debacles such as the von Einem case will not occur again.

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

ENVIRONMENT PROTECTION (SITE CONTAMINATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 June. Page 349.)

The Hon. R.P. WORTLEY: I stand here to express my support for this much anticipated bill, which seeks to ensure that the Environment Protection Authority has the necessary powers to manage site contamination when it is detected to protect the health and safety of both the surrounding community and the environment. Currently, South Australia is one of the only states and territories that does not have a legislative framework to this effect. To protect public health, and the health of the environment, we need a legislative framework to adequately regulate and manage the assessment and remediation of site contamination. As there is no current legislation or policy structure to deal with the assessment, the remediation of site contamination is currently being managed by the EPA in an administrative manner. The bill is a vital step towards bringing South Australia in line with other states and territories, and it will also enable the government to deal with land contamination that occured before 1995.

We are a growing state with a growing demand for affordable housing and industrial development. As such, we are facing problems and concerns that occur when residential developments are being built in close proximity to existing industrial sites. Old industrial sites are being replaced with new housing developments, and industrial businesses that were once in the outer regions of Adelaide are now very often surrounded by residential housing. However, the continuing development of the housing and other industries would not have been successful without assessment and remediation of contaminated sites.

Many may believe that the financial cost of an assessment and remediation of site contamination reduces the development property value. In fact, the result is quite to the contrary: the remediation of contaminated derelict land has led to a sustainable increase of property values. A site such as the contaminated railway yards at Mile End could not have been

developed into the large complex it is today without this process. Remediation of the railway yards enabled the construction of the Santos athletics stadium, the netball complex and over 30 residential allotments. These facilities are now utilised by local, national and international athletes. It is estimated that the Santos stadium alone is used by approximately 90 000 people every year for a variety of competitions and events.

The Halifax Street redevelopment is another example of the leveraged development and enhancement of property values after a site has been remediated. The Halifax Street development, comprising some 240 townhouses and apartments, was once owned by the Adelaide City Council. The land has been used for a variety of purposes, including an asphalt plant and coal tar distillation facility, resulting in the site becoming contaminated. The area has also been contaminated with arsenic and mercury, along with petroleum products from leaking storage tanks. In 2002 the property value of the site was estimated to be $65 million. The cost to remediate the site was around only $7 million. By remediating the site they prevented any added loss of development opportunities and ongoing economic costs.

Not only have many companies in South Australia benefited from remediating a site financially but they have also played a major role economically and socially by reducing the health impacts and the costs associated that may be borne by affected individuals or the general community. Although there are many very positive stories about site remediation around Adelaide, legislation is needed to ensure consistency across the state. To oppose this bill would risk allowing land, where site contamination exists, to be wrongly sold, with the health, safety and economic costs passed on solely to the purchaser or the government. This legislation will give greater certainty for home buyers and developers and I commend it to the chamber.

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

[Sitting suspended from 12.10 to 2.17 p.m.]

WEIRS, LAKE BONNEY AND WELLINGTON

A petition signed by 191 residents of South Australia, concerning the construction of weirs at Lake Bonney and Wellington and praying that the council will do all in its power to support measures to obtain water for urban and agricultural purposes that do not disrupt the natural operation of the River Murray system, was presented by the Hon. Sandra Kanck.

Petition received.

VOLUNTARY EUTHANASIA

A petition signed by 116 residents of South Australia, concerning voluntary euthanasia and praying that the council will support the Voluntary Euthanasia Bill 2006 to enable law reform in South Australia to give citizens the right to choose voluntary euthanasia for themselves as such legislation, if enacted, would contain stringent safeguards against misuse of the provisions of the act, was presented by the Hon. Sandra Kanck.

Petition received.

PAPER TABLED

The following paper was laid on the table:

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

Report on actions taken following the Coronial Inquiry into the Death in Custody of Leonard Norman Harkin—Report prepared by the Department of corrections, May 2007.

MURRAY-DARLING CONTINGENCY PLANNING

The Hon. P. HOLLOWAY (Minister for Police): I lay on the table a copy of a ministerial statement made today by the Premier on the subject of Murray-Darling contingency planning.

POLICE POWERS

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

Leave granted.

The Hon. P. HOLLOWAY: Today the government announced that it will introduce amendments to parliament to the Liquor Licensing Act to give the Police Commissioner the power to be able to bar people from clubs and pubs if he believes they pose a threat to the safety of other patrons. The police will not have to wait for an offence to occur but will be able to rely on their criminal intelligence when determining whether they will issue a banning notice. The amendments will reinforce a recent decision by District Court Judge Paul Rice, where he determined that membership of a known outlaw bikie gang was in fact reasonable grounds for a banning order.

The amendments will allow the Police Commissioner to provide information to licensees, such as photos of people who have been barred from certain premises. South Australia Police have had considerable success in reducing serious assaults in licensed premises when barring orders have been served on outlaw motorcycle gang members and associates. Recent violent incidents at licensed premises involving bikie gang members highlights the need to amend current legislation. In addition to the Liquor Licensing Act amendments, the government will amend the Casino Act 1997 to provide the Police Commissioner with the power to issue barring orders for the Adelaide Casino. The extra powers will help to curb money laundering and other criminal activity at the venue.

These proposed amendments reinforce the state government's pledge to continue working closely with the police to strengthen laws so that officers have the authority to deal with bikies. The proposed amendments are a significant step towards ensuring a safer environment not only for the thousands of pub and nightclub patrons but also for the staff and licensees who work at these venues. Some licensees have expressed their reluctance to issue banning orders, particularly against members of an outlaw bikie gang, for fear of retribution. The proposed amendments will help deal with that problem.

Under the existing provisions of the Liquor Licensing Act 1997, a licensee can bar a person for any of the following reasons:

- the person is behaving in an offensive or disorderly manner;
- the person commits an offence;

- the licensee believes the welfare of the person or their family is seriously at risk as a result of the alcohol consumed by that person; or
- any other reasonable grounds.

A recent SAPOL operation saw officers serve 65 barring orders to outlaw motorcycle gang members and associates in relation to licensed premises, including Savvy, Tonic, HQ, Vodka Bar, Grand Hotel, Raptures, London Tavern, Alma Hotel, and other premises. Operation Avatar is continuing to assist licensees in drawing up further barring orders for service in the near future.

BUCKINGHAM PALACE

The PRESIDENT: I have a message from Buckingham Palace via Government House which states:

Dear Ms Stratmann,

Thank you for your letter of 1st June detailing the words of appreciation delivered by the President of the Legislative Council to the Queen on 24th April.

I have laid your letter before Her Majesty who is grateful to you for writing.

Yours sincerely
Edward Young
Assistant Private Secretary to the Queen

QUESTION TIME

MINISTERIAL STAFF

The Hon. D.W. RIDGWAY (Leader of the Opposition): I seek leave to make a brief explanation before asking the Minister for Police a question about the use of ministerial staff resources.

Leave granted.

The Hon. D.W. RIDGWAY: An article in the *Messenger* press in early May regarding Nicole Cornes and her candidacy for Boothby states:

Nicole Cornes mentioned the word 'Boothby' five times in one sentence during a press conference last week. But her minders said she was 'too busy' to speak to the local community newspapers that represent the voters in Boothby, in the wake of her preselection as the ALP candidate. Her spokesman first said she would be available to be interviewed later in the week but on Wednesday (May 2) claimed that she was 'too busy' to talk at all. 'It's certainly a bit overwhelming for us', said the spokesman John Bistrovic, who has been assigned to the ALP to assist Ms Cornes.

Interestingly, about that time the *Government Gazette* published a list of all ministerial advisers as well as the salaries and other benefits they receive. Upon examination of that list, Mr Bistrovic appears as a media adviser to the Minister for Police (Hon. Paul Holloway) and, along with his salary, it mentions a mobile phone and reasonable use of his home telephone. My question is: will the minister guarantee the people of South Australia that Mr Bistrovic is not using any of his taxpayer-funded mobile phone and other benefits in helping to campaign for the federal seat of Boothby?

The Hon. P. HOLLOWAY (Minister for Police): Obviously this is a matter of pressing urgency for members opposite; it was in the paper in May and two months later they finally decide to ask this question. It is interesting that, with all the announcements currently being made, they cannot find something genuine to ask about law and order. Officers and members of my staff are involved—

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

The Hon. P. HOLLOWAY: How dare you suggest that! Go outside and repeat that.

The PRESIDENT: Order! I did not hear that.

The Hon. P. HOLLOWAY: Mr President, some of my staff are involved in political activities in their own time. What will not happen is what happened before the previous election, and this is probably part of the reason that this is being set up. We know that the division between Mr Moriarty and the leader—

The Hon. J.M.A. Lensink: What's that got to do with it?

The Hon. P. HOLLOWAY: It has a lot to do with it. Just wait. We know that the Leader of the Opposition, who asked this question, is an opponent of Mr Moriarty within the Liberal Party. Of course, Mr Moriarty made a statement before the last election in which he indicated that Liberal staff had actively been working on Liberal campaigns during the election campaign. He made that quite public, as any check of the record will show. Now, that is a misuse of staff resources, and I cite it as an example for the Leader of the Opposition. I assume he asked this question to embarrass Mr Moriarty in relation to that matter.

In relation to my staff, it has been made quite clear that they, like everyone, can of course be involved in political activity. In fact, it would be surprising if political staff members (just like staff of members opposite) were not involved in political activities; they would probably be less effective in their jobs if they did not have an understanding of politics. However, they should (and would) do so in their private time, and that is my expectation.

MORIALTA CONSERVATION PARK

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about Morialta Park.

Leave granted.

The Hon. J.M.A. LENSINK: In relation to the areas that were raised in parliament yesterday, I am in possession of some correspondence going back to 1999 in which the then department for environment, heritage and aboriginal affairs wrote to a person representing the owner of that land saying:

. . . this department is still interested in the purchasing portion of the land. Would you therefore please advise me if your client would consider selling the land required and if so the amount required.

In 2002 there was correspondence again between the government and the subsequent owners of the land but an agreed price could not be reached.

The Hon. Sandra Kanck quoted yesterday from *The Advertiser* dated 19 June, where it was reported that Dr Haegi of DEH stated that the government would not purchase this land. In fact, the words used in the article were that there was 'no intention'. I am also in possession of correspondence (some 10 months ago) from Charles Parletta of L.J. Hooker at Glynde to the department in which the offer is made seeking some negotiation before the property is put on the open market. My questions for the minister are:

1. Why has the government not even replied to Mr Parletta's letter of some 10 months ago?

2. Is the government ruling out any consideration of negotiation for this piece of land even for the purpose of ensuring continued public access to the pathway along Fourth Creek?

The Hon. G.E. GAGO (Minister for Environment and Conservation): It is sad that I stand up here, day in and day out, and answer the same old questions. I am accused of either not answering the question or answering in too much detail and for too long. The opposition cannot be pleased. I

answered this question quite clearly yesterday. I refer the honourable member to *Hansard*. However, given the problems with hearing on the other side, I am very pleased to go through these issues yet again.

I made it quite clear yesterday that, at this point in time, we are not considering the purchase of this land. From time to time the government does consider a range of reserve acquisition potential—and that is a responsible and good thing to do—but what I put on the record quite categorically yesterday was that, at this point in time, we do not propose to purchase this particular property.

I went through the issues and said that when assessing opportunities the sorts of things that we consider—and have considered in this case—are things like the contribution that the land would make to our ecosystem representation; conservation of adequate areas of ecosystems to provide ecological viability, resilience and integrity; inclusion of areas that are of high species richness; protection of rare or threatened species, communities and ecosystems; protection of species with specialised habitat requirements and species vulnerable to threatened processes; opportunities to mitigate the impacts of climate change; and ongoing management requirements.

These are some of the very important and responsible considerations that the department goes through when considering reserve acquisitions—and that is a responsible and reasonable thing to do. I put on the record yesterday that, because of its relatively small size and proximity to the two existing conservation parks, the possible contribution of this piece of land to increasing the representation of the reserve system in the area is not, at this point in time, regarded as significant.

I also raised the issue that the prolific weeds on the land would create a significant management burden for the government. I further put on the record that the land is currently zoned within the Hills Face Zone which already does offer it a form of protection from subdivision. Again, as I put on the record yesterday, the combination of the small size, the high price, the degraded state, the absence of threat from development, and the presence of existing parks in its immediate vicinity means that the benefits that are offered at this point in time rate very low when compared with other opportunities.

As I put on the record—but I am happy to say it again and again and, if we had another question time tomorrow, I would probably be answering the same old question again—DEH is highly unlikely to purchase this land at this point in time. We are not considering it at this point in time. However, I also put on the record that the district ranger is working on options for securing the values of the land and I look forward to a further report from the ranger in relation to those matters. As I said, it is a very sad indictment that, day after day, I have to stand up in this place and answer the same old questions. You would think that members opposite would at least be able to come to question time with an original question.

The Hon. J.M.A. LENSINK: I have a supplementary question arising from the minister's reference to 'ongoing management requirements'. Does that mean that, while the land is in private ownership, the pathways within the park might be under jeopardy and at the behest of whether or not the owners choose to let people through?

The Hon. G.E. GAGO: The Rann Labor government has purchased and added hundreds and thousands of hectares of additional land to our reserve system. We are way ahead of anything which any former Liberal government has ever contributed. We have an outstanding record of reserve acquisition—outstanding. The government operates in a responsible way. We have listed the sorts of criteria that we go through when we consider further acquisition. They are clear and transparent. As a government we are required to be a responsible administration—and that is what we do. The opposition needs to listen to what we are saying, and it should be applauding us for responsible management of our reserve system.

Members interjecting:

The PRESIDENT: Order!

The Hon. SANDRA KANCK: I have a supplementary question. Will the minister consider purchasing a portion of the land adjacent to the road to ensure public access and safety?

The Hon. G.E. GAGO: I am not aware of all the different options being considered by the department. The advice that I have received from it is that, at this point in time, it is not considering purchasing this property. I have put the answer on the record.

PRISON SECURITY

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about prison security.

Leave granted.

The Hon. S.G. WADE: On the weekend, the media reported that two prisoners had absconded from the Cadell Training Centre. The most recent Productivity Commission report on government services released in January 2007 shows that South Australia has an absconding rate from open custody of 3.4 escapes per 100 prisoners, which is nearly double the national average of 1.85 escapes. In addition, the Department for Correctional Services' annual report for 2005-06 shows that, since the Rann government came to power, secure custody escape rates have climbed from 0.15 per 100 prisoners in 2001 to 0.51 in 2006, which is an increase of over 300 per cent. What is the government doing to address this appalling deterioration in the security of our prisons?

The Hon. CARMEL ZOLLO (Minister for Correctional Services): In relation to the two prisoners from Cadell, obviously Cadell is not a secure prison and when—

The Hon. S.G. Wade: So they are allowed to walk out, are they?

The Hon. CARMEL ZOLLO: Absolutely not. When one hears of prisoners doing something like that, it is very regretful because, of course, they were low security prisoners. I think that, from memory, both had only several months to serve until they were able to be released. They were there for minor offences and, as I said, they were low security prisoners. Obviously, they are both now back in Yatala. It is regretful when we see something like that happen. They were apprehended the next day. They had not gone very far, from what I can gather. All states in Australia use a similar formula to represent prisoners who escape and those who are regarded to be unlawfully at large. For the information of the chamber, an escapee is a prisoner who has breached, of course, an institutional boundary or who has escaped while on unaccompanied leave or under escort.

Of course, a prisoner who is unlawfully at large is one who has absconded from unaccompanied leave, home

detention or other similar programs. The incidence of escape from South Australian prisons has decreased significantly over the past 10 years. In 1994 and 1995, there were 34 escapes compared to eight in 2005-06. The department always investigates each incidence of escape and unlawfully at large and, where necessary, develops appropriate security arrangements to reduce the likelihood of further incidents. Of the eight escapes that occurred during the 2005-06 financial year, six were from the Cadell Training Centre and two occurred whilst prisoners were on a hospital escort under the supervision of GSL officers.

In this financial year, we have had two escapes from the low-security section of the Port Lincoln and Port Augusta prisons, and both prisoners were apprehended pretty much straight away. Of course, we have had two escapes from the Cadell Training Centre, and both prisoners were apprehended. I think the statistics do speak for themselves. We have had a significant decrease in prisoners being either escapees or unlawfully at large.

The Hon. S.G. WADE: As a supplementary question, the minister mentioned a decline over the past 10 years, but is that not obfuscating the fact that the rate declined to the point of 2000-01 under the last Liberal government and has, in fact, continually increased since that point?

The Hon. CARMEL ZOLLO: The crime rate?

The Hon. S.G. Wade: I am talking about escape rates.

The Hon. CARMEL ZOLLO: I said to the honourable member that it has decreased over the past 10 years. In 1994-95 there were 34 escapes and, if my memory serves me correctly, that was under the Liberal government.

The Hon. S.G. Wade interjecting:

The Hon. CARMEL ZOLLO: There were 34 escapes under your lot. We are looking at eight in 2005-06. Whichever way one looks at it, on my maths, it is a decrease.

Members interjecting:

MINERAL EXPLORATION

The Hon. B.V. FINNIGAN: You had better hope *The Advertiser* does not go on strike; you won't have any questions at all! I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the latest mineral exploration figures from the Australian Bureau of Statistics.

Leave granted.

The Hon. B.V. FINNIGAN: It has been clear for some time now that South Australia has been experiencing a mineral exploration boom and that the state is on the verge of a full-blown mining boom that is set to be the backbone of our economy for decades to come. Will the minister provide the latest mineral exploration figures from the Australian Bureau of Statistics?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): It is true that the mineral sector in South Australia is going from strength to strength. In the past, I have been proudly able to report to members that, during the past couple of years, the Australian Bureau of Statistics (just like the people who keep the crime figures in respect of escape rates and other things), an independent body that keeps these figures, has shown that the money being spent on mineral exploration in our state has reached record levels. I have also previously reported that the level of exploration expenditure has significantly surpassed the $100 million a year target set in the South Australian Strategic Plan and more than a year ahead of schedule.

If those previous results from the Australian Bureau of Statistics were fantastic, the set of figures released by the bureau last week for the March quarter 2007 were nothing short of sensational. The figures show that $66.5 million was spent on mineral exploration in South Australia during the quarter, taking the figures for the past 12 months to an astonishing $233.2 million. This result means that South Australia is now outpacing all other Australian states and territories in terms of spending on mineral exploration, except for the mining colossus of Western Australia. In other words, we have stepped above Queensland for that quarter.

Our share of the national mineral exploration spend is $12.1 million higher than Queensland, which until now traditionally has been in second place behind WA. The $233.2 million is more than double the 12 month figure at the same time last year and more than double the revised strategic plan target of a minimum of $100 million worth of mineral exploration a year by 2010. The $66.5 million figure for the March quarter this year is a huge increase on the $24.7 million spent in the same quarter just 12 months ago. Most importantly, $15.2 million of that figure was spent on searching for new mineral deposits. The remaining $51.3 million was spent on the development and expansion of our state's growing list of known mineral deposits: copper, uranium, gold, silver, lead and zinc are the leading minerals being sought by explorers in our state.

These latest ABS figures are a further concrete sign that more local, national and international mining sector companies are recognising that South Australia is home to some of the world's richest mineral deposits, and this government is keen to continue the momentum. As a result, we have extended the internationally recognised plan for accelerating exploration, which since its inception in 2004 has played such a critical role in the exploration and mining success that we are now seeing.

This year's state budget includes $8.4 million in new funding for PACE, which will carry the original scheme past its five-year life and take the state government's funding of the scheme over seven years to $30.9 million. The ABS data shows how successful PACE has been. According to the bureau's figures the money spent on mineral exploration in South Australia in the four quarters, making up the 2003-04 financial year—in other words, the days before PACE—was $41.7 million—a total of $41.7 million over four quarters. Last week's ABS figures show that mineral exploration expenditure for South Australia just for the March quarter 2007 was $66.5 million and, if one takes into account the past four quarters, it totals $233.2 million.

The annual spend by mineral explorers in our state has increased more than five fold since 2003-04, a direct result of the government's PACE initiative. PACE will help the government achieve the tough South Australian strategic plan targets of: exploration expenditure to be maintained in excess of $100 million a year until 2010; increase the value of minerals production to $3 billion by 2014; and increase the value of minerals processing to $1 billion by 2014. There is no doubt the mineral resources sector will be South Australia's economic backbone for many decades to come.

DRUG SENTENCES

The Hon. D.G.E. HOOD: I seek leave to make a brief explanation before asking the Minister for Police, represent-

ing the Attorney-General, a question about the granting of suspended sentences to drug dealers.

Leave granted.

The Hon. D.G.E. HOOD: Today Judge Muecke dealt with a defendant named Nicholas Matters, who had pleaded guilty to manufacturing methamphetamines in a lab in his unit at Glenelg East. I will quote from the sentencing remarks, which illustrate how serious this case was:

> Police attended at your unit on 29 July 2006 when you were there at the time. All the chemicals, vessels, flasks and other apparatus required to produce methylamphetamine were found in your unit. There was an extremely pungent smell in your kitchen making it difficult to breathe. Police wore protective clothing and masks to render the area safe.

This morning Judge Muecke ordered that the defendant serve only a five month non-parole period of imprisonment, and that sentence was suspended. Earlier this week on Tuesday Judge Muecke also granted a suspended sentence to another drug dealer who was found with 39 ecstasy tablets in his possession and he admitted that he was planning to sell some of them. In two other cases recently, on 24 and 29 May, Judge Peter Herriman allowed ice drug dealers to walk free with suspended sentences.

In the case of Metcalfe, the defendant pleaded guilty to the possession of methamphetamine for sale. At her premises police found 14 plastic jiffy bags containing the drug, as well as lists of names and electronic scales. However, Judge Herriman suspended a 12-month non-parole period sentence. In the case of Rapadas, another case before the same Judge Herriman, a police search of the defendant's car found a set of digital scales, four small plastic resealable bags containing a powdery substance, a glass pipe and a Taser gun. Judge Herriman again in that case suspended a nine-month non-parole period. Drug dealers in our community are responsible for incredible misery, and increased drug use is directly proportional to increased crime rates. My questions to the minister are:

1. Does the government believe it is appropriate to allow convicted ice drug dealers and similar types to be granted suspended sentences of imprisonment?

2. Are the decisions to suspend these drug dealers' sentences out of step with community expectations?

3. What will the government's response be to these appalling non-sentences—if I can call them that?

The Hon. P. HOLLOWAY (Minister for Police): I think it is clear what are the parliament's views on what should be appropriate penalties. This parliament passes laws, and I think we have expressed our wish in relation to a number of issues recently where the parliament, through the legislation we passed, expressed our view on that, but of course the courts have an independent role. One always has to be careful before passing judgment on particular decisions of a court, because we are not fully aware of all the facts. That is why it is important that, if any action is to be taken by the Attorney or the Director of Public Prosecutions in challenging any decisions of the courts, it should be made in full knowledge of all the facts. I will refer the question to my colleague the Attorney-General and make sure the matters raised by the honourable member are considered.

GREAT ARTESIAN BASIN

The Hon. CAROLINE SCHAEFER: I address my question to the Minister for Environment and Conservation. Why are there no regulatory provisions for the rehabilitation of bores in the Great Artesian Basin region of South Australia, and why has the minister failed to sign off on the water allocation plan which would put those regulations in place, even though it has been ready for her signature for almost two years?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I will need to take those questions on notice and bring back a response; I just do not have recollection of those details. I know that a great deal of work has gone into the management of the Great Artesian Basin, and there have been protracted issues there for many years, but I will take the precise details on notice and bring back a response.

MENTAL HEALTH AWARDS

The Hon. I.K. HUNTER: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about recognition of community volunteers, organisations and health sector employees.

Leave granted.

The Hon. I.K. HUNTER: Yesterday's announcement that the new community recovery centre in Noarlunga will be named in honour of the late Trevor Parry, a passionate advocate for the improvement of mental health services, reminds us of the importance of NGOs and community members in the health reform system. In particular, it reminds us of the need to recognise these fantastic community contributions. Will the minister inform the chamber of plans to further recognise community members or organisations for their efforts to improve mental health services in South Australia?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for his important question and his ongoing interest in these important policy areas. I am pleased to say that once again the nominations are open for the annual Margaret Tobin awards. Held in October, these awards are the highest recognition of people or organisations who have made an outstanding contribution to mental health services here in South Australia. As members are no doubt aware, there are many passionate and caring advocates in the non-government sector, thousands of hard working staff in the public sector and dozens of groups who spend time promoting mental health issues in our community, and they are often very much our unsung heroes and quiet achievers.

Now in their fourth year, the awards have become the chief feature of Mental Health Week, and what more fitting way to pay tribute to many people who work hard to improve mental health could there be than recognising them in honour of Dr Margaret Tobin's tireless efforts to reform mental health in South Australia? More than anything else, the awards aim to recognise the work in South Australia that has made a real difference. There are six categories in this award, so I am sure that everyone in this chamber can think of at least one worthy nominee. The categories are:

- Category 1: Excellence in leadership in and commitment to mental health reform;
- Category 2: Excellence in promoting an understanding of mental health in the community;
- Category 3: Excellence in the provision of services to people with a mental illness;
- Category 4: Excellence in promoting positive mental health by reporting mental illness and mental health in a balanced and respectful way (a media award);

- Category 5: Excellence in the provision of mental health services for those most in need or most at risk (an Aboriginal award); and
- Category 6: People who have made an outstanding contribution to improvements for people with or at risk of developing a mental illness (a consumer/carer/volunteer award).

Yesterday I announced that our latest community recovery centre in Noarlunga would be named after the late Trevor Parry, who was a passionate mental health campaigner. Last year he was a Margaret Tobin award winner; so he is an illustration of the calibre of recipients and nominees. Nominations close at 5 p.m. on Friday 13 July and further information and nomination forms can be obtained by contacting the nominations officer on 8226 0777 or via email at: nominations@health.sa.gov.au. I urge everyone in this chamber to spread the word and to nominate someone. I am sure they would know someone who is worthy of nomination, and I urge them to put those names forward.

WALKLEYS ROAD EXTENSION CORRIDOR

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question in relation to the Walkleys Road extension corridor at Ingle Farm.

Leave granted.

The Hon. J.S.L. DAWKINS: The Walkleys Road extension corridor runs from the junction of Walkleys Road with Montague Road for approximately one kilometre to a point on Bridge Road adjacent to bus stop 38B. The corridor runs in a half moon shape and is generally marked on maps as a highways reserve. All the land is controlled by the City of Salisbury, except for 1.2 hectares at the Bridge Road end, which is owned by Transport SA. The government is currently tendering this 1.2 hectares of crown land for residential development. This is land which was earmarked for transport use under the former Metropolitan Adelaide Transport System (MATS) plan many years ago. If this development goes ahead there will be no future transport options for the corridor. My questions are:

1. Will the minister indicate whether Planning SA was consulted in relation to the sale of this property and the impact on the remainder of the corridor?

2. Will he indicate whether the City of Salisbury was consulted regarding the sale of this portion of the corridor?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): If this land is kept as a highways reserve and if it is under the ownership of the Department of Transport it is probably more a question for my colleague the Minister for Transport and I will refer it to him. I am not aware of an approach to Planning SA but I will have that checked and, if there is any further information in relation to the Salisbury council, likewise, I will bring back that information.

PARLIAMENTARY SALARIES

The Hon. M. PARNELL: I seek leave to make a brief explanation before asking the Minister for Police, representing the Premier, a question on the issue of increases in parliamentary salaries.

Leave granted.

The Hon. M. PARNELL: The Commonwealth Remuneration Tribunal has ruled that all federal members of parliament will get a pay rise of 6.7 per cent come 1 July. Under the State Parliamentary Remuneration Act 1990 this increase will automatically flow on to state MPs as well, as it does in most other states, including Victoria, New South Wales and Queensland. The standard line in response from both major parties when this occurs is: 'We can do nothing because it is out of our hands.' Yet today it appears, as reported in the *Herald Sun* and confirmed by my Green parliamentary colleagues in Victoria, that Victorian Labor Premier Bracks has broken ranks and announced that the increase for Victorian state MPs will be capped at 3.25 per cent. We understand that he intends to introduce legislation to ensure that this cap occurs. In South Australia, we members of parliament also have power to change the rules. Saying that we can do nothing is simply wrong, and that is especially the case when our hardworking health workers, nurses, teachers and others are seeking similar increases. My questions are:

1. Does the Premier think it is appropriate for South Australian members of parliament to effectively get a 14 per cent increase over two years whilst the Minister for Industrial Relations is denying nurses who are seeking the same increase?

2. Will the Premier now follow the lead of Victorian Premier Steve Bracks and cap the automatic increase for South Australian members of parliament and, if not, why not?

The Hon. P. HOLLOWAY (Minister for Police): I note that the honourable member has been outspoken in the media, as has his colleague the Hon. Nick Xenophon, who, of course, has been away on sick leave this week. However, he is not so sick that he cannot ring the media and have an opinion on this issue. One would think that, if one was not going to attend this place for three days because of sickness, one might at least extend that to media comments as well.

The Hon. R.I. Lucas: He must be sick if he missed out on a photo opportunity with *The Advertiser*.

The Hon. P. HOLLOWAY: Yes. I just make that observation. I suppose the next thing I will hear is that we have to sit longer, as we have heard in the past. I am old enough—and I am sure the Hon. Rob Lucas has been around long enough—to remember that we had a system—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Yes, but you have been here a lot longer than I have. The Hon. Rob Lucas—and I imagine the Hon. Caroline Schaefer, the Hon. Robert Lawson and others were probably here at the time—would remember the independent remuneration tribunal. Certainly, when I first came into this place there was an independent remuneration tribunal that considered parliamentarians' salaries. Of course, what happened was that, every time that tribunal came down with a finding that members' salaries should be increased, there was a public outcry that we should ignore the hearings of that independent salary tribunal. That was changed to make our salaries $2 000 a year less than the salary of federal parliamentarians.

In relation to other professions, the honourable member talked about nurses, the police and others. Their salaries tend to be set broadly in line with those salaries of the comparable professions in other states. I would hope the honourable member is not suggesting that there should be one flat pay rise for everyone, because that was really what was implicit in his question.

It would not matter what method one used to determine the salaries for members of parliament—I am sure there would be a dispute in relation to that, and there would always

be some opportunists from within who would attack it. The honourable member has the opportunity to donate his salary increase to charity if he wishes. I know that other members have done so. However, I wonder whether they did it every year, as promised. In the case of the Hon. Nick Xenophon, if one were to go back to 1997, it would be interesting to know how much would have gone to charity in those days if people really felt so badly about taking the salary increase.

As I have said, whatever method is used, I am sure there will be those who will criticise the increase in salary and those who believe that parliamentarians should be paid nothing. In relation to some of our newer colleagues, I think it is worth pointing out that there has been a significant reduction in superannuation for newer members, and I indicate that the honourable member is one of those who is on the new superannuation scheme. I do not think anyone has sent their congratulations to those parliamentarians for that sacrifice, but one does expect there will be plenty of criticism for the increase in salary. This is an issue every time there is an increase in parliamentarians' salaries, which happens every 30 June—and I am sure it will be an issue for every year to come.

PRISONER TRAINING

The Hon. J. GAZZOLA: My question is to the Minister for Correctional Services. What initiatives has the Department for Correctional Services undertaken to give prisoners new skills that will equip them for employment upon their release?

The Hon. CARMEL ZOLLO (Minister for Correctional Services): I thank the honourable member for his question. I was pleased to visit the Cadell Training Centre last week to officially open the new prison accommodation cottage. This completed cottage is unique. It is a kit home that was largely built by prisoners under the direction and training of building company Allsteel. Allsteel was successful in winning the expression of interest process, and its willingness to be involved throughout the process has been instrumental in the success of the venture.

The company provided a 5-bedroom kit home that was designed in consultation with Cadell Training Centre management. It also provided qualified and experienced supervisors to oversee the construction work to ensure that the work complied with building regulations. I understand that some of the modifications to the original design include: strong wall linings, prison-grade locks on bedroom doors, a programmable air-conditioning system, a solar hot water system, and a plumbed rainwater tank. These modifications will provide more secure accommodation as well as improved energy efficiency and reduced water consumption.

Eight prisoners worked on the project, learning skills ranging from site preparation and frame construction to gyprocking, plastering, painting and paving. I am told that the eight prisoners completed and obtained competency in various units towards Certificate III in General Construction, and the satisfactory completion of these units gives the participants qualifications recognised by TAFE and the building industry. Honourable members would be aware that there is a construction boom occurring in this country at the moment with a consequent shortage of trained workers in that industry, so this project is a very apt and timely endeavour. Projects such as these provide a great opportunity for offenders to gain meaningful skills under the supervision of qualified professionals, which can be expanded upon release from prison. As all honourable members would appreciate, worthwhile employment upon release is the best way to reduce the number of prisoners who reoffend.

The result of this project is a prisoner-built, 5-bedroom, steel-framed, fully self-contained cottage built to the highest energy conservation standards. It took eight weeks to complete and is (as would be expected) smoke-free. I was extremely impressed with the quality of the construction and the professionalism of those who helped to build it. My thanks go to the Cadell Training Centre management and to Allsteel for its contribution.

POLICE, BRITISH RECRUITS

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Police a question about UK police recruits.

Leave granted.

The Hon. T.J. STEPHENS: In reply to my question of 19 June regarding UK police recruits, the minister indicated that he had learnt from mistakes and had implemented new procedures. My questions are:

1. What exactly were the mistakes?
2. What are the new procedures that will make recruiting more successful?

The Hon. P. HOLLOWAY (Minister for Police): That first recruitment of British police was, of course, undertaken before I became police minister so I was not talking about a personal lesson. However, quite clearly it is important that when recruiting officers from the United Kingdom the conditions of their employment in relation to promotional prospects and the like is made crystal clear to them. Also, there is the issue of targeting police officers who will best fit into our South Australian police force and whose expectations are less likely to be unrealised in relation to any transfer they might make here. Essentially, those are the lessons that have been applied by SAPOL recruiters.

IKARA PROJECT

The PRESIDENT: The Hon. Mr Finnigan.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Finnigan has the call.

The Hon. B.V. FINNIGAN: It is an understandable reaction by members opposite, I am sure.

The PRESIDENT: Order!

The Hon. B.V. FINNIGAN: I seek leave to make an explanation before asking the Minister for Environment and Conservation a question about the indigenous history of our national parks.

Leave granted.

The Hon. B.V. FINNIGAN: The recorded history of the first European settlers in South Australia has been reasonably well documented and justly celebrated; however, Aboriginal community history over that time is not always so accessible for the people of South Australia to understand. What has the government done to enlarge our understanding of indigenous history, particularly in the context of our national parks?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I had the great pleasure and privilege of opening the IKARA project recently in the Flinders Ranges National Park. IKARA (which means 'meeting place') is a cultural and artistic project that tells part of the story of the 40 000-year history of indigenous culture in the Flinders

Ranges and the impact of early European settlement on the Adnyamathanha people. It features a sculpture representing two Dreamtime serpents whose bodies form the whorls of the Wilpena Pound and it is designed to be a meeting and talking place. The launch of IKARA is an important chapter in the local indigenous community's history and is the first time that the community's contribution to the pastoral history—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Gazzola and the Hon. Ms Lensink can take their conversation outside.

The Hon. G.E. GAGO: This is the first time that the community's contribution to the pastoral history of the Flinders Ranges has been acknowledged and symbolically interpreted in the region. For thousands of years the traditional owners lived in the Flinders Ranges working with the land instead of against it and built a long and proud history based on intimate understanding of country.

The role played by the indigenous people is what is celebrated in this artwork and, in so doing, the history of our Flinders Ranges has, in fact, been filed. The development of this project by a small dedicated team within the communities, appointed by the local indigenous community lands association working group, worked closely with DEH staff and the artist, Mr Tony Rosella, a landscape architect and project adviser. I would like to pay tribute to the efforts of all involved.

The aim of the project is to provide visitors to the national park with a rich cultural experience using the buildings and landscape of the old Wilpena Station to interpret the region's pastoral history. A benefit of the project is that it will create new economic opportunities for local indigenous and non-indigenous communities through the development of cultural tourism and connections to local businesses in the region.

The cultural and environmental values of the South Australian Outback are being celebrated more than ever and indigenous Australians are essential to this. In particular, the Flinders Ranges and Wilpena Pound have become famous for their natural beauty and for the cultural experiences they are able to provide. The knowledge of the local indigenous community about their country, which has been developed over thousands of years, enriches our shared understanding of the environmental challenges that we face.

The broader South Australian community is lucky to be able to benefit from the services of this community in various ways; in particular, the rangers who bring with them an understanding of the history and ecology of the area. Members will be aware that the South Australian Strategic Plan identifies goals to increase the understanding of Aboriginal culture. The IKARA project provides a great example of how we are moving closer to achieving those targets. I was very pleased and proud to be part of that official launch.

Members interjecting:

The PRESIDENT: Order!

ST MARGARET'S REHABILITATION HOSPITAL

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Environment and Conservation, representing the Minister for Health, a question about South Australia's Health Care Plan.

Leave granted.

The Hon. SANDRA KANCK: Page 14 of South Australia's Health Care Plan for 2007 to 2016 states that 'to provide for the growing demand for rehabilitation services, the government will establish new services at the Queen Elizabeth Hospital, Modbury Hospital and the four country general hospitals.' However, the plan does not even mention St Margaret's Rehabilitation Hospital at 65 Military Road, Semaphore. St Margaret's is currently a 50-bed hospital: 22 rehab. beds, 22 post-acute and six respite beds. The Hampstead Rehabilitation Centre has approximately 150 beds and the Repatriation and General Hospital has 55 rehabilitation beds. St Margaret's is a significant part of rehabilitation services in South Australia and it is the only one in the west. Will the minister give a commitment that the government does not intend to close down or downgrade St Margaret's hospital?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for her important question and I am happy to refer that question to the Minister for Health in another place and bring back a response.

DISABILITY SERVICES

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the minister representing the Minister for Disability a question about advocacy and information.

Leave granted.

The Hon. R.D. LAWSON: Last Thursday, 10 hard-working South Australian health and disability organisations were informed by couriered letter that $750 000 had been stripped out of their budget, money previously allocated for the purpose of advocacy for people with disabilities and information. These groups are: the Down Syndrome Society, Arthritis SA, the Muscular Dystrophy Association, the Brain Injury Network, the Disability Information Resource Centre (DIRC), Family Advocacy, Anglican Community Care, the Physical and Neurological Council of SA, Deaf SA, and the Paraplegic and Quadriplegic Association.

I am sure that many members in this place will be aware of these organisations and the wonderful work that they do. The organisations have let it be known that they were not consulted before this savage budget cut, which will mean that they are unable to continue to provide disability and information services. My questions to the minister are:

1. Before the government decided upon these savage cuts, was there any evaluation of the effectiveness of the advocacy and information services provided by each of the organisations; and by whom was that evaluation undertaken and what were the results?

2. Is it a fact that none of the organisations nor any of their clients—not one—was consulted before this decision was made?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his questions in relation to disability advocacy organisations. I will refer those questions to the Minister for Disability in the other place and I am certain he will respond with a very full explanation.

CLELAND WILDLIFE PARK

The Hon. I.K. HUNTER: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about this state's parks and reserves.

Leave granted.

The Hon. I.K. HUNTER: South Australia's many parks and reserves are not only important to the conservation of our state's unique ecology but they are also vital to the people of this state and their quality of life. They are wonderful places for relaxation, learning and just getting close to nature and they hold a special place in the hearts of all South Australians. Will the minister advise the chamber of any events planned to celebrate South Australia's parks?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his important question, and I must say that I agree wholeheartedly with the sentiments he expressed. Our parks and reserves are truly very special places. In fact, it is a special time, indeed, for one of the state's most popular parks, the Cleland Wildlife Park in the Adelaide Hills, which is celebrating its 40th birthday this year.

Cleland is a South Australian icon and a world-class attraction drawing more than 100 000 visitors each year, and half of them come from interstate and overseas. In March, more than 12 800 people visited the park, which is the highest number of monthly visitors at Cleland for the past nine years. It is still as popular as ever. Generations of South Australian families have very fond memories of being photographed, particularly holding the koalas, hand-feeding kangaroos, wallabies and emus and taking their family or friends from interstate or overseas to the park. I know that many of my own friends and family members have wonderful memories of Cleland.

It is such a special place and, being so close to metropolitan Adelaide, we are indeed most fortunate to have this very special park. To celebrate the 40th anniversary of the park, 40 events will be held over the next 12 months, and I urge every member in this chamber to make the most of that historic event.

HEATH, Mr D.

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Leader of the Government a question about the new Adelaide hospital.

Leave granted.

The Hon. R.I. LUCAS: Last week on 13 June, ABC radio conducted a talk-back segment on different names for the new Adelaide hospital. One particular suggestion from 'David' went as follows:

> Terry Roberts died in office with two very young sons and a widow; why not honour this beloved man?

I must say that I cannot believe that government spin doctors have been ringing talk-back radio to get hospitals named after former Labor ministers. However, some mischievous people have suggested to me that the David in question is, in fact, the minister's own spin doctor, Mr David Heath. As I said, I cannot believe it, but will the minister assure the council that the David in question was not his own spin doctor, Mr David Heath; and, secondly, if in fact it was him, will the minister assure the council that he will sack Mr Heath immediately and, as from tomorrow, make sure that he works for the Adelaide City Council?

The Hon. P. HOLLOWAY (Minister for Police): My media adviser, David Heath, is actually leaving tomorrow to work for the Adelaide City Council, but we will leave up in the air the reasons why. I will leave members to speculate as to what the causes might be. I thank the Hon. Rob Lucas for this opportunity to pay tribute to the work of my media adviser. David has worked for the government for five years. Of course, he has not worked all that time for me. For a significant period he worked for the late Terry Roberts, and he served the late Terry Roberts equally as well as he has served me over recent times. Also, of course, he worked for me for a brief period before that.

All our staff do a significant amount of work. The duties of a media adviser are not well understood. They are the people who must ring you at 6.15, or thereabouts, in the morning, asking whether you will appear on a certain radio program. They are the people who must answer the questions, and often they are still answering questions late in the evening and on weekends as well. I expect that, with the Adelaide City Council, life will be somewhat more sedate. I hope that David will find that a more peaceful environment. I expect he will continue, of course, to perform in his other role with the Graham Cornes' All Stars as the lead singer—

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes, and the Elvis impersonations. As I said, he will be leaving tomorrow, but I leave it up to the imagination of members as to the reasons why.

The Hon. R.I. LUCAS: As a supplementary question arising out of the answer, I ask the Leader of the Government to pass on—at least from some members of the opposition—our best wishes to Mr Heath if he is being sacked and sent to the Adelaide City Council for penance for whatever reason. Certainly, from the perspective of some members of the opposition, he did not take himself quite as seriously as many others who work for the government, and some of us certainly wish him the best in his new employment if he is being sacked for whatever reason.

The Hon. P. HOLLOWAY: I will be very pleased to pass on those comments on behalf of all of us.

The PRESIDENT: Did he get a redundancy?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): We hope not. I rise to add my best wishes to Mr David Heath. He was my first media adviser also. He is a larger than life personality with an enormous sense of humour and he will be sadly missed.

The PRESIDENT: I am sure we all wish David all the best.

REPLIES TO QUESTIONS

WELLINGTON WEIR

In reply to **Hon. S.G. WADE:** (27 March).

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

The alert system on the Commonwealth Department for Environment and Water Resources website is only for referrals under the EPBC Act, not for exemption applications.

HUMBUG SCRUB

In reply to **Hon. J.S.L. DAWKINS:** (15 March).

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

Additions of land, including Humbug Scrub to Para Wirra Recreation Park are important. It is anticipated that the land will be added to the Park in 2007-08. The addition of this land, to the Para Wirra Recreation Park will occur once the necessary property and administrative issues pertaining to mining access, public consultation, road closures and public safety are complete.

MOUNT LOFTY RANGES

In reply to **Hon. D.G.E. HOOD** (16 November 2006).

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

1. The importance of the water resources of the Mount Lofty Ranges to South Australians has long been recognised. A significant number of studies and monitoring programs have been completed in the region by the Department of Water, Land and Biodiversity Conservation and historically, by the region's three former Catchment Water Management Boards. The Department of Water, Land and Biodiversity Conservation has previously provided a list of these reports to the Mount Lofty Ranges Existing Water Users Group.

Reports on these investigations are also available to the public through the Department of Water, Land and Biodiversity Conservation's website:
(www.dwlbc.sa.gov.au/publications/index.html).

Prescription is a means of protecting water resources in a region to ensure they are not over used and that there is enough water for all users, including the environment. Under the National Water Initiative, the State Government needs to ensure all water resources are managed sustainably.

2. Once the water allocation plan is completed, water users in the Mount Lofty Ranges who have applied for a water license only pay for the administration costs associated with issuing the licenses through an application fee. They do not pay for a water allocation. Existing water users who have made an application will be granted a water licence once a Water Allocation Plan is developed. The amount allocated will be based on the reasonable requirements of the existing user and consideration of the capacity of the resource.

The Adelaide and Mount Lofty Ranges Natural Resources Management Board, in consultation with the community, is currently developing a water allocation plan that will set out the rules for allocation and management of water.

3. With regard to a water rollover period the Adelaide and Mount Lofty Ranges Natural Resources Management Board will consider the proposal for landowners to carry over unused water from one financial year to the next during the development of their Water Allocation Plan for the Western Mount Lofty Ranges. The draft plan is currently being developed prior to extensive public consultation planned for later in 2007.

4. Water users in the Mount Lofty Ranges do not currently have statutory water entitlements (a licence) under the *Natural Resources Management Act 2004* as the water allocation plan is still being developed. Existing water users who have made an application will be granted a water licence once a Water Allocation Plan is developed.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 403.)

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I take the opportunity in summing up to thank the Hons Stephen Wade and Sandra Kanck for their contributions and for the indication of support from the Hon. Dennis Hood. I appreciate the timely manner with which they have responded. I will not labour the point but, whilst the bill before us has come about because of a particular investigation, allegations go back many years about practices occurring under both Liberal and Labor governments, so the comments made by the Hon. Stephen Wade fall short of their mark. Even though this bill has come about because of a particular investigation, I am pleased to have brought this bill before the chamber because clearly we will see improved legislation for the benefit of the whole system as well as sending a strong message that codes of practice are backed up by legislation and appropriate penalties. We want to see standard strong management across the whole sector.

The Hon. Sandra Kanck raised a concern as to why it would require the approval of the Chief Executive for the selling of goods outside the prison. I place on record that the bill proposes this to rest with the Chief Executive, while the honourable member considers that this authority can reasonably be left with the managers. The proposed change is very intentional in that it ensures the greatest degree of flexibility for decision making. In practice it is envisaged that the Chief Executive will delegate this authority to managers for most circumstances. However, most certainly there will be situations where the Chief Executive will either personally retain responsibility for decision making or delegate the authority to the responsible director. This in all likelihood may be applicable to prisoners with a high notoriety. I consider that the greater flexibility proposed through the bill is a desirable change.

The Hon. Stephen Wade raised some issues in relation to clause 4, which aims to prevent prisoners receiving moneys from anonymous sources and whether the effect of the clause makes it mandatory for prison officers to ascertain the identity of the person depositing money into a prisoner's account before any other action is taken. My staff and some executives from corrections have already taken the opportunity to address the Hon. Stephen Wade's concerns, but for the benefit of the chamber I place on the record that, while the opposition is raising a very relevant point in relation to the handling of moneys deposited into prisoner trust accounts, the objective of the bill is to ensure that appropriate controls are in place for any prisoner moneys.

The bill does not propose to make mandatory a positive identification of a person sending in money for a range of reasons that I will outline. First, small amounts of money may be sent in by relatives for a prisoner's birthday and Christmas via mail. In these cases the administrative process for either positively establishing the sender's identity or to organise the confiscation of moneys under the Unclaimed Moneys Act would be onerous and in all likelihood more expensive than the amount sent to the prisoner.

Also, the proposal is that a procedure will be introduced and amended from time to time that will require general managers to always positively identify persons who deposit amounts greater than $100. It has been determined that it would not be practicable to legislate for this amount, as with the passage of time the amount may need to be adjusted, requiring legislative amendment. As well, obviously, the policy will be flexible to ensure that, where there is a suspicion about moneys or where there is a pattern of prisoners regularly receiving small amounts of money, the identity of the sender must be positively identified, as well as the prisoner's entitlement to the money.

I am satisfied that the proposed mechanisms are robust enough to ensure an accountable system of managing money deposits for prisoners in the future. I am happy to make a copy of the procedure available to the opposition and any other member when it is finalised and to receive any feedback that members may wish to provide. I have already had the opportunity to advise the chamber that negotiations have progressed well to see the rotation of staff commence shortly in our prisons. I thank staff for their efforts in these negotiations, and I also place on record the cooperation of the PSA. As I have mentioned in this place and publicly, the overwhelming majority of our correctional services officers undertake their duties in a responsible manner to ensure that the Department for Correctional Services operates in a safe,

secure and humane manner. Again, I thank honourable members for their contributions.

Bill read a second time.

In committee.

Clause 1.

The Hon. S.G. WADE: I thank the minister for her clarification of the application of this measure, particularly in relation to the need to determine the identity of the donor and the circumstances of the donation. The opposition accepts that the current provision is appropriate and looks forward to appropriate policies being put in place to make sure that the legislation as intended is effective. I wish to ask the minister more generally about contributions to prisoners' accounts beyond prison. By way of preface, there was a report in *The Courier-Mail* of 19 June—two days ago—regarding four police who are facing corruption charges over a scheme which involved them sending money to potential witnesses for their cooperation. Apparently, those were donations into inmates' internal correctional services accounts. I understand that in the South Australian context this legislation will help the prisons avoid that circumstance, but it raises the question of why potentially corrupt officers or any other associates of the prisoner would not take the opportunity to make BSB donations through electronic funds transfers. I appreciate that that may be a matter for commonwealth law, but I am interested to know whether there are any strategies that the department or government might have in mind to avoid that sort of corruption.

The Hon. CARMEL ZOLLO: In responding to the honourable member I would say that we would like to be able to control what happens outside the prison environment but, essentially, we are not in a position to do that with this particular legislation.

Clause passed.

Remaining clauses (2 to 7) and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

JULIA FARR SERVICES (TRUSTS) BILL

In committee.

(Continued from 20 June. Page 402.)

Clause 1.

The Hon. P. HOLLOWAY: Yesterday's contribution from the opposition indicated that its in principle support for the bill is predicated on its insistence that the government amend an agreement with Julia Farr Association regarding the transfer of $21 million in housing assets to the association. The opposition asserts that the arrangement entered into between the government and Julia Farr Services in 2006 was somehow unfair in its application to Julia Farr because of the fact that the $21 million housing assets to be provided to JFS by the government were being provided subject to a debenture.

For the benefit of members, this agreement was entered into and finalised in June 2006. Let me make it clear to members what that agreement entailed. The Julia Farr Association has received and will receive the following: $2.4 million in cash, which was transferred in 2005-06 to enable work on the community houses transfer to be finalised (this money is sourced from the proceeds of the sale of the Fisher building); $4.45 million in completed community housing; a $8 million one-off non-recourse grant; and a commitment to transfer $21 million worth of community housing stock to the JFA over three years. If this bill is passed, the Julia Farr Association will also receive three trusts totalling $1.367 million.

I have been informed that, as of this morning, Peter Stuart, the venerable chair of the board, has indicated no desire to revisit that agreement. He has indicated that it is a done deal. Further, he has indicated that it is the desire of the Julia Farr Service's board that this bill be passed. I table a copy of a letter received this morning by my colleague the Minister for Families and Communities. The letter, which is addressed to the Minister for Disability at Parliament House, states:

> Dear Minister,
>
> Julia Farr Services (Trusts) Bill
>
> The Board of Julia Farr Services Inc and the Board of Julia Farr Association Inc both wish the Julia Farr Services (Trusts) Bill to pass.
>
> In the view of the Boards, the Bill represents the best way of ensuring that existing and future bequests made in the name of various entities since the foundation of the Home for Incurables are made available to the disability community.
>
> Yours sincerely
>
> Peter Stuart
>
> Board Chair
>
> Julia Farr Services
>
> and Julia Farr Association

This bill is not about unravelling an agreement made more than a year ago—an agreement which none of the signatories has any interest in unpicking; this bill is about ensuring that existing and future bequests are made available to the disability community.

This bill relates to the future of three trusts. The JFS Benefactors Endowment Fund has a balance of $470 000; the Residents Trust Fund has a balance of $845 000; and the third fund is the donations account of $52 000. The rightful place for these three funds is with the Julia Farr Association. This bill establishes the Julia Farr Association as the legal successor to Julia Farr Services. This bill will ensure the ongoing benefits of gifts, bequests and donations for people with disabilities in South Australia and will alleviate any uncertainty as to who should benefit from testamentary bequests nominating JFS as a benefactor. I urge honourable members to support the bill.

As members have heard, the boards of Julia Farr Services and the Julia Farr Association have no wish to see this legislation held up. Everyone appears to agree that this bill is a good idea. The issue raised by the opposition is whether holding up this bill can be used as some sort of a lever to unpick part of the agreement that was reached a year ago. None of the parties to that agreement seeks to unpick it, therefore the bill should be supported. As for the suggested removal of the encumbrance, I make it clear that the government will not entertain that element of the agreement. The encumbrance is there for a good purpose, that is, to ensure that housing stock is used for the appropriate purpose for which those homes were provided.

The Hon. S.G. WADE: I also have a copy of the letter dated 21 June and signed by the venerable Peter Stuart. Nowhere in that letter do I see the minister's assertion that JFA has no desire to revisit the agreement or that it is a 'done deal' (to quote the minister). So I ask the minister: on what basis is he asserting that the Reverend Stuart has no desire to revisit the agreement and that it is a done deal? Is that hearsay? Why is it not in writing?

The Hon. P. HOLLOWAY: As I understand it, not only has the venerable Peter Stuart spoken to the minister's office this morning but his letter also says that the board of Julia

Farr Services and the board of the Julia Farr Association both wish this bill to pass. That is the first thing. The letter also says that, in both boards' view, the bill represents 'the best way of ensuring that existing and future bequests made in the name of various entities since the foundation of the Home for Incurables are made available to the disability community.' So, if it is the view of the boards that the bill represents the best way, how can the honourable member suggest that there might be some better way?

The Hon. S.G. WADE: With all due respect to the minister, I fear that he is not managing to separate the issues. The Julia Farr Services (Trusts) Bill is indeed a bill to manage the charitable funds headed the way of Julia Farr. The opposition fully supports the principle behind that bill; we made that clear during the second reading debate, and that is still our position. We want this bill passed as quickly as possible.

The minister is right to say that the Julia Farr Association also supports the bill, that it wants the bill passed, but as an opposition we are also mindful of the letter that Julia Farr wrote to the minister only two days ago on 19 June (and I should say that Peter Stuart signed this as chair of the Julia Farr Association). In that letter he says:

> Julia Farr Housing Association welcomes the opportunity to receive $21 million of housing, though the offer does come with government insistence of debenture under the SACHA Act. We asked for these debentures to be removed but this was denied. If it is possible for the debentures to be removed now we would welcome it. It would increase the capacity to make strategic choice in serving the South Australian disability community.

Both these letters and both these statements are totally consistent with the opposition's position.

We support the bill; we believe that all the charitable bequests, trusts and so on that are headed Julia Farr's way should go Julia Farr's way. However, we believe that this is an opportunity for the parliament to stop what is fundamentally an unfair arrangement, not just for the benefit of Julia Farr but also for the integrity of philanthropic gifts in South Australia. We believe that the government has abused its position in the way it has dealt with Julia Farr, and we believe it is continuing to do that, and I will highlight that. The minister's second reading explanation indicates that no consultation took place with Julia Farr before the announcement of the reorganisation, which included the dissolution of this body. This is clear from the fact that the board was briefed by the minister on 2 May 2006, the very morning the minister announced the reforms.

The government has failed to consult on this arrangement. The Julia Farr letter of 19 June makes clear that the government totally failed to give consideration to due diligence concerns. As I raised in a question to this council on 30 May, the government just did not have time in those two months to do the appropriate due diligence work. As a former member of the South Australian Dental Service Board, I know that it took 18 months to do the due diligence work that was required to establish the Central Northern Adelaide Health Service. It just was not possible to do due diligence in two months. This is a government that uses time frames to bully. No wonder the Julia Farr board passed the resolution of June 2006; it was under the sword from the government that it would be abolished at the end of June 2006.

Then, right through this negotiation (and as I highlighted in my second reading contribution yesterday), the government refuses to acknowledge title. How can you sit down and negotiate the sale of a property when one of the parties denies that the other party holds title? It was a fundamentally unfair relationship. I highlighted in my second reading speech yesterday the way in which the government has acted unfairly—even with the passage of this bill. This process has been in train for 13 or 14 months, and yet two months before the end of the financial year, two months before the date on which the board is meant to be abolished, the government turns up in the House of Assembly with a bill. It does not get passed by the House of Assembly until the end of that month and then it is put before this council in the last week of our sitting and we are expected to pass this, meaning that philanthropic gifts do not go for their intended purpose.

I refer to the second reading explanation of the minister. When moving the second reading on 3 May, he said:

> The board of Julia Farr Services passed a resolution on 26 June 2006 to dissolve on 30 June 2007, or such later date as the minister may consider administratively convenient.

I would like to stress that passage: or such later date as the minister may consider administratively convenient. I submit that, to allow this council to have proper consideration of these bills, we should not have a bullied board being threatened with the possibility of losing benevolent bequests because this government insists on passage of this legislation this week. All the minister needs to do is to indicate to the board that a delay in its dissolution is appropriate and there will be no question of anybody losing any benevolent bequests.

We believe that this $21 million is completely relevant to the trust bill discussion because it is part of a package, and I do thank the minister for highlighting this point in his comments. It is part of a package which involved the transfer of the Fullarton campus, the transfer of the $8 million grant to JFA, the $21 million housing component and the trust bill. It is part of a package. This is the only part of the package that we can have a say on.

I believe this is an opportunity for the parliament to say to the government that we do not accept the bullying of charities to swindle the South Australian charitable community sector out of what I estimate is between $15 million and $25 million. We can quibble about $5 million, give or take, but what we do know is that here is a community asset which was valued (in May 2006) at $33 million, and consideration has been given for a substantial part, in the form of $21 million of community housing stock, which will not be in the title of the Julia Farr Association.

It is not actually a grant, contrary to the minister's press release of December 2006; it is a loan of housing stock. As that stock is sold, the debenture will determine that the money goes back to Treasury. That $21 million is exactly what you would expect the government to be providing to the Julia Farr Association over the next 20, 30 or 40 years, as one of the leading disability housing providers in South Australia. That would be, in my view, what is coming to Julia Farr in any event.

In terms of the closure of the deal, it is a swindle. I do not think that we, as a council, should countenance ordaining, anointing or forgiving the government for its bullying tactics against Julia Farr. We should take a stand. If there is any doubt about the impact on the Julia Farr board because it is scheduled to be dissolved in the next two weeks, let the minister issue a declaration. Let the minister do whatever he needs to do to indicate that it is administratively inconvenient for this to be delayed.

I would like to stress to the government and to the committee that, whether or not the Julia Farr board came into the gallery and cheered them on to pass this through, the opposition will maintain its insistence on this condition. The reason for that is that it is not just about Julia Farr; it is about thousands of South Australians who have made contributions to Julia Farr in the past and, even more importantly, thousands of South Australians who, we hope, will make philanthropic contributions in the future.

If the government does not act with fairness towards charitable trusts, the non-government sector and the community sector, how can we expect the community sector to continue to invest? This is not a new discussion, because we had the same discussion in the affordable housing debate. We talked about the need for churches to be able to put assets into the community housing sector without its being swindled by government. That is another attempt by this government to leach money from the community sector of the government. Just as the committee resisted the government in relation to its treatment of the non-government sector in the affordable housing debate, I would urge the committee to take this as an opportunity to put its foot down and not accept what would be regarded as unconscionable conduct in the commercial sector, and require the government, if necessary, to extend the term of the Julia Farr board.

However, to be honest with members, the simplest answer would be for the government to remove the debenture. If the government signs and sends a letter today to the Julia Farr Association to assure the association that the housing stock will transfer without the debentures, this bill could go through today. We accept the government amendments, and the government has been kind enough to accept ours. This bill is supported. What is not supported is the swindle that this government is trying to pull on the charitable sector of South Australia.

The Hon. P. HOLLOWAY: It would appear that the opposition supports the bill but that it will oppose it unless the government does something, which is really a rather puzzling piece of logic, I would have thought. The reality is that the Highgate Park property (a $25 million property) is being transferred to the government. The minister, as a trustee, is bound to use that for services—and that is agreed. As a result of the transfer of this $25 million facility to the government, it is to be used for services for the disabled. However, the government is putting an additional $21 million into community housing. What comes out of this agreement is an additional $21 million for community housing. The rejection of this bill will put at threat, I would suggest, any bequest to the Julia Farr Centre because it will be in limbo. It will either have to go through the courts, or somehow stay in limbo until this matter is resolved.

The government is not trying some sort of a fiddle. This bill is being introduced at the request of the Julia Farr Association to facilitate it, and that has been indicated with the correspondence that has been done today. The shadow spokesperson referred to an earlier piece of correspondence in which I think he referred to the request: 'if it is possible for the debentures to be removed now, we would welcome it.' The thing is that the Julia Farr Association accepts this. I believe that it reached this agreement some 12 months ago. At its request, this bill is being put up to facilitate its transfer to the new role, and I think the opposition has accepted that. I do not think that we can do much more other than have a vote on this particular measure.

The Hon. SANDRA KANCK: I am still working out what my position will be. I received a copy of the letter which the minister read onto the record, and I am also mindful of the section of the letter dated 19 June which Mr Wade has repeated. The issue is this insistence on the debenture. I do not see that those two letters counteract each other. Yes, they want the bill passed, but they are saying, 'if it is possible for the debentures to be removed now, we would welcome it'. If that was something that we could achieve through this debate, then that would be a fantastic outcome. What I would like to know from the minister is why the debenture method is so important. What the Hon. Mr Wade proposed last night was a transfer with fee simple. Why is the debenture method so important?

The Hon. P. HOLLOWAY: My advice is that the community housing agreement and the debenture is the normal way for this to be done, and that is what was agreed to 12 months ago.

The Hon. S.G. WADE: I am disturbed. The minister keeps misleading the committee by advising that the normal method for community housing stock provision is through a debenture. That is not the case. If a non-government organisation goes into a transaction with its own assets, it is not subject to a statutory charge or debenture. We had this debate in the affordable housing discussion. The issue here is: is this $21 million consideration for the sale of a property? I remind the chamber of the comments of the minister on 5 June. In closing the debate in the other house, the minister said:

> . . . to encourage Julia Farr Services that had the legal title of the assets to agree to these changes, these are the sort of assets that are being conferred upon them.

The minister went on to refer to the three elements that he has outlined, including the $21 million. It is quite misleading for this government to suggest that if a non-government organisation goes into a community housing agreement with its own money it will have a debenture put on it. Why would anyone do that? The minister gave us an assurance last night that he would clarify that matter. It is now 12 hours later and the minister has had the opportunity to get a letter from the Julia Farr Association. I wonder whether he has found out what the normal processes are for community housing debentures.

The Hon. P. HOLLOWAY: My advice is that there are some existing community housing agreements over a number of assets, and these have a debenture. I am advised that that is already the case in relation to a number of assets.

The Hon. S.G. WADE: I am disturbed that the minister continually tries to obfuscate. Of course the Julia Farr Housing Association has community housing debentures, because it has community houses provided by the government where the government has put the money in for the houses. However, here we are talking about $21 million, which is the capital value of a community asset being transferred from a community organisation to a government organisation—for example, the minister. To say that because Julia Farr has other assets with debentures therefore all its assets should have debentures is clearly misleading. I come back to my point. Will the minister answer this simple question: if a community housing organisation takes its own money into a community housing project, is it subject to a debenture?

The Hon. P. HOLLOWAY: My advice is that it is not necessarily its own money, anyway. I indicated earlier that an additional $21 million is being put into community housing. Apparently, under the deal that was reached 12 or 14 months ago (however long ago it was), the community housing assets would grow. The Housing Trust is transferring

$21 million to the Julia Farr Housing Association. If that is the case it would not only be appropriate to have the debenture over those assets but also I would have thought it pretty reckless not to.

The Hon. S.G. WADE: I note that the minister continually fails to answer the question whether or not a community housing organisation, going into a transaction with its own money, is subject to debentures. I think the committee can read for itself what is clearly the reality, which is that, if it is its own money, it is not subject to a debenture. Therefore, the issue the committee needs to consider is that, if the government has done a deal to transfer legal title (which I do not object to; I think it is appropriate), has it paid a fair price? I would argue that fundamentally it has not, because this $21 million is not a grant but the provision of community housing stock.

Also, as that stock is sold, the money will go back to government, and there is no guarantee that there will be a maintenance of that corpus. I believe this is a morally offensive deal. The government talks about investing an extra $21 million in community housing. The reality is that it has taken an asset of $33 million from a community sector. It is a little like saying that if you sell a piece of land to a developer lo and behold you are stimulating the private economy. This is a simple commercial deal.

The government has used its position in terms of being able to abolish the board. There have been threats of legislation and threats in relation to services to bully the board into what I regard as an unconscionable deal. I will certainly be pursuing this beyond this committee, and I urge the committee to see it for what it is, which is an unfair deal to not only the Julia Farr Association but all those who might like to make philanthropic contributions in the future.

The Hon. P. HOLLOWAY: I apologise that I have not been involved in the background of this; I am representing my colleague in another place. I understand that the Highgate Park facility is where the value comes from, the $21 million, but as a result of that transfer in the Home for Incurables Trust, of which the minister will be a trustee, the government has to maintain that facility. It has been transferred to the government, but the minister is bound to use that facility for disabled services. That is the commitment the government made in return. That facility will go to the government through the Home for Incurables Trust and will continue to be used for services to the disabled, but effectively there is an additional $21 million going into community housing, sourced from the Housing Trust, that will go over to the Julia Farr Association and it is entirely appropriate, given that it is being transferred from that source, that there should be a debenture over the housing. The Hon. Mr Wade does not like it. This chamber will make its decision, but I point out that this bill is at the request of the Julia Farr Association. An arrangement was made and we should not be seeking to unpick that.

The Hon. S.G. WADE: I will not labour the point as the minister has made his point and I believe I have made mine, but I draw the analogy that, if one sold one's house to the government, would it then be appropriate for the government to tell you what to do with the money, which is really what the Government is proposing to do with Julia Farr and it is inappropriate? The government talks about a $21 million investment in disability housing. Is there any guarantee that, as this $21 million debenture is called on as the assets are sold in the coming years, that money will stay in disability housing?

The Hon. P. HOLLOWAY: I do not think the analogy used by the honourable member is correct with regard to selling a house. We are not selling a house; we are talking about a trust. It is approximately $25 million: it should not be taken to be the exact figure but an approximate ball park figure. That asset will be and has to be under the terms of the trust maintained for disability services. If you take the analogy of selling your house, it is like selling your house but still being able to use it. If there is an analogy, that is what it is. The government will free up, as a result of that asset transferring to the trust, these other assets. However, it would be reckless if the government did not require some protection for those assets, which it is effectively transferring from the trust to the Julia Farr Association, whereby they are used for the purpose of the disabled.

The Hon. S.G. WADE: In the context of the minister's clear indication that the government is not interested in adjusting this deal to return fairness through the cancellation of the proposal for a debenture, I suggest that it may be useful for the committee to consider its view as to whether this is a fundamentally fair deal not only for Julia Farr but for the charitable benefactors of South Australia, and on that basis I will move that the committee report progress so that it can indicate—

The Hon. P. Holloway interjecting:

The Hon. S.G. WADE: The minister said that this is our last chance before 30 June. I remind members of what was said by the minister in the other place, as follows:

> The board of Julia Farr Services passed a resolution on 26 June 2006 to dissolve on 30 June 2007, or such later date as the minister may consider administratively convenient.

In that context I reaffirm that the opposition supports the principle of this bill. We would be happy to pass this bill tonight if the government could just withdraw its insistence on a debenture. Given that lack of willingness, I move:

> That the committee report progress.

The committee divided on the motion:

AYES (11)

Bressington, A.	Dawkins, J. S. L.
Evans, A. L.	Hood, D.
Kanck, S. M.	Lawson, R. D.
Lucas, R. I.	Parnell, M.
Ridgway, D. W.	Stephens, T. J.
Wade, S. G. (teller)	

NOES (5)

Finnigan, B. V.	Gazzola, J. M.
Holloway, P. (teller)	Hunter, I.
Zollo, C.	

PAIR(S)

Schaefer, C. V.	Wortley, R.
Lensink, J. M. A.	Gago, G. E.

Majority of 6 for the ayes.

Motion thus carried.

Progress reported; committee to sit again.

ADJOURNMENT

At 4.19 p.m. the council adjourned until Tuesday 24 July at 2.15 p.m.