

LEGISLATIVE COUNCIL

Thursday 26 July 2007

The **PRESIDENT (Hon. R.K. Sneath)** took the chair at 11.03 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 21 June. Page 407.)

The **Hon. P. HOLLOWAY (Minister for Police)**: I thank members for their support for this bill and take this opportunity to respond to questions asked in debate in this and another place. The member for Stuart asked the Attorney-General about an incident in Stirling North in which he said the police were mistaken in charging the driver of a wedding car with a hoon driving offence and were overzealous in impounding the car. This was also the tenor of letters by relatives of the driver to the editor of the local paper. I will outline the facts of that case, although I note that it is not strictly pertinent to debate on this bill.

The bill does not change the hoon driving offences or the law that a vehicle allegedly used to commit a hoon driving offence becomes liable to be impounded by police, and does not change the authority parliament has given police to impound that vehicle. After receiving a full report of the incident in my capacity as Minister for Police, I am satisfied that police acted professionally, courteously and appropriately. This was a private car and not a hired wedding car, and at the time of the offence it was being used by a wedding guest to take a newly married couple to their wedding party. The offence occurred at an intersection and was witnessed by two separate police officers: an off-duty officer in a private car at the intersection itself and an officer at a random breath testing station 100 metres down the road along which the car was driven away from the intersection.

When the lights turned to green, the car was seen to lurch forward at speed from a stationary position. The driver revved its engine loudly and burned the tyre rubber of its back wheels, causing it to snake from side to side across the intersection in a cloud of dense smoke. He then drove off down the road at a rapidly increasing speed. There were more people in the area than usual because the football grand final was being played at the oval beside the intersection. The police officer from the breath testing station who witnessed the incident found the car in the car park of the local pub some 20 minutes later. He asked some wedding guests outside the pub who the driver was and soon afterwards the driver came out of the pub and identified himself. Moments later a crowd of wedding guests spilled out of the pub and began shouting abuse at the officer, who then called for back up.

As it happened, the officer took a video recording of his interview with the driver, including the attempted intervention by the other wedding guests. The video footage shows him acting courageously and professionally. It shows the driver admitting spinning the wheels and sliding the car from side to side through the intersection. The police officer reported the driver for the offence of misuse of a motor vehicle and arranged to impound the vehicle. The driver later pleaded guilty to the offence and was convicted in December 2006. He has neither appealed that conviction nor complained to the Police Complaints Authority about the way police handled the incident.

When people misuse vehicles like this, police have and should have the full authority of the law to impound them. There was no reason to make an exception in this case. There was strong evidence that an impounding offence had been committed, including that the driver had admitted it. The driver's conduct had put the safety of the public and his passengers at risk. There was no hardship caused by impounding the car because the driver had already delivered the married couple to their wedding party and was free to rejoin it. However, even if it had disrupted the wedding plans, impounding this car was in the public interest. Given his previous behaviour there was a high risk that, after celebrating the wedding and drowning his sorrows at the pub, this young man would drive irresponsibly when he got back behind the wheel. Impounding his car was an effective way of stopping that happening.

I now turn to other questions asked in the debate. One member asked whether clamping would be made redundant by the new technology of automatic numberplate recognition, which can capture hoon driving on camera and automatically find the owner of the vehicle identified on the film. I do not believe it will supersede clamping because, although automatic numberplate recognition may help to detect and punish hoon driving, it is not feasible to have cameras operating all day and night on every street. Also, the technology does not catch a hoon driver who was driving someone else's vehicle.

Another question was whether the impounding and forfeiture regime has resulted in a discernible decrease in cases coming to court and whether, in that way, it has contributed to reducing court case backlogs. The answer is no. The impounding and forfeiture regime applies to offences for which proceedings would be brought in any event. The impounding and forfeiture laws do not affect the rate at which proceedings are brought for these offences; they simply allow the police to apply for an additional penalty in those proceedings and allow some people to apply to be heard on those applications.

Some members asked how police would choose which vehicle to impound under the law as amended by this bill. One member gave the example of a son being caught driving his father's sedan and asked whether the police would impound this vehicle, the father's ute, or both. Under the current law and the bill, police may impound the vehicle used to commit the alleged offence, whether owned by the driver or anyone else, unless it was stolen or used in prescribed circumstances. In this example, police may impound the father's sedan (because it was the one allegedly used to commit the offence) but not the father's ute. The bill gives police another option: to impound or clamp instead any other vehicle owned by the alleged offender, whether it was used to commit the offence or not. In this example, if the son owned another vehicle police may impound or clamp that

vehicle instead of the one he was driving when the offence was allegedly committed. As under the current law, they may not impound the father's ute.

The bill does not tell police which option to choose in a particular case; there is no need for this. The scheme is constructed so that it will punish the alleged offender in every case and sometimes, if the vehicle he was driving was lent to him by someone else, that person. The government has made it clear in enacting the hoon driving laws that people who lend their vehicles to irresponsible drivers should expect those vehicles to be clamped or impounded if they are used to commit hoon driving offences.

Some members have asked what remedies are available to a person whose vehicle is wrongly impounded or clamped. In answering that question I point out that the bill does not change the prerequisites for impounding or clamping: that a person is to be, or has been, reported for an impounding offence (now called a prescribed offence) and has been advised of that fact or has been charged with or arrested for that offence. There are several ways in which a vehicle might be wrongly impounded or clamped. It may be because, before impounding or clamping the vehicle, police neither advised that person that he or she was to be reported for the offence nor was any report, charge or arrest made; it may be that the offence for which the person was reported or charged was not a prescribed offence; it may be that the vehicle that was impounded or clamped was not the one used to commit the offence and did not belong to the alleged offender; or it may be that the vehicle that was impounded or clamped was stolen or was being used in circumstances prescribed under the act.

The act provides that, once police become aware of the mistake, the vehicle is no longer liable to be impounded or clamped and must be released. The bill does not change this, nor does it change the law that police are not liable to compensate a person whose vehicle is mistakenly impounded during the exercise, or purported exercise, of their powers under this act if they are acting in good faith, unless the vehicle has been damaged by the improper exercise of those powers. There is no other avenue of compensation, nor should there be. There is a strong incentive for police to get it right, aside from the expectation of professionalism. Police bear the costs of impounding or clamping if no charge is laid, if relevant charges are later withdrawn, or if the defendant is acquitted of the charges. It will cost about \$400 to seize, tow, store and process an impounded vehicle for seven days.

Another question was whether the bill provides for the recovery of personal possessions left in a clamped or impounded vehicle that is later sold by a credit provider. The bill makes no provision for this. There is nothing to stop the owner of a vehicle that is to be impounded from removing as many personal articles as possible from the vehicle before this happens. Police will take an inventory of any possessions left in the vehicle and they can be collected at any time—until at least police custody. It is not the business of this legislation to govern the way a credit provider repossesses a clamped or impounded vehicle; it simply allows a credit provider to repossess that vehicle when legally entitled to do so.

I appreciate the interest shown in this legislation by honourable members and their concern to get it right. Any scheme allowing penalties to be imposed before a person is convicted of an offence, or allowing the state to confiscate or otherwise deal with a person's goods in a way that may affect the interests of third parties, needs close scrutiny to ensure it operates as fairly as possible, and I can assure the council that great care has been taken to achieve this in this legislation.

Finally, and as honourable members would be aware, I have placed four amendments on file. These amendments clarify what happens to interests in a vehicle when it is forfeited, ensure that each registered owner of an uncollected, impounded vehicle is notified of its impending sale, and require a court to sentence a person convicted of a prescribed offence to community service—if this is reasonably practicable in the circumstances—whenever it declines to make an order to impound or forfeit. I will explain the amendments in more detail in committee. I also foreshadow that the government will oppose the first and third amendments proposed by the Hon. Stephen Wade and will not oppose the second, for reasons that I will explain in committee. I recommend the bill to the council.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. S.G. WADE: I move:

Page 3, lines 20 and 21—

Delete the definition of prescribed offence and substitute: prescribed offence means—

- (a) an offence against section 19A or 19AC of the Criminal Law Consolidation Act 1935; or
- (b) an offence against section 44B, 45A, 46, 47, 47B or 47BA of the Road Traffic Act 1961; or
- (c) an offence against section 54 of the Summary Offences Act 1953; or
- (d) an offence against section 9 of the Graffiti Control Act 2001; or
- (e) an offence against section 85 of the Criminal Law Consolidation Act 1935 if the offence involves the marking of graffiti; or
- (f) an offence against section 9, 74(2), 91(5) or 102 of the Motor Vehicles Act 1959 (other than a first offence against any of those sections);
- (g) any other offence of a kind prescribed by regulation for the purposes of this definition.

In speaking to this amendment, which was foreshadowed in the House of Assembly by the opposition and also in my second reading contribution, the opposition is really trying to make a point about legislative practice. We believe that a penalty regime such as this should not be introduced, shall we say, floating in mid air. In fact, if this bill received royal assent it would actually be totally useless, because it does not have any prescribed offences in the legislation.

I would stress this to the parliament because there was a conception that the offences mentioned by the Attorney-General in the other place are already there, and we are talking about adding additional offences. That is not my understanding. The definition of prescribed offence under clause 3(1) is:

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

So, the act will not have any effect until offences are identified by regulation. The opposition, as we have said in the other place and in here, is supporting this bill. This amendment is designed to support the government in its intention that the range of antisocial offences identified by the Attorney-General are, in fact, subject to this penalty regime. Our amendment is our best effort to identify the offences to which the Attorney-General was referring. What we are saying in this amendment is that the government wants to make these offences subject to this penalty regime—great; let us put it in the act. We know that. We want to do that.

What we also provide under paragraph (g) to which I just referred, in other words, maintaining the power to add other

offences by regulation, is to indicate that it may well be appropriate for the government to identify any other antisocial behaviour which is also appropriately subject to this regime. The dilemma was highlighted by the contribution of the Hon. Dennis Hood on this bill, where he was talking about the practice in the United States and the United Kingdom of the private sector using clamping as a means of debt recovery. If I was properly interpreting the Hon. Dennis Hood's contribution, he was implying that he felt that debt recovery was not an appropriate use of clamping legislation, and I personally agree with the honourable member if that is what he was trying to say.

So, we would want parliament to oversee any offences that were going to be subject to this regime. Now, of course, the government might say: 'Well, that's fine; disallow the regulation.' But if we were faced with a regulation which listed (a) to (f) all of those antisocial behaviours that nobody disagrees with and then it had 'debt recovery' tacked on the end, we would be faced with the dilemma that we would have to disallow it all. We all agree that the primary offences should be identified, so why not put that in the act? It is beyond dispute. Then if the government wants to add something else—debt recovery, or perhaps expiation fees for speeding—let us have that discussion, but let us not muddy the waters by asking the parliament to consider this issue again and to risk, if you like, the main purpose of the legislation by giving the government the capacity to add offences in a way which does not allow full parliamentary oversight.

The opposition fully supports the bill. We do support the offences which we understand the government was trying to deal with in this legislation, but we say: put it in the act. If you want to add other things later then it is appropriate to do that by regulation and the parliament can consider disallowance of any such offence.

The Hon. P. HOLLOWAY: The opposition proposes the offences to which the clamping, impounding and forfeiture regime will apply be prescribed in the act, rather than letting them be prescribed by regulation. The government strongly opposes this amendment. The amendment to clause 3 lists as prescribed offences the same offences that the government has said it will prescribe by regulation. The reason for allowing these offences to be prescribed by regulation is so that the government of the day, without having to amend the whole act, can add further relevant offences (as enacted) to the list of offences for which a vehicle may be clamped, impounded or forfeited. There is always a safeguard of disallowance of the regulation should the opposition of the day disagree with the prescription.

There is precedence in South Australian legislation for regulations to prescribe offences for which a person becomes liable for a penalty under an act. Let me give some examples. Section 79B of the Road Traffic Act 1961 provides that owners of vehicles detected by a photographic detection while being used to commit prescribed offences, including an offence against a prescribed provision of this act, are liable for that offence. The provisions are prescribed by regulation 15 of the Road Traffic (Miscellaneous) Regulations Act 1999. Section 73 of the National Parks and Wildlife Act 1972 provides that vehicle owners are jointly liable with the principal offender, if they own a vehicle used to commit an offence against a provision of this act prescribed by regulation for the purposes of this definition.

The provisions are prescribed by regulations 42 and 43, National Parks and Wildlife (National Parks) Regula-

tions 2001. There is a provision of similar purpose in section 174A of the Road Traffic Act 1961 in which a prescribed offence means an offence against a prescribed provision of this act, the prescription being by regulation. Section 98B of the Motor Vehicles Act 1959 provides that conviction or expiation of an offence prescribed by regulation incurs demerit points. The offences are prescribed in regulation 56 of the Motor Vehicle Regulations 1996. There is a hypothetical example of the need for prescription by regulation in this very bill. One of the offences the government intends to prescribe by regulation and the opposition wants to prescribe in the act itself is the offence of driving with a prescribed drug in oral fluid or blood, section 47BA of the Road Traffic Act 1961.

This offence was enacted in 2006 after the enactment of the private member's bill establishing the impounding and forfeiture provisions in part 14A of the Summary Procedures Act 1953. The driving conduct this offence prohibits is identical to the conduct (the subject of the current impounding offence) of driving while having the prescribed concentration of alcohol in the blood. The difference in the substance concentrated in the blood is not relevant to the kinds of conduct being targeted by the impounding and forfeiture regime. It is possible to include this new offence now as an offence to which this regime applies only because part 14A is being repealed and a new act is replacing it. Part 14A does not allow new offences to be prescribed by regulation. If this opportunity had not arisen, we would have had to wait a long time for this offence to become subject to the regime, because a simple amendment like this on its own is not worth a separate bill and would have had to be by a portfolio bill.

For that time, people caught driving with drugs in their blood would not have been subject to the same penalties as people caught driving with alcohol in their blood. This would have been unfair. There would have been no such problem had the government been able to prescribe this offence by regulation. In other words, that is a real example about the virtue of the government's approach and, for that reason, we strongly oppose this amendment. As I said, we have had numerous cases in the past, although I notice that most of those were under the previous Liberal government, and the then responsible Labor opposition did not seek to oppose for the sake of opposing.

The CHAIRMAN: I hope members heard the minister's argument. There was a lot of rudeness in the chamber with people talking and walking across the floor. That should cease when people are on their feet trying to explain bills.

The Hon. S.G. WADE: The opposition appreciates the points being made by the minister, and that is why paragraph (g) has been added to the amendment. The point that we are trying to make is that it seems that parliament is comfortable with paragraphs (a) to (f); in other words, the primary offences, the offence identified by the Attorney-General being placed in the bill. By adding paragraph (g), the opposition is agreeing with the government that it is foreseeable that there will be circumstances where the government would want to add an offence by regulation. What we have done by adding paragraph (g) is to restore the full effect of the original definition by allowing for an offence of a kind prescribed by regulation for the purposes of this definition to be available. In other words, all the circumstances the minister just outlined could be dealt with by regulation. However, we already know that we want these primary offences to be dealt with, so let us put that in the act. Any other circumstance which the minister foreshadowed in his

comments can be dealt with by regulation and considered by the parliament for disallowance, if that is considered appropriate.

The Hon. P. HOLLOWAY: I make the point that it is incredibly bad drafting and legal practice and must lead to problems within the system. The opposition always blames ministers personally when government departments and others—courts, police, or whatever—make errors in the system, yet we have cases such as this where they are responsible. We will have half of them in the act and the other half, if they arise, in regulation. That is incredibly poor drafting practice. All it can do is make the likelihood of errors greater. It is just bad practice not to have those things grouped together. If the act says it applies to specified prescribed acts, someone can get the regulations and there they all are, but if you have some listed and some in regulations, it really is bad practice. Again I make the point: we have done it with so many other bills, why do we suddenly have to depart from that? We have the safeguards; regulations can be disallowed. What is in the original bill is the sensible, time-honoured way of doing it. Why change it and increase the risk of mistakes being made, just for the sake, presumably, of trying to have some victory in this parliament?

The Hon. SANDRA KANCK: I want to cite what offences are to be covered in this bill—and this is according to the Attorney-General. They include: misuse of a motor vehicle; excessive amplified sound-related offences; excessive speed; driving under the influence of alcohol; driving with more than the prescribed content of alcohol in the blood; driving with a prescribed drug in oral fluid or blood; dangerous driving causing death or injury; driving to escape police pursuit; marking graffiti or damage to property, if the offences involve graffiti vandalism; a second or subsequent offence of driving uninsured or driving an unregistered vehicle; a second or subsequent offence of driving while a licence is suspended, cancelled and disqualified; and a second or subsequent offence of driving while never having held a licence.

The problem that I believe the Hon. Stephen Wade is attempting to address with his amendment is that there is nothing to stop the government from adding other offences. That is very clear in clause 24, 'Regulations'. Clause 24(3) provides:

The regulations may—

- (a) be of general application or vary in their application according to prescribed factors;
- (b) provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Commissioner or the Sheriff.

We have a situation with this legislation where anything could pop up. It is like a populist legal magic pudding.

I note that the opposition has said that it supports the legislation. The Democrats do not. However, given that the opposition supports the legislation (I note that it does not have any amendments in place to deal with that very wide power in relation to making regulations), I see that this amendment of the opposition is the only way of bringing what is almost a runaway bus under control. The minister has said that it is incredibly bad drafting practice but, unless some of the regulation making powers that are contained in clause 24 are to be tempered in some way, there is no choice for the Democrats other than to support this amendment. It is not about winning points or anything like that; it is about bringing this government under control.

The Hon. P. HOLLOWAY: What a ridiculous comment, 'bringing the government under control'. For heaven's sake! The sorts of people whom we need to bring under control are the people doing this hoon driving. If the Hon. Sandra Kanck listened to any voters out there, she would understand that. They are the people who are crying out for things to be done, and they are the people who are looking at this parliament to do something to help them. Hundreds of people approach me asking the government to do more to deal with this problem of hoon driving. Every time I go out and meet with people (which I have been doing regularly on weekends recently), that is a common call that comes through. It is the thing about which people are looking to this parliament for guidance.

So, what do we get? We get Sandra Kanck accusing us of being out of control. It shows how totally out of touch she is. In any case, her arguments were factually incorrect. If one looks at pages 5 and 6 of the second reading explanation, one can see that there have to be prescribed offences; that the circumstances in which the measures contained in this bill apply will have to be prescribed in the regulations—and this parliament does have the safeguards to do it. Again, I make the point that, with regard to numerous other pieces of legislation in the past (particularly those cases I mentioned that were introduced by the previous government), the then much more responsible Labor opposition was happy for those things to be put in, because it would have known that if it disagreed with them it could have disallowed them in regulation—it made sense.

What purpose are we achieving by mixing it up, by putting some things in this bill and then others? It is absolute nonsense to suggest that there is some fiddle here; that the government is out of control. As I said, what is out of control are hoon drivers. We need just to get on with this and do something about it. The Hon. Sandra Kanck has held this bill up long enough. We should have debated this weeks ago. We know that she does not like it, and that is her right—she is entitled to come in here and oppose the bill—but to insert technical amendments, when all they can possibly do is make it less effective and more difficult for those who have to enforce them is not, I would argue, a responsible way for any member of the Legislative Council to behave. This is yet one more example—

The CHAIRMAN: Order! The Hon. Mr Wade will take his seat or leave the chamber.

The Hon. P. HOLLOWAY: It ought to be recorded that, when I was explaining this bill, the Hon. Stephen Wade was going around lobbying and trying to get support, because he sees it as some sort of victory for the Liberals if he can get a change to the bill and hold it up. Does not this Legislative Council have a duty to ensure that the legislation that comes out of this parliament is the best possible legislation? It is not about scoring petty political points on some technicality of the law. This law is about stopping hoon drivers; it is about ensuring that their vehicles are properly impounded. Let us get on with it and do what the people of this state are crying out for, rather than trying to get some technical amendment so that someone can claim some petty victory.

The Hon. NICK XENOPHON: I wish to ask a question of the mover of the amendment. Whilst I am sympathetic to the intent of the amendment (and perhaps the minister may care to comment), and I follow the arguments of the honourable member and also those of the minister, if any of the sections referred to are altered, to what extent does that throw a spanner in the works, to put it colloquially? In other words, how do we remedy that? If, for instance, one of the sections

is amended and its scope is much wider than it is now, what does that do? That is my concern.

I understand that the honourable member has moved to allow for regulations as a catch-all provision. That is my concern in a practical sense, although I commend him for bringing it to the attention of the chamber. I ask the honourable member to respond to that. What happens if we change any of the sections that are referred to? If they are amended in any way, what does that do to this clause in the bill?

The Hon. S.G. WADE: I thank the honourable member for the question, because he is actually engaging in what the opposition is seeking to do here, which is to consider what is good legislative practice. It is a great shame that the Legislative Council has reached the point where, if the Leader of the Government feels that every time a cross-bench MP or a member of the opposition dares to suggest an improvement to a piece of legislation, it becomes an excuse for abuse and personal attack. The minister accused me of moving around the chamber to lobby members.

The Hon. R.P. Wortley: You were.

The Hon. S.G. WADE: I don't know how the Hon. Russell Wortley can make that comment, considering he was not present in the chamber at the time. Unless he has ESP powers through his audio-visual equipment, it is quite beyond my wit. In fact, what I was doing was consulting with parliamentary counsel on the very issue that the Hon. Nick Xenophon just asked me a question about. He indicated in conversation that he had a concern, and I took the opportunity to consult with parliamentary counsel. I gave the answer to Mr Xenophon and he has done me the courtesy of asking the question so that it can be on the record.

The Hon. R.P. Wortley: That's outrageous.

The Hon. S.G. WADE: If it outrages the Hon. Russell Wortley that we should consult with parliamentary counsel about—

The Hon. P. Holloway: Parliamentary counsel is over here, not over there.

The Hon. S.G. WADE: Sorry, I went from parliamentary counsel—

The CHAIRMAN: Order! Members have the right to stand in their place and explain anything to members opposite, but not to walk around the chamber while doing so. It is rude and discourteous to do so while other people are on their feet making a speech.

The Hon. S.G. WADE: Thank you for those comments, Mr Chairman. I have seen it as regular practice in this chamber. I apologise if the committee is unduly delayed if I need to wait until people stop speaking before I consult with parliamentary counsel and other members before I can respond to their questions. If that is going to be the practice of the council, I will observe that and raise points of order where appropriate.

The CHAIRMAN: I remind the honourable member that parliamentary counsel are not part of this debate and should not be referred to.

The Hon. S.G. WADE: I come back to the point, being the question that the honourable member raised in terms of the impact of any changes, as I understand it, of the offences identified in amendment No. 1. My understanding is that—and I hope it is appropriate to indicate that this is supported by parliamentary counsel—the effects of a change to the original act, such that the clauses identified were no longer relevant, is that those subclauses of amendment No. 1 would be without effect. The opportunity then for the government, if it was to make changes to the acts referred to, would be to

either change the primary act by an act of this parliament or make a regulation identifying the new offences and allowing the current clauses to be redundant. That is my understanding of the effect.

The Hon. P. HOLLOWAY: If we put in this act that this section applies to a particular act and if that act is, at some future stage, substantially changed—it substantially changes the nature of it—then, clearly, if it was inappropriate that that act should apply to the criminal law clamping, impounding and forfeiture of vehicles, one would have to come back and amend this act to take that reference out if that power were, say, over-extended.

This really comes back to the point that the Hon. Sandra Kanck was making, that it is needed to keep the government under control. As I said, one could envisage a situation where, if you changed one of those acts and it had the effect of broadening the scope of this particular bill (but you did not want that to happen), then the only way you could do it would be to come back and amend the act. You could not do that through regulation.

That is not likely to happen. It is probably more likely—and, in fact, I believe—that the scope of this bill would be extended, that the number of clauses which it covered would be extended. Of course, that could be dealt with, in any case, through regulation, but I think it makes more sense to have the powers in these acts prescribed under regulation where they can be adjusted without having to bring the whole bill back. As I said, we have a safeguard (as with all subordinate legislation), in that parliament can, if necessary, disallow those regulations.

The Hon. A.M. BRESSINGTON: When the minister talks about whether any of these acts should be amended because of this particular amendment, does that mean that we would have to go back and change the clamping, impounding and forfeiture bill? I am seeking clarity because it is my understanding that, when we make amendments to any bill, it is a natural course of action that all other acts which apply to that particular bill being amended are automatically updated and amended in line with the amendments being put forward. How is the argument the minister is putting forward any different from what happens normally?

The Hon. P. HOLLOWAY: I will try as best I can to explain it. This particular bill applies to the clamping, impounding and forfeiture of motor vehicles. It talks about 'prescribed offences,' and the government has indicated that those prescribed offences are those against particular sections of the Road Traffic Act, the Criminal Law Consolidation Act, the Graffiti Control Act, and so on. What the government proposes to do is, simultaneously with this bill being proclaimed, to also introduce a regulation which will set in the act those particular clauses (which we have indicated) to which this offence would apply. If, subsequently, the government either wanted to extend or change in some way the application of this act, then it could do that through regulation by either adding to sections or taking sections out, as the case may be, under regulation. However, the Hon. Stephen Wade proposes that the prescribed offences be actually prescribed in the act itself. His original version of the amendment stipulated particular acts and did not allow for other acts to be added but he is now, as I understand it, allowing that to happen.

The provisions in respect of penalties or the way offences are named in other acts, such as the Road Traffic Act, could be changed—and this regularly happens in legislation. We often make offences more modern by giving them modern

names, and new offences are always being created. For example, serious criminal trespass is now what we talk about in respect of home invasions, and the like. We did not have that sort of offence 20 or 30 years ago—I think I am right in saying that. One can name a whole lot of other old offences that have dropped by the wayside and new offences have come in. We are looking at that in relation to bikies. We had the old consorting laws, which were introduced in a different era. We now need a modern version of those—although they will be quite different in impact—to deal with criminal gangs. So, we change all of these laws from time to time.

In relation to the clamping, impounding and forfeiture of motor vehicles, one may wish to change the particular provisions as these laws are changed to which the clamping, impounding or forfeiture of vehicles applies. If one has the capacity to do that as other acts change, one can simply do that through regulation. We also have the benefit of a regulation that is specifically applied. For example, if a police officer is looking at the law and wishes to know which prescribed offences set in the regulations this act applies to, the police officer would get the regulations in which they would all be set out. If we have some in the act and some in the regulations, the police officer obviously has to look at both, because some might initially be set in this bill, and others may be subsequently set in the regulations. As I indicated earlier, that is where you are more likely to have mistakes made which can subsequently allow a smart lawyer to challenge them. Perhaps not so much in this case but, the more complicated you make it and the more sources you have to go back to to get the basic information, the more likely things are to go wrong.

To get back to the nub of the question, if one of these acts were to be amended, you could certainly put new sections in. I gather that, under the amendment that the Hon. Stephen Wade has now put, he has amended his own amendment. That would probably allow new offences to be added but, if one wanted to take them out because there was a more appropriate one, presumably one would have to amend this legislation for that to happen. When you have regulations giving power to list all prescribed offences, you do not have any of those difficulties. That is why I have just argued that, whereas in a technical, legal sense it may not make much difference, in terms of those who have to operate under the act it is easier if one has one regulation somewhere that lists all these offences together.

The Hon. NICK XENOPHON: My understanding in relation to this amendment—and the position put by the minister and, further, the very pertinent questions asked by the Hon. Ms Bressington—is this: if any of the paragraphs (a) to (f) in the Hon. Mr Wade's amendment are the subject of amendment, there would need to be a consequential amendment to this legislation. I guess it adds another layer in terms of the process. Again, I commend the Hon. Mr Wade for moving the amendment, and I understand the intent. So, it does have an extra layer of complexity in the process. Just so I can decide on this fairly promptly, can the minister indicate, in addition to the matters set out in the Hon. Mr Wade's amendment, are there any other matters at this stage anticipated to be the subject of this impounding legislation and, in any event, would there be a process of consultation or public comment in terms of that?

The Hon. P. HOLLOWAY: To answer the first question, the government has indicated that these are the offences that we would seek to put through by regulation if the bill goes through in government form. They would be put through by

regulation at the same time as the bill is proclaimed for these measures to apply. Of course, if we had any other matters that we thought should apply, we would announce them. Situations can change fairly quickly. The fact that we have so much legislation, especially law and order legislation, coming through this parliament is an indication that criminal behaviour is constantly changing in response to police efforts to crack down on it, in response to social changes and in response to technology.

I am trying to think of an example of something that we do not envisage would go into the act now but may happen into the future. It is hard to do but, by way of analogy, laws in relation to using mobile phones obviously would not have been envisaged when the road traffic legislation was introduced even 10 or 15 years ago but, clearly, now there is an issue, and those sorts of changes need to be brought in. That might not be grounds for the clamping, impounding or forfeiture of a vehicle, but I think by analogy it shows that, where behaviour can change, we may need to add new offences into the future. If that were to be done, regardless of whether the Hon. Mr Wade's amendment or the government's amendment is carried, it would be done through regulation, and the consultation processes would be what applies now through the regulations.

So, in terms of the future, nothing will change, whether this amendment is carried or whether the bill is left in its original form. The only point I make is that, of course, it would separate—in terms of where you find out in the act—the original measures that have been set out by the government in the second reading from any future offences that may be added. As I said, if there were any examples of behaviour that we thought should apply under current law, obviously we would have included them.

The Hon. D.G.E. HOOD: It seems to be happening a great deal lately: both sides seem to have some very good arguments, which does not always make it easy for the crossbenchers. I think in the end, after consulting with my colleague, the Hon. Andrew Evans, we are persuaded by the government's argument that there is no good reason, as we see it, to have regulations and legislation that form two lists, if you like, of offences that are in effect illegal. For that reason—although in many ways we are sympathetic to the amendments—we will oppose them on this occasion.

Amendment negated; clause passed.

Clause 4.

The Hon. S.G. WADE: I move:

Page 4, after line 10—

Insert:

(2) However, a court must, in imposing another penalty on a person in relation to a prescribed offence, have regard to any exercise of powers under this act.

If I understood the minister's comments correctly, this amendment will receive the support of the government so, given that I addressed this issue during the second reading debate, I will not delay the committee.

The Hon. P. HOLLOWAY: I will put on the record the government's position. This amendment will allow a court, when imposing any other penalty for a prescribed offence, to have regard to any powers exercised under this act. Clause 4 of the bill provides that the powers exercisable under this act—that is, the police powers to clamp and impound—are in addition to the statutory penalties for the offences themselves. Clause 11 of the bill obliges a court to impound or forfeit when a person is convicted of a prescribed offence, subject to provisions allowing it to decline to make such an

order on the grounds of hardship or of an unfair effect on innocent third parties. The opposition's amendment will not affect that obligation, but it will allow a court to adjust the orders it makes for impounding or forfeiture and the penalty it imposes for the offence itself having regard to the powers already exercised by the police.

A court already has authority under the Criminal Law Sentencing Act 1988 to take into account the deterrent punitive and rehabilitative effect of a sentence and, indeed, any matter relevant to a sentence. It does not need the special authority contemplated by this amendment spelt out in this legislation. Nevertheless, there is no harm in such a provision being added to the act if it would help avoid doubt. For those reasons, the government does not oppose the amendment.

Amendment carried; clause as amended passed.

Clause 5.

The Hon. SANDRA KANCK: As I read this clause, the police have the power to clamp a car for seven days before the person has even appeared before a court. Will the minister clarify that for me?

The Hon. P. HOLLOWAY: Yes; my advice is that that is true, in the same way that the police can now impound a vehicle.

The Hon. SANDRA KANCK: In a sense, as I said, it is a bit like when you take a gun away from somebody who has committed an offence with the gun—you are taking away the instrument of the crime or the transgression. The problem that emerges for me in this is what come back the owner of the car has. I see from subclause (6) that the Commissioner has to advise the owners of the action taken. But, if the driver of the car is not the owner of the car, is there anything that the owner of the car can do in the interim to stop the car being impounded—it may be in the bill somewhere—because they were not the person who used the car for the offence and they, for example, need it for their livelihood?

The Hon. P. HOLLOWAY: The only circumstances in which the car would be given back is if the car was stolen, if there are prescribed circumstances, or it was driven in prescribed circumstances. It is the government's view—and I did expand on this in more detail during my second reading response—that people should not lend their vehicle to people who are likely to drive it in this sort of manner. There must be a deterrent from doing that. We should not allow a loophole to be in there. In other words, you can hoon in somebody else's car; you can borrow a mate's car. You could have a situation where mates could borrow each other's car, go out and hoon drive, and escape penalty because they claim that it was the another person's car. We cannot afford to leave that loophole in there. But, at the same time, as I said, there are situations where, if the car is driven in prescribed circumstances, if it is stolen, or if it is wrongly impounded by police, of course, that could also be challenged, but they are the only circumstances.

The Hon. SANDRA KANCK: Which demonstrates for me, of course, why I have problems with this legislation. If somebody who is the owner of the car and not the driver says, 'Well, I need this car', the assumption with what the minister said is that the owner of the car acted in collusion with the driver with the intention afterwards of saying that he did not know. I would think that with the way our legal system operates, which up until now has been to have the presumption of innocence until proven guilty, we should not assume that that sort of complicit arrangement has been made beforehand.

Let us take an example where Kylie uses her car for pizza delivery as part of her job. She lends her car to her boyfriend Jason, whom she trusts, and has no idea that he is going to turn up the volume too loud on the radio and annoy people. The car is impounded as a consequence and she loses her job delivering pizzas. Where is the justice in that? The minister is saying 'prescribed circumstances'. Will there be something in the regulations that will allow for some recourse for people who have genuinely lent their car, with no idea that it is going to be used in this way? When their job is at stake will the prescribed circumstances the minister is talking about take that into account?

The Hon. P. HOLLOWAY: The first comment I make is that, if Kylie has her car impounded for seven days, she will, first, find out that he has been misusing her car, which is valuable knowledge in itself because she might otherwise not have known and, secondly, she will be a lot more careful about who she lends it to in future. In any case, it is not sufficient just to be doing wheelies and making noise. Before the car is impounded the person would have to disobey an instruction. If we are talking of stereo noise, the police would first instruct them to turn it down and they would have to disobey that instruction before that action would be taken in that case.

The Hon. Sandra Kanck: He has done a donut.

The Hon. P. HOLLOWAY: If they have done a donut, the car could be impounded straight away. I suggest it is in Kylie's best interest that she know, as donuts are not very good for tyres, transmissions and so on and she should know about it, which she would not otherwise. How would she know her car had been misused in that way in that case? Apart from that, there is not only the protection of her boyfriend but also members of the public if he is hoon driving. There is balance here. It would be difficult, if not impossible, to give police the ability to consider hardship provisions. If you pick up a hoon driver in the street, how could the police be expected to exercise hardship provisions? They can really only be dealt with later. However, it is important that the behaviour cease by impounding the car for the protection of the driver, who is committing the hoon driving, and also the public, who are at risk.

In relation to the other question about prescribed circumstances, these were included in the Summary Offences General Regulations of 2001, part 2. It applies to cars driven under contractual relationships as set out in the regulations under impounding and forfeiture of motor vehicles, part 14A, prescribed circumstances. It provides:

... the motor vehicle is being used by the person, not being the owner of the motor vehicle, in accordance with a contractual arrangement with the owner of the motor vehicle, other than a contractual arrangement that confers on the person an express or implied right or option to purchase the motor vehicle, and the owner of the motor vehicle is a person who carries on a business that consists of or involves hiring or otherwise supplying motor vehicles to others for business or personal use.

An example, worth putting on the record, is given; it goes back to the 2001 regulations, as follows:

A person visiting South Australia on holiday drives a car from a car hire company to use while in the state. While that person is driving the car in accordance with the hire contract, the car is being used in circumstances prescribed by this regulation. A taxi driver drives a taxi this is owned not by the driver but by the taxi company or for whom the driver works. While the taxi driver is using the taxi in accordance with his or her employment contract, the taxi is being used in circumstances prescribed by this regulation.

In those cases there would not be forfeiture or impounding, so they are the current exceptions.

The Hon. SANDRA KANCK: Let us continue with Kylie. Kylie has learnt that Jason has been hooning around in her car and it has been impounded and clamped. What does Kylie do next in order to be able to get back the car so she can continue with her pizza delivery job?

The Hon. P. HOLLOWAY: In that case she would have to wait the seven days. It is important that members understand that in this respect the government is not proposing any changes to the law. If this bill is passed it will not affect the situation that currently exists, other than that we are adding clamping as well as impounding and the period is being extended. We are not changing the situation that exists at the moment. If Jason is driving Kylie's car and he breaks the law, the car could be impounded now for 48 hours. We are not changing any measures in relation to that but are simply extending the period or options for clamping. Of course Kylie always has the option of hiring or renting a car. I gather there would be a penalty for that.

Clause passed.

Clauses 6 to 11 passed.

Clause 12.

The Hon. SANDRA KANCK: As I read clause 12, it concerns somebody committing an offence as a minor: let us say that Johnny at 12 years of age was found to have painted some graffiti, which is a prescribed offence. At 21 years of age he is caught doing a donut, and under this law he will lose his motor vehicle for three months. Can the minister clarify whether my interpretation is correct?

The Hon. P. HOLLOWAY: That would be correct if the offence had first been committed after the commencement of the act and the convicted person had, during the period of 10 years immediately preceding the date of the offence, been found guilty of or had expiated at least one other prescribed offence. So, if you like, the three month penalty would apply for second and subsequent offences.

The Hon. SANDRA KANCK: I therefore indicate my opposition to this clause; I believe it is disproportionate and unfair.

The Hon. P. HOLLOWAY: I would like to put on record that, as I understand it, this does not change the current law.

Clause passed.

Clause 13.

The Hon. P. HOLLOWAY: I move:

Page 9, lines 22 to 24—

Delete 'on the ground that the making of the order would cause severe financial or physical hardship to the convicted person'

There are really two amendments here, so it might be more sensible if I talked to the whole subject. The Hon. Mr Wade's amendment would require a court that had convicted a person for a prescribed offence, but declined to impound or forfeit his or her vehicle because this would cause severe physical or financial hardship, to order the convicted person to perform community service instead, should this be reasonably practicable. The government will oppose that amendment.

Under clause 13 of the bill and the current law, one of the grounds for declining to impound or forfeit is that the making of that order would cause severe financial or physical hardship to a person, and this includes the convicted person. If a court had declined to impound or forfeit because it thought that the convicted person would suffer severe financial or physical hardship as a result of such an order—and only for this reason—the court must order the convicted person to perform community service, should this be

reasonably practical. Under the current law there are three reasons for declining to make an order to impound or forfeit: first, that the order would cause severe financial or physical hardship to any person (that is, including the convicted person); secondly, that the offence occurred without the knowledge or consent of any person who was an owner of the vehicle at the time of the offence; and, thirdly, that the vehicle was used in the commission of the offence but was stolen, unlawfully in the convicted person's possession or was being used in circumstances prescribed by regulation. The bill leaves these reasons intact but adds one more reason: that the making of the order would significantly prejudice the rights of a credit provider.

The current law then requires a court to impose an alternative penalty to impounding or forfeiture when it declines to impound or forfeit, but only when that decision was made because the order would have caused severe financial or physical hardship to a convicted person. That alternative is a penalty of community service, if reasonably practicable. Logically, there is no need to restrict the imposition of this alternative penalty by reference to the reason the court declined to impound or forfeit because, whatever the reason, the convicted person will still escape the primary penalty of impounding or forfeiture. The alternative penalty should be available whenever the court declines to impound or forfeit, and I propose the amendment to this effect.

The opposition's amendment goes only some of the way, providing community service or alternative penalty only when the court declines to impound or forfeit on the ground of severe hardship to any person. The government takes the view that it should also be available when the court declines to impound or forfeit for any of the other reasons set out in clause 13(1), because in each case the offender would otherwise escape any court-imposed penalty at all under this act. The government proposes to amend clause 13(2)(a) by removing any reference to the ground on which the court declines to make an order to impound or forfeit. So amended, the bill would require a court to order a person who is convicted of a prescribed offence to perform community service, if this is reasonably practicable, whenever it declines to make an order to impound or forfeit—not just when it has declined for reasons of severe hardship to a person.

The Hon. S.G. WADE: I am glad to see that the minister has desisted from the practice of characterising every opposition amendment as an attempt at political point-scoring; however, he has now reverted to obfuscation. He self-righteously moves this amendment as though the government had a good idea; the fact is that this bill, as presented, was flawed. The opposition identified a defect and proposed an amendment, and the government subsequently (two days later) suggested an alternative amendment. We actually see the merit in the alternative amendment and, being a constructive opposition committed to a sound legislative process, we will support the government's amendment and not move our own.

The Hon. P. HOLLOWAY: Lest I be seen to be churlish, I would like to put on record that my understanding is that the error (if you like) was in the original private member's bill that became the act. It is true (and I am happy to acknowledge it) that this was picked up by the honourable member, or by someone in the opposition. I am only too happy to acknowledge that. This is one of those occasions when the Legislative Council has achieved a good legislative outcome.

Amendment carried; clause as amended passed.

Clauses 14 to 19 passed.

Clause 20.

The Hon. P. HOLLOWAY: I move:

Page 14—

Lines 6 to 9—

Delete subsection (3) and substitute:

- (3) A motor vehicle must not be sold under subsection (2) unless, not less than 14 days before the sale, notice of the sale was given to—
- (a) each registered owner of the motor vehicle; and
 - (b) each holder of a registered security interest in respect of the motor vehicle under the Goods Securities Act 1986.

After line 40—Insert:

- (6a) Despite any other act or law, if a motor vehicle is sold under this section the purchaser acquires a good title to the motor vehicle any interests in the motor vehicle existing prior to the sale are discharged.

They are minor amendments. In respect of the first amendment, the bill requires a relevant authority, the police or the sheriff, to notify holders of registered security interests in a vehicle of its impending sale. It does not require similar notice to registered owners of the vehicle because registered owners are notified of both police impounding and applications for court impounding and forfeiture. The bill does not require this because registered owners are notified of both police impounding and applications for court impounding and forfeiture and are thereby put in a position where they can take any available action to protect their interest in the vehicle. There is, however, a chance that the police may not be able to make contact with a registered owner despite making all reasonable attempts. To prevent the sale of a vehicle without the registered owner knowing about it, I am moving that subsection (3) be deleted and replaced with a subsection that requires notice to be given not only to the holder of a registered security interest in a vehicle that is about to be sold but also to the registered owner.

I turn now to the second amendment. When a vehicle is forfeited to the state by a court order, all other interests in that vehicle are extinguished. Neither the act nor the bill says this in so many words. On the other hand, security interests in a vehicle survive impounding or clamping. The act and the bill give a relevant authority a statutory power of sale over forfeited vehicles and also over impounding vehicles that are not collected within two months of their ceasing to be liable to be impounded—for example, after the seven days of police impounding, or after a period of impounding ordered by the court. They do not say anything about the effect of the statutory sale on pre-existing interests or on the title acquired by the purchaser, because the Sale of Goods Act would apply to give the purchaser as good a title as the seller, and that title would be clear by dint of the sale by the relevant authority being authorised by statute.

It could still be argued, however, that a security interest in an impounded vehicle that is registered under the Goods Securities Act 1986 can be enforced against the purchaser of that vehicle after it is sold by the state because registration under that act gives constructive notice of the registered security interest to all potential buyers of goods subject of that interest, and the point of that act is to preserve security interests that are registered. To avoid doubt, we wish to make the effect of the exercise of a power of sale under this legislation clear on the face of the act for the benefit of the purchaser of the vehicle and for the benefit of those who have registered a security interest in it. Accordingly, this amendment inserts a further subsection in clause 20 to say that when a vehicle is sold under this act the purchaser requires good

title to it and any pre-existing interests in the vehicle are discharged.

The Hon. S.G. WADE: The opposition supports the government's amendments in respect of this clause.

Amendments carried; clause as amended passed.

Clause 21.

The Hon. P. HOLLOWAY: I move:

Page 15, lines 10 and 11—

Delete subclause (2) and substitute:

(2) The Magistrates Court may make an order under this section if satisfied—

- (a) in the case of an application for an order under subsection (1)(a) or (b)—that the rights of the credit provider would be significantly prejudiced if the order were not made; or
- (b) in the case of an application for an order under subsection (1)(c)—that the credit provider has suffered, or will suffer, loss as a result of the exercise of powers under this act.

It is consequential to amendment No. 2. One of the forms of relief that a magistrate may grant a credit provider under clause 21 is an order requiring payment to the credit provider of an amount out of the proceeds of the sale of a motor vehicle. The ground for making this and any other order for relief is that the magistrate is satisfied that the rights of the credit provider will be significantly prejudiced if the order for relief was not made. Clause 21 is supposed to apply to the interests of credit providers whether the vehicle is impounded or forfeited because in each case the credit provider's position is compromised through no fault of his or her own.

As I have already explained, any rights a credit provider has in a vehicle will be extinguished by forfeiture. There are no rights that can be prejudiced, but the credit provider will still suffer loss as a result of the sale. This amendment will make the grounds for an order under clause 21 refer to a credit provider's rights when speaking of an application to remove clamps from a vehicle or to release a vehicle from impoundment, because impounding does not affect those rights, and refer to a credit provider's 'suffering loss' when speaking of an application for payment of an amount from the proceeds of the sale of a vehicle, because if the sale is of a forfeited vehicle the credit provider no longer has rights to it.

The Hon. S.G. WADE: The opposition supports the government's amendment.

Amendment carried; clause as amended passed.

Remaining clauses (22 to 24), schedule and title passed. Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (PENALTIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 May. Page 251.)

The Hon. CAROLINE SCHAEFER: This bill purports to improve the work safety of employees in this state, and, indeed, if it did that, we would all support it. However, a number of concerns need to be raised regarding this legislation. It was drawn up in response to the Stanley report 2002. The minister in another place, quite mischievously, gave the impression that these amendments were part of the recommendations of the SafeWork SA review of the Stanley report. This is not quite the case. The minister in his second reading explanation said, 'They reflect the review'. They reflect the review, but they are not as a result of the recommendations

of the review and, indeed, they do not make up part of the SafeWork SA recommendations. Therefore, I am left wondering whether there is some hidden objective in this bill.

The bill makes three major amendments to the current act. It triples the penalties for offences. However, following extensive government amendments in the lower house, it now confirms that these higher penalties will also apply to government corporations and government departments. Previously, that was unclear. That is one of our concerns which has been cleared up. The difference between the trebling of penalties in this state and the trebling of penalties in other states is that, while our penalty rates sit about midway across Australia, I am informed that this is the only state where the penalties apply to each person as opposed to each incident. If there was a serious workplace incident where, say, 10 or 35 people were injured, under section 19 of the South Australian act, the penalty would then be applicable (if the person was found guilty) not once, as in every other state, but 10, 35, or whatever times.

Therefore, we could quite conceivably see a small business, after a serious incident—and, I hope, it would be a serious incident—put out of business and, indeed, that also has serious ramifications for the remaining employees. As I said, the first element of this act is to clarify the higher penalties, and I have spoken on that. A number of other issues concern the Liberal Party. I am grateful to Business SA, the Motor Traders Association and the Engineering Employers Association for their input. The greatest concern with the amendments (as they now stand) is with section 59. The minister in another place has said, quite clearly, that this legislation is aimed at those few rogue employers who negligently and/or knowingly place their employees at risk, and I am sure there is no argument with any of us that those rogue employers should be caught in this more severe net.

The effect of new section 59 is that it does not just apply to rogue employers; it applies across the board. We believe that the wording of section 59 is faulty. I will be moving an amendment when the time comes—and I am placing that amendment on file this afternoon—which, I hope, covers the intent of the government. That is, as I said (and as the minister in another place also said), to make these penalties and section 59 applicable to those who deliberately and seriously endanger their workers, either through negligence or knowingly.

The current act (and I am informed that no-one has ever been successfully prosecuted under the current act) states 'knowingly and recklessly'. This measure now changes it to 'knowingly or recklessly'. I can understand what the government is trying to achieve here. However, I was somewhat concerned when I was briefed on this bill to discover that the reason was that no-one has ever been successfully prosecuted under the current act. I would be interested whether the appropriate minister could inform me how many people have actually been prosecuted. How many of these dreadful and nefarious people are out there who knowingly and/or recklessly acted in a manner that endangered their employees? I would assume that we are not talking about a large number and, as I said, hopefully, my amendment will make it clear, with respect to the people whom we want to see prosecuted—and this is an indictable offence, so we are talking about possible prison sentences, which would apply not only to the line manager but also up the line, right through to the directors of a board, if necessary.

I might also add that the imputation in this bill applies to the entire act, not only to section 59, as a lot of people think.

So, I hope that my amendment applies this to those who deliberately do not take the appropriate measures to ensure that their workplace is safe rather than those who may inadvertently have caused an accident. No-one likes to see their workers injured: no-one I know has this, if you like, cowboy attitude to their workers. If they do, hopefully, the changes to this act will stop them. However, we would be aiming to see that those who have not deliberately or recklessly caused an incident in the workplace are not as heavily penalised. The amendment that I will be moving reflects that view.

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

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 24 July. Page 435.)

The Hon. D.W. RIDGWAY: I rise to speak to the Appropriation Bill 2007-08. Treasurer Foley said at the beginning of his budget speech that it was about rebuilding South Australia. However, on closer examination, one will see that there is not a hint of truth in that statement, because this budget does not offer anything new. There is no new initiative in this budget. There is no action to secure our state's water supply; there is no reform of state taxes and charges; and there is nothing new for transport and infrastructure. This is a budget laced with bandaid solutions and, as Mr Foley said, the budget is definitely not sexy. Mr Foley's budget was encapsulated perfectly in *The Advertiser*—

The PRESIDENT: It is 'the Hon. Mr Foley' or 'the Treasurer'.

The Hon. D.W. RIDGWAY: Thank you, Mr President, for your wise advice. The Hon. Mr Foley's budget was encapsulated perfectly in *The Advertiser* the day after its release as 'a three-ring circus, missing light relief'. The following are just a few examples of where the government has failed to provide relief from taxes. The fact that South Australia continues to have the lowest payroll tax threshold in the country has been overshadowed by a small tax rate cut and, amidst a booming national jobs market, South Australia's slice of the national pie continues to decline. There is also no end to the burden of stamp duty, which plagues most of our prospective first home buyers. Mr President, you will be fully aware that Adelaide (and South Australia) now outstrips Melbourne and Sydney in respect of housing affordability; in fact, we are one of the least affordable places in the nation.

Public transport fares have now risen by as much as 7.9 per cent. Where are the incentives to utilise our public transport system, as the cost of running motor vehicles continues to grow? I will touch on that later, and also yesterday's announcement with respect to the urban growth boundary, and the lack of investment in infrastructure, in particular, public transport.

Car registrations are up by 4½ per cent, and the stamp duty on mid-price range motor vehicles is becoming less and less competitive with other states. These tax increases on some of the fundamental facets of making South Australia your home have contributed to a sizeable increase in the overall tax revenue for this government to the tune of some \$200 million extra this year. The features of this budget, to

average taxpaying South Australians, offer negligible relief or benefit, if any at all.

In the estimates committees last year the Treasurer admitted that getting a proper handle on the exact number of government employees is difficult. He has certainly proved that it is difficult for him and the government to get a handle on the exact number of government employees. The official estimates of Public Service job numbers are provided by the Commissioner for Public Employment in the annual South Australian Public Sector Workforce Information reports which his office produces. The budget papers for 2002-06 show that, in five years, there has been an increase or blow-out of some 10 094 full-time equivalents in the number of public servants, equating to an extra spend of some \$2.6 billion.

I am sure that anybody who had run any sort of business or managed any group of people (perhaps back in your days as a shearing contractor, Mr President) and who had a whole range of extra employees and staff would look for some increased productivity benefits and increased benefits for the community. Particularly regarding the Public Service, the opposition is constantly approached by people who say they do not get any better level of service from this government.

Since 2002 the government has budgeted for an increase of 1 971 FTEs but, of the actual increase of 12 065, only about 1 000 of them comprise teachers, nurses, doctors and police. The opposition certainly supports those 1 000 positions; it is the other 10 000 that have yet to be explained to us as to where they are, what they are doing and what the benefit is for South Australians.

The Treasurer claims the budget is in surplus but, by two of the three standard accounting measures, this budget is in deficit. After the 2002 election, Premier Rann announced that his government would use the accrual or net lending/borrowing measure, quite confident that it would achieve a surplus by this measure, covering all operating costs and capital investments in the budget without falling into debt. But, using that measure, this budget falls short of a surplus by about \$1.5 million from the last financial year to the 2010-11 financial year and, by the cash measure, this budget is in deficit by about \$1.4 million for that same period.

The only measure by which this government can calculate its budget surplus is on its net operating balance. That is an alarming statistic; you have three standard accounting measures and two of them show that this budget is in deficit. Members opposite are laughing. I do not think the South Australian community laughed very long or very loud the last time the Labor Party was in office and left this state in a financial mess.

The Hon. B.V. Finnigan interjecting:

The Hon. D.W. RIDGWAY: I don't think it's a very funny matter, the Hon. Mr Finnigan. Water security is probably one of the most important issues facing this state, and it is one of the most frightful aspects of this budget that it is predicated on the end of the drought. The Treasurer has been talking about an expected 4 per cent growth, but he has admitted that a continuation of the drought would have an impact on the state's economic growth. Two days ago it was 26 degrees in Ceduna. After looking at the National Climate Centre's website yesterday, the odds are neutral as to whether it is going to be wetter or drier. We are likely to have, at very best, average rainfalls across this state in the next few months.

The National Climate Centre predicts an increased temperature, so the odds are significantly in favour of it being

hotter for the next six months of the year. We are not likely to have a long wet season that will give our primary producers a sensational season or recharge the Murray-Darling Basin and the whole range of catchments that this state relies upon. I expect the Treasurer and any Treasury officials who have an understanding of climate and the importance of rain to this state will be very concerned indeed about their budget being based on needing a good season.

In the last financial year the drought cut \$1.2 billion from the state's economy. This government has grossly miscalculated the economic impact of a 1.5 per cent growth in the gross state product over what the state actually recorded for the past financial period. The Treasurer continues to bank on the uncertainty facing South Australia, and that is a plentiful water supply. However, as far as the Treasurer and the budget are concerned, the 'increasing water supply is quite possibly the next big infrastructure challenge'. That is what the Hon. Kevin Foley said at his budget press conference. What the opposition asks of the Treasurer today is: what is a current infrastructure challenge with greater priority than water security? How is a government that commits \$31 million to a tramline extension and \$100 million to opening bridges at Port Adelaide, amidst the worst drought in this state's history, prioritising its spending?

Any infrastructure announcement in this budget is coupled with uncertainty and delay. The planned expansion of the Mount Bold Reservoir will be finalised with the replenishment of water from the Murray, with one slight glitch: the project will not be finalised for at least 10 years. It is almost unbelievable that a Premier who introduced a Save the River Murray levy and a Save the River Murray tax is now looking at expanding one of our reservoirs, and the only way it can be filled is by pumping more water from the River Murray. I just do not believe this government is serious about protecting the River Murray.

In the meantime the government continues to stagnate on committing to a desalination plant or any other alternative water supply. Continued reliance on the Murray means that, amongst other things, the ability to finalise this \$850 million project is questionable, to say the least. This government has said for some time that its strategy has been to rely on the River Murray and to have further water restrictions. We know that South Australia is facing one of the greatest crises it has ever faced with its water supply.

As I mentioned just a moment ago, with the rainfall and the predicted warmer temperatures, we have now seen watering restrictions extended for another couple of months. I suspect that, if the trend continues, we will have no outside watering at all in this coming financial year, because there just simply will not be enough water. You do not have to be a rocket scientist to work out that South Australia needs some sort of baseload water supply, if you like. I find it almost unbelievable that we still have government ministers wandering around the world looking at desalination plants when it is clear to everybody—the Labor governments of Victoria, New South Wales, Queensland and Western Australia have gone down that path—

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

The Hon. D.W. RIDGWAY: That's right. The Hon. John Dawkins interjects that, instead of wandering around the world, perhaps they should have wandered to Western Australia and had a look there.

The PRESIDENT: The Hon. John Dawkins is out of order.

The Hon. B.V. Finnigan interjecting:

The PRESIDENT: So is the Hon. Mr Finnigan.

The Hon. D.W. RIDGWAY: Thank you, Mr President. I will not even bother to comment on that. It has been proven worldwide and in other states of Australia that desalination is an important part of a secure, diverse water supply, yet we still see this government procrastinating. I believe that it does not quite know what to do. I have heard that the Premier was interested in building a desalination plant that would take Adelaide completely off the River Murray, but he was also concerned that if it rained we would not need a desalination plant. He does not have—and neither do his ministers—the ability to plan long term and put into place a secure and diverse water supply for South Australia.

As mentioned, delay is the flavour of this year's infrastructure budget. The government has been big on terms such as 'review', 'study', 'investigation' and 'strategy' when it comes to options for securing our water supply. Whilst payroll taxes are one of the focal points of this budget, because job creation and business growth are critical at this point in the business cycle, the infrastructure is not in place to support that growth.

The Advertiser's state budget feature of 8 June spoke of housing and infrastructure in the Far North receiving a major investment boost to cater for the Olympic Dam mine expansion. However, on that same day on page 6 it reminded us that the expansion itself is not considered to any substantial degree in the budget forecast. The article proclaims additional housing, repairs to flood damaged roads and improvement to freight transport networks but, once again, there is no evidence of any infrastructure initiatives or anything new. There is no commitment to electrification of our rail network in South Australia or any major new road developments to support our mining industry.

There is no commitment to new infrastructure in preparation for the mining boom. Following the last budget, Treasurer Foley stated that infrastructure was 'something governments will have to address' and that 'we haven't addressed it in this budget and will in future budgets.' Again, it is all talk and no action. I remind members opposite that this budget is predicated on a good season and the end of the drought. So, if we have a drought, of course, it will not be tackled in future budgets, certainly not in the near future. Again, it is all about spin and talk and no action. We look forward to seeing this government take some favourable action on South Australian Chamber of Mines and Energy infrastructure in the near future. I will be very interested to hear from the minister what his plans are in respect of that study as it relates to the mining sector.

As reported in *The Advertiser*, businesses hoping for a large spending increase on freight transport infrastructure to help the state take advantage of the minerals boom were disappointed, as were we, with this budget. It is devoid of any big ticket infrastructure programs to help the mining sector. We are aware that there is some \$20 billion worth of infrastructure needed for the mining sector. While I know a vast majority of that will be provided by private investment, there is a significant requirement for government to play its role, too. There are no upgrades to infrastructure such as ports and transport hubs that will help facilitate the investment of the private sector.

With just cause, the opposition is somewhat sceptical about the costing of \$1.7 billion for the new hospital proposed for the City West site. It is interesting to note that the cost of the beds is about double the cost per bed in any new hospital that has been built in any other capital city in

Australia. So, I question the costing. It is a question of whether the government is frightened about blow-outs—because it always has blow-outs in its major projects—whether it has factored in some major blow-outs, or whether it really has no idea at all about the cost of building a new hospital. We agree that the new hospital is needed, but it should be constructed preferably on the existing RAH site at a cost that the Premier himself has confirmed of somewhere between \$1 billion and \$1.4 billion. Again, we do not know whether that cost is accurate. The opposition is seeking some clarification of how that cost was arrived at but, as yet, we have not received it.

Apart from less disruption and delay, the alternative offers an additional \$300 million, which could be allocated to improving facilities at other hospitals, particularly in our regional and rural areas. I am sure that you, Mr President, given your background and your love of the country, would see increased investment in rural health as particularly important. South Australia remains below other states in its 2007-08 capital works spend. Its proposed capital expenditure of \$1.48 billion has been put into perspective by Queensland spending some \$14 billion—almost 10 times as much.

I would now like to turn to urban development planning, one of the areas for which I have shadow responsibility. It is interesting to note that yesterday the minister announced an extension of the urban growth boundary. This government seems to be all over the place regarding what is actually a factor in terms of housing affordability and what is causing house prices to rise. It is quite bizarre. The government has opposed any change to the urban growth boundary over the past few years, and now, suddenly, it has done a back-flip. Land supply is a key issue, but it was not addressed in this budget. In fact, in his budget address to the Property Council, the Treasurer admitted that issues including land supply are blamed for the exponential decline in housing affordability in South Australia.

It is interesting that, after the publication of some articles—I think the Prime Minister raised the issue last year—Premier Rann ordered an urgent review of land supplies in Adelaide as part of a long-range plan for both residential and industrial development. During estimates, officers from Planning SA confirmed that the planning review steering committee will be conducted using existing resources from agencies—effectively, PIRSA and the Department of Trade and Economic Development. We heard about reviews during estimates, we heard the Premier order a review last year, Treasurer Foley said at the Property Council lunch that land supply was an important factor, and, when asked during estimates, the minister agreed that the urban growth boundary does need to be reviewed from time to time. However, only two weeks ago we could not get a commitment as to when that is likely to take place.

I have some questions about this. Of interest is the lack of consultation on this particular change to the urban growth boundary and the lack of consultation with local government. It seems just a little too cute that it is announced the day before that the federal opposition leader is to hold a housing affordability summit. This seems to be, again, one of the tactics of state Labor governments nationwide, which are playing a tag-team game with the federal ALP leader to try to give mileage, credibility and leverage to his particular stunts.

When asked during estimates what resources the government is allocating to the long-term land supply plan and the implementation of the plan and the details of time frames, the

government was very hazy. In fact, the head of Planning SA, Dr Halliday, responded that there is some research around and information that that has generated in relation to where some of the growth could go, and the minister thinks that by the end of the year or some time next year they will have those results. We were told in estimates that Planning SA was doing research on a long-term land supply strategy. Even the minister, during estimates, said that we would not see that until later in the year or some time next year; but, yesterday, they announced a change to the urban growth boundary. This is almost ad hoc planning.

We do not see any clear, defined, well-thought out approach; it is a knee-jerk strategy. The consequence will be that thousands of young South Australian families will be unable to afford their first home. The minister made some comments about change to the urban growth boundary and in particular how the changes have been plugged into where there is some infrastructure in place. I will refer to some of the infrastructure and trains to the Gawler area.

Some of the land around Gawler has been included in the urban growth boundary and anybody who travels on the train line knows that the line itself is in bad repair, there are a great number of speed restrictions on the line, the trains are all full, and Transport SA has no plans to expand the line to extend it. I do not know how the minister can say that we have existing infrastructure as it is operating at capacity. The government has not put any additional capacity into infrastructure, especially public transport. If we look down south at the study into the Seaford extension and the bridge across the Onkaparinga River, it was due to be released on 30 June. It is now almost 1 August, so it is a month late and the study has not been released, yet the government is happy to release more land and extend the urban growth boundary without any clear commitment from it on public transport infrastructure or rail infrastructure.

I was at a public meeting a couple of weeks ago at Seaford with a group of 150 people. Members opposite often criticise the opposition when we were in government for building the Southern Expressway and for the fact that it is only a reversible road that goes one way in the morning and one way in the afternoon. At this public meeting of 150 people, when asked whether they wanted the expressway duplicated, three people put up their hand. When asked whether they wanted the rail line extended and a bridge across the Onkaparinga, in excess of 100 people put up their hand. That is a clear indication that the community want it and this government is not listening.

In addition, federal Treasurer Costello has long urged the states to reduce stamp duty in return for GST revenue—the lucrative tax the South Australian government refuses to abandon. South Australian homebuyers only receive stamp duty concessions now for property up to \$250 000, even though the median house price is in excess of \$300 000.

Another point I will touch on before I seek leave to conclude before lunch is the development and planning portfolio. I will touch on the cessation of the operations of the offices for sustainable, social, environmental and economic development, namely, the Office of the Upper Spencer Gulf in the north and the Outback, the Office of the River Murray, the Office of the North, the Office of the Northwest and the Office for the Southern Suburbs, which I think is still in operation. During the estimates, the minister proudly stated that these offices were an innovation in the first term of the Rann government and confidently assured us that the work of these offices is now complete.

We know that these offices were an election stunt—a means by which the government sought to make out that it was actively addressing regional, social, environmental and economic issues. I know that the person who was employed in the Office of the Murray said that he got the job because he was the Labor candidate in the seat of Heysen. I will not name the person as it is not appropriate, but he now works for the minister. This is jobs for the boys. We saw the same thing in respect of the Office of the Upper Spencer Gulf. That office manager twice ran against the member for Stuart. This was not about addressing the needs of regional South Australia and some of those issues; it was all about jobs for the boys and trying to get a political advantage.

There is no doubt that there are many major regional issues that this government has failed to address, and the minister states that the issues are now different from what they were when the offices began operation and that they are being addressed in an appropriate way. What a joke! That is not the case. It is a joke. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

[Sitting suspended from 1 to 2.17 p.m.]

VOLUNTARY EUTHANASIA

A petition signed by 578 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. D.W. Ridgway.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

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

Regulation under the following Act—
Development Act 1993—Open Space Contribution Scheme

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

Regulation under the following Act—
Forest Property Act 2000—Fees
Department of Further Education, Employment,
Science and Technology—Addendum—Section E

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

Natural Resources Management Council—Report,
2005-06

Regulations under the following Acts—
Liquor Licensing Act 1997—Gifts
South Australian Health Commission Act 1976—
Prescribed Incorporated Health Centres.

URANIUM EXPORTS

The Hon. P. HOLLOWAY (Minister for Police): I lay on the table a copy of a ministerial statement relating to uranium exports to India made earlier today in another place by the Premier (Hon. M.D. Rann).

NATIVE VEGETATION

The Hon. G.E. GAGO (Minister for Environment and Conservation): I seek leave to make a personal explanation.

Leave granted.

The Hon. G.E. GAGO: Yesterday I referred to the previous Liberal government's woeful record in our reserve system. I was speaking about the fact that it declared no area of South Australia under the Wilderness Protection Act. Since the Rann government was first elected it has increased the amount of wilderness in South Australia from 69 000 hectares to 950 000 hectares of land.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I have a point of order. If the minister is making a personal explanation she must indicate where she believes she has been misrepresented. It is not an opportunity for her to debate a particular issue or to restate a case.

The PRESIDENT: The minister was not debating.

The Hon. G.E. GAGO: Thank you, Mr President; that is quite right. Labor was responsible for the first 69 000 hectares but, for the record, I need to say that not one bit of land has been protected under the Wilderness Protection Act by the Liberals. That is what I am trying to clarify.

On reading *Hansard* I realised this was not clear. In my passionate defence of our protected areas system I overlooked saying that it was the opposition's record on wilderness protection that was of concern to me. I seek now to provide this clarification.

Members interjecting:

The PRESIDENT: Order!

JAMES NASH HOUSE

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.S.L. Dawkins: Are you going to apologise to Dorothy?

The Hon. G.E. GAGO: She should apologise to us. In relation to the James Nash House relocation, I am pleased to announce that the state government will build a state-of-the-art 40-bed forensic mental health facility, which will be located with the two new prisons at Mobilong. The new facility will replace the ageing 30-bed James Nash House at Oakden, built in the mid-1980s, and the 10 secure forensic mental health beds in the Grove Closed Unit on the Glenside campus.

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

The PRESIDENT: The Hon. Ms Lensink will cease to interject.

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

The PRESIDENT: Order! You will not be here to pick on if you give the chair any cheek.

The Hon. G.E. GAGO: Thank you for your protection, Mr President. We will be announcing details in the near future of our plans to redevelop the Glenside campus as a centre for specialist mental health services. This is a once-off opportunity to build a modern, new mental health forensic treatment complex offering a range of recovery services, one that will be completely different from the current design of James Nash House, which resembles a prison. Since James Nash House was built more than 20 years ago, the design of

modern forensic facilities overseas and interstate has moved from correctional and custodial-type layouts to secure mental health complexes with a focus on assisting people to get better.

The new facility will include a 15-bed acute high security unit to accommodate the most at-risk patients; a 15-bed medium care unit to house acutely unwell patients at a medium level of security; and another 10-bed unit to provide a stepped level of care for patients from the medium care unit who require rehabilitation. Similarly, those patients whom the courts deem to be mentally impaired will receive the appropriate levels of mental health care in a secure environment. It is important to note that, while the new mental health forensic facility will be in close proximity to the prison, it will not form part of the prison. The facility will be a health facility first and foremost, but it also has the capability of accommodating prisoners with mental health issues.

The new forensic mental health centre will be included in the new prisons secure facilities public private partnership expressions of interest process. A final decision on all aspects of this process will be made following the expressions of interest and the request for proposal phases of the project. On the current project schedule, we expect the facility to be ready for use by late 2011. This gives us a long lead-up time to fully consult with staff about the move, the design of the new facility and the service model. That process has started today. I am aware that the move could raise concerns for some staff members and their families who will be faced with decisions to make about possible relocation and transport issues, so we are announcing our plans now to effectively give them a four-year lead time. Also, \$1.4 million will be available as transition funding to help with relocation, recruitment and upskilling of staff for the new facility.

A transport service between the new prisons and Adelaide is proposed as part of the new development, so families and friends wanting to visit patients at the new forensic complex will be able to take advantage of that facility. The rebuild of James Nash House has been canvassed previously, and the 2007-08 state budget indicated that a new forensic mental health facility would be built in 2010 at a cost of \$16.5 million, subject to final scoping of the project. This new facility is building on the Rann government's strong commitment of improving mental health services in South Australia.

QUESTION TIME

POLICE, AVATAR TASK FORCE

The Hon. D.W. RIDGWAY (Leader of the Opposition): My question is to the Minister for Police. Given the government's public stance on being tough on bokie gangs, why is it that the Police Commissioner, Mal Hyde, has not increased the staff numbers on the Avatar task force?

The Hon. P. HOLLOWAY (Minister for Police): What an extraordinary question! If the honourable member reads the transcript of the Police Commissioner this morning and reads last week's *Sunday Mail*, he will see that the Police Commissioner is actually looking at expanding the role of the former Operation Avatar because, as he points out, there are a number of associated gangs which need attention. I know the Hon. Ann Bressington has raised the issue in this place on previous occasions that there are these associates that also need attention. In addition, the Commissioner has also talked

about doubling the resources available to deal with the issues in relation to outlaw motorcycle gangs. I suggest that the honourable member get a transcript of the Commissioner's comments on 5AA this morning with Tony Pilkington and Keith Conlon.

EATING DISORDERS

The Hon. J.M.A. LENSINK: I seek leave to make an explanation before asking the Minister for Mental Health and Substance Abuse a question about eating disorders.

Leave granted.

The Hon. J.M.A. LENSINK: In this place last year, in reply to a question regarding the development of a school education program to focus on eating disorders, the minister said that she failed to see how healthy eating programs could possibly lead to exacerbating anorexia, yet earlier this month a study was published in the *Australian and New Zealand Journal of Psychiatry* which showed that, in South Australia over the 10 years to 2005, there was more than a twofold increase in purging, fasting and other unhealthy weight control behaviours. The New South Wales government recently announced \$4.1 million to be spent over the next four years to help combat eating disorders, including community based early intervention. Will the minister now acknowledge that encouragement to eat less may contribute to vulnerable individuals developing eating disorders, and what community-based early intervention programs does this government fund?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for her important questions. It is simply outrageous to suggest that a healthy, balanced, well designed public campaign around healthy eating could contribute to anorexia or eating disorders. Part of the problem that we have with eating disorders is the way in which beauty is portrayed in our society and the way that it is reinforced in the media, particularly in relation to our obsession with fashion. Television programs, and even our pop cult music stars, often reinforce the concept that being abnormally thin is in some way beautiful and is something to aspire to.

I have made previous comments (and I continue to do so), particularly in relation to my former role as a health care professional, about the importance of a healthy, well-balanced diet and what that means in terms of maintaining health and wellbeing. It is something that we should be focusing on and promoting. I understand that we have programs in place. I have also been advised that they are reinforced as part of our school programs. I do not have the details with me, but I am happy to bring them back to the chamber. This issue also overlaps, obviously, with the portfolio of the Minister for Health. I am happy to bring back those details for the member.

I can only reinforce the importance of being able to promote to our young people, in particular, how important a healthy, well-balanced diet is and what constitutes a healthy diet, in terms of a balance between carbohydrates, proteins and high fibre grain mixes, or cereals. It is absolutely absurd to suggest that my comments on a healthy, well-balanced diet are about promoting eating less, to an extent, and that they promote anorexia.

The Hon. J.M.A. LENSINK: Sir, I have a supplementary question. Is the minister aware of the report in the *ANZ Journal of Psychiatry* by Professor Phillipa Hay and

Dr Warren Ward? If she has not read it, will she undertake to do so?

The PRESIDENT: I do not remember the minister mentioning a report.

The Hon. G.E. GAGO: Yes, I have been briefed on a number of contemporary updates and information. I am not too sure whether that was part of the briefing, but I am kept up to date with contemporary research and literature.

COUNTRY FIRE SERVICE VEHICLES

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the supply of vehicles.

Leave granted.

The Hon. S.G. WADE: The opposition understands that the CFS has granted a vehicle supply contract to a New South Wales company in preference to an established supply relationship with a local supplier. As a result, the local supplier is likely to cancel planned investment and make redundancies. Further, I am informed that the CFS is already six months behind schedule in putting into service vehicles sourced from a different interstate supplier due to a fault rate more than 20 times higher than some local suppliers. Can the minister assure the council that CFS supply contracts are being made in accordance with state government procurement policies and practices and, considering the fire challenges in the eastern states, how will the minister ensure that the CFS will be able to service our vehicles and source spare parts, particularly if a South Australian fire event coincides with interstate fires?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): The CFS capital replacement program for 2007-08 will be \$14.168 million. In relation to appliances, during 2007-08 it is expected that a total of 41 appliances will be replaced. Seven type 34 pumper appliances—which I am certain honourable members in this chamber will be interested in knowing about—will be delivered to the following stations: Cummins, Dublin, Lyndoch, Mount Barker, Port Wakefield, Two Wells and Wirrulla. Twenty-two type 34 appliances will be delivered to the following stations: Angaston, Booleroo, Burra, Coomandook, Cudlee Creek, Gawler River, Greenock, Gumeracha, Hermitage, Laura, Mil Lel, Mintaro, Oakbank/Balhannah, Orreroo, Parndana, Port Germein, Rapid Bay, Snowtown, Tarpeena, Waikerie, Warooka and Woodside. We also will be delivering 11 quick attack vehicle appliances to the following stations: Auburn, Burra group, Bute, Clare, Freeling, Gumeracha group, Keyneton, Mount Remarkable group, Pinnaroo, Salt Creek and Yankalilla. One urban pumper appliance will be delivered to Burnside.

The CFS has around 900 vehicles and appliances, including: 645 appliances, 100 command vehicles, 76 support vehicles, 29 bulk water carriers and 72 support trailers. In the last budget (the 2006-07 budget), the government approved expansion funding in addition to the previously approved annual capital program, which is allowing the replacement of an additional 42 heavy vehicles at a cost of approximately \$10.5 million over the period 2006-07 to 2008-09.

The honourable member has raised some issues in relation to a number of vehicles. I will undertake to get some advice and bring back a response. I can assure him that, as I have just put on the record, this state is very well served by the resourcing of this government to the CFS.

AUSTRALIAN PROFESSIONAL FIREFIGHTERS FOUNDATION

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the Australian Professional Firefighters Foundation.

Leave granted.

The Hon. J. GAZZOLA: The minister has previously informed the council of the very valuable work done by the Australian Professional Firefighters Foundation in its support of burns victims and their families. Will the minister provide any further details about current fundraising events?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his very important question. Yesterday morning I was pleased to attend and lend support to a member of the foundation, Dave Thompson, who is undertaking the Million Metres Row for charity. From Monday this week (23 July) Dave has been attempting to complete 1 million metres on a rowing machine at the Next Generation gym. For 10 days, from approximately 5.30 a.m. until around 8 p.m. each evening, Dave is aiming to row 100 kilometres per day, a total of 1 million metres.

Dave is a firefighter from Airport Services Australia who, along with members of the Metropolitan Fire Service, contribute deductions from their salary and undertake fundraising events to prevent burns and to support fire victims, especially children. I am proud to be the current patron of the foundation. This particular fundraising effort is to support the Newland Ward of the Women's and Children's Hospital.

The Newland Ward is a 36-bed acute surgical trauma and burns unit which treats children from birth to 18 years of age, and it supports patients, including those who have had treatment for burns and subsequent plastic surgery. I am sure honourable members know that the foundation has been lending its support to the children at the Newland Ward since 1998. Members would be aware that one of the most well-known projects the foundation supports is the annual Camp Smokey event, which is to be held in the next school holidays.

Dave has been training for several months for this event, and we wish him well in this amazing effort. I invite members to attend the gym over the next few days to lend their support, both financial and moral, to Dave and the work of the Australian Professional Firefighters Foundation. For those who are interested, this intrepid firefighter is using a Concept2 indoor rowing machine. The fundraising target is \$50 000. I would like to take the opportunity to thank the sponsors: Whitehorse Inn, Solomon's Carpets Gawler, Blyth Snowtown Football and Netball Club, Thompson Brothers Batteries, Olympic Industries and Puma Shoes. I would also particularly like to mention the Next Generation gym, which is hosting the event.

HOUSING AFFORDABILITY SUMMIT

The Hon. D.G.E. HOOD: I seek leave to make a brief explanation before asking the Minister for Police, representing the Treasurer, a question regarding Mr Rudd's housing affordability summit.

Leave granted.

The Hon. D.G.E. HOOD: Family First has been quite vocal for a long time about the need for the state government to give stamp duty relief for home purchasers, as have some

other members of this chamber. South Australian families, particularly young couples, are struggling to afford to buy their first home or find a bigger home as their family grows. There has also been running criticism of the Land Management Corporation for not releasing more land and having profit-making in its charter. Federal politicians have been weighing into this debate, with Treasurer Peter Costello critical of the Labor state governments across the country for continuing to charge stamp duty on home purchases, and failing to release more land. Treasurer Costello continually says this is a breach of the year 2000 agreement regarding the introduction of the GST.

The state government announced yesterday, to its credit, that it would realign Adelaide's urban boundary to facilitate an extra 2 000 hectares at our urban fringes, some of which will be for residential development. Mr Rudd's housing affordability summit begins today, and Treasurer Costello has, in an article on the Melbourne *Herald-Sun* website published last night, predicted that the state Labor governments will cut stamp duty after the summit. The *Herald-Sun* reports, 'Labor's housing spokeswoman Tanya Plibersek would not rule out talk on stamp duty at the summit.' My questions to the Treasurer are:

1. Has a deal between Mr Rudd and the Labor state governments to cut stamp duty on home purchases already been done irrespective of what occurs at the housing affordability summit?
2. If the summit recommends stamp duty relief for home buyers, will the Treasurer commit to follow the summit's recommendation?

The Hon. P. HOLLOWAY (Minister for Police): I thank the honourable member for his question and for his comments in relation to the urban boundary realignment, which I announced yesterday. The honourable member raised a number of issues in his question, one being the 2000 agreement on the GST and Peter Costello's comments in relation to that. It is my understanding that, in fact, stamp duty on homes was not part of that agreement. Part of the problem we have in this country is the vertical fiscal imbalance that exists. In other words, those levels of government that spend the most money—which is the states—do not have the capacity to raise it at the levels that the commonwealth government has. The commonwealth government is the level of government that is awash with cash in this country.

There are Liberal politicians who like to create the fiction and pretend that somehow or other states are awash with cash. Of course, nothing could be further from the truth. Whereas there have been increases of several hundred dollars per capita in revenue available to South Australia, if one looked over the same period in recent years, it would measure in the thousand dollars per capita extra additional tax that the commonwealth government has, because it has access to company tax and income tax, which are far and away the greater sources of revenue.

So, if there is a level of government in this country that is awash with cash, it is, of course, the federal government. It is that level of government which should be doing its utmost to address housing affordability. It is certainly true that the honourable member has raised issues in relation to housing affordability. I totally agree with him—and I have said so publicly in this council before—that housing affordability is one of the most serious issues facing the population in this country today, if not the most serious issue. I remember saying several months ago that I hoped that it would become a key issue at the next federal election. Fortunately, that

appears to be the case. As the honourable member mentioned, the Labor Party has, I think today, a housing summit addressing these issues. It has invited members from key groups in the community that have concerns about housing, as well as state ministers, to address this so that the Australian Labor Party at the federal level can have a proper policy response towards housing affordability.

In relation to this state government's policies, we have done what we can. In relation to taxation generally, again, one of the issues that the states face is that we are reliant for half our revenue from the commonwealth government, and that has always been the case in terms of transfer payments, and that the taxes in which we are self-sufficient and which provide the other 50 per cent are nearly all very regressive forms of taxation that one would rather not have, such as payroll tax, a tax on employment, stamp duties and the like. Nevertheless, after a series of constitutional challenges these are the only forms of revenue, apart from fees and charges, which this state has available to it. As I said, the level of—

The Hon. Caroline Schaefer: You've got truckloads.

The Hon. P. HOLLOWAY: Well, we don't have truckloads. Again, this is the fiction that members opposite are trying to create. It is the commonwealth government that is awash with cash. I think in the past few years it is about \$2 600 per head. It is awash with cash. Just look at this year; let me explain it. Between the commonwealth government's mid year budget review and the commonwealth budget, about an extra \$14 billion in tax was available to the commonwealth government. South Australia's share just in the six month commonwealth intake—if you think that we have about 8 per cent of the population—is over \$1 billion on a state level. So, the states are struggling to produce balanced budgets or budgets with tens of millions of dollars of surplus, because of all of the demands on us.

Members opposite keep saying we should be spending more money on this, more money on that, and more money on everything else; every day we hear the demands. We have the Leader of the Opposition in another place saying that we should be cutting taxes. But, just in the six months between the mid year budget review and the budget the commonwealth got \$14 billion extra revenue. As I said, South Australia's share would be \$1 billion. Can you imagine what would happen if we in this state suddenly had an extra \$1 billion becoming available to us in six months? It is about time this furphy was known. I know that members opposite have an interest in trying to create that piece of mythology, but it is totally untrue.

One would hope that a future Labor federal government, or even the current government, would start to recognise that housing affordability is one of the most serious problems in this country and use something of its massive tax windfall, one that vastly exceeds that of the states. While it is at it, it might also give us a fair share of road funding, for example; it could also give us just our fair share. Instead of building roads up in Queensland in marginal seats, perhaps it could give us a fair share of funding here, but that is getting off the point. To get back to the honourable member's question—and it is an important question—the point is that housing affordability is one of the key issues in the nation. I am not aware of any deal, but what I do I sincerely hope is that, later this year—and I think it is increasingly likely that we will get a Rudd government—the federal government will put housing affordability at the top of the agenda and that it will negotiate with the states in a way in which we can make housing more affordable for young people.

LE CORNU SITE

The Hon. R.I. LUCAS: Did the Leader of the Government or any of his ministerial advisers have any discussions with Mr John Quirke about the decision to give major development status to the Makris group's Le Cornu redevelopment prior to his decision to give the project major development status?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): Again, the former leader of the opposition needs to understand something about major development status, because he continually seeks to misrepresent what is happening in relation to it.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, I talk to my friend John Quirke on a number of occasions, because he is an old colleague of mine. In relation to major development status, it needs to be pointed out that when that status is given it does not imply approval; all it does is enable a lengthy consideration to be given. Again, I suggest that the Hon. Rob Lucas read the contribution made by the Hon. Mark Parnell in relation to the debate on major projects under the changes to the Development Act. Of course, he has been consistently arguing that we should not have changed the zoning to allow the pulp mill to go ahead. He said that that should have been done by major project, because it has a whole series of applications in relation to that matter. Again, in relation to the question, I have had a number of discussions—

An honourable member interjecting:

The Hon. P. HOLLOWAY: In relation to the Le Cornu site, the Makris Corporation came to see me in the middle of 2006. At that time we rejected the application from the Makris Corporation because the development—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: By way of supplementary question, why is the minister refusing to answer the question as to whether or not Mr Quirke, his long time friend (as he describes him), came along after the initial decision and convinced the Hon. Mr Holloway to change his decision in relation to major project development status for Le Cornu?

The PRESIDENT: Order! The minister has answered the question as far as Mr Quirke goes: he said he talks to Mr Quirke on a number of occasions.

The Hon. R.I. Lucas: What has he got to hide?

The PRESIDENT: So, he has answered that question.

The Hon. R.I. LUCAS: With the greatest respect, sir, it is not you who are answering the questions but the Leader of the Government.

The PRESIDENT: Order! With the greatest of respect, the President will make a comment as he wishes.

The Hon. R.I. LUCAS: With the greatest respect, Mr President, you do not answer questions.

The PRESIDENT: Order! I am not answering the question. With the greatest respect, you will not argue with the President.

The Hon. R.I. LUCAS: I am not arguing; I am just telling you—

The PRESIDENT: I will sit you down if you are not careful.

The Hon. R.I. LUCAS: —that you do not answer questions.

The PRESIDENT: The Hon. Mr Lucas will not tell the President anything.

The Hon. R.I. LUCAS: By way of supplementary question, why will the minister not answer the questions put to him about discussions with Mr Quirke in respect of the Le Cornu development?

The PRESIDENT: Order! That is not a supplementary.

The Hon. R.I. Lucas: What's he got to hide?

The PRESIDENT: It is not a supplementary question because it does not derive from the answer of the minister.

The Hon. P. HOLLOWAY: The honourable member made a sleazy accusation. Rob Lucas cannot help it: he just oozes sleaze. It is totally untrue—

The Hon. R.I. Lucas: What are you hiding?

The PRESIDENT: Order! I call the Hon. Mr Hunter.

The Hon. P. HOLLOWAY: On a point of order—

The Hon. J.S.L. DAWKINS: Mr President, you have already called the Hon. Mr Hunter.

The Hon. P. HOLLOWAY: Mr President, the Hon. Rob Lucas continually interjects. I sat down because I am sick and tired of him interjecting. Whenever I try to answer a question he interjects and interrupts the answer. He then goes out to the media and misrepresents the answer. I am happy to answer any question he asks, but if he interjects I am going to sit down. I sat down because he was interrupting.

GAS SUPPLIES

The Hon. I.K. HUNTER: I seek leave to make a brief explanation before asking the Minister for Mineral Resource Development a question about the security of gas supplies in South Australia.

Leave granted.

The Hon. I.K. HUNTER: Over 50 per cent of South Australia's electricity generation capacity is dependent on natural gas. Natural gas is also an important transition fuel as we look for ways to reduce greenhouse emissions from electricity generation and move to more renewables. The long-term supply of gas to South Australia will be critical to meeting our greenhouse emission targets while ensuring that our energy needs to sustain economic growth are met. Will the minister advise the chamber on the important matter of security of gas supplies to South Australia?

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order, the Hon. Mr Lucas!

The Hon. P. HOLLOWAY: On a point of order, sir, the Hon. Rob Lucas continually interjects. I am sick and tired of having to answer over his voice and to then have him go out and misrepresent me. I ask you, sir, whether you could ask the—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Look: he is doing it again. I ask you to enforce standing orders and prevent him from continually interjecting while I am trying to answer a question.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: If the Hon. Mr Lucas continues to interject, I will name him.

The Hon. I.K. HUNTER: I will start again. I seek leave to make a brief explanation before asking the Minister for Mineral Resource Development a question about the security of gas supplies to South Australia.

The Hon. R.I. Lucas: You have already asked the question.

The Hon. I.K. HUNTER: I suspect that most members did not hear the question.

Leave granted.

The Hon. I.K. HUNTER: Will the minister advise the chamber about the important matter of the security of gas supplies to South Australia—

Members interjecting:

The PRESIDENT: The Hon. Mr Hunter might want to start again because many people in the chamber cannot hear the question.

The Hon. I.K. HUNTER: I shall. Over 50 per cent of South Australia's electricity generation capacity is dependent on natural gas. Natural gas is also an important transition fuel as we look for ways to reduce greenhouse emissions from electricity generation and move to more renewables. The long-term supply of gas to South Australia will be critical in meeting our greenhouse emission targets while ensuring that our energy needs to sustain economic growth are met. Will the minister advise the chamber on the important matter of the security of gas supplies to South Australia?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I am delighted to be able to do that, and I hope (probably in vain, I suspect) that members opposite will listen and perhaps learn something.

Members interjecting:

The Hon. P. HOLLOWAY: They just will not, will they? They are just not capable of it. It is well-known that Australia is blessed with an abundant supply of natural gas. Reserves and resources located off the north-west coast of Western Australia alone are estimated to be sufficient to supply the total current Australian demand for more than 100 years. Of course, much of this gas is being developed to export as liquefied natural gas but, even taking this into account, reserves are sufficient to supply Australian markets for many years to come.

Of course, South Australia is part of the eastern Australian gas market. There is a number of different supply basins, including South Australia's Cooper Basin and the offshore Victorian Otway and Gippsland Basins, while, more recently, coal seam methane production from abundant coal reserves in Queensland and New South Wales is becoming an increasingly important source of supply. Based on most recent reserves information and demand estimates, current reserves and resources are considered sufficient to meet eastern Australia's demand until the end of the next decade at least. However, the coal seam methane industry is relatively undeveloped, and it is expected that considerable additions to coal seam methane reserves will be made over the next few years. Even on conservative estimates of reserve additions, demand is expected to be met by the eastern Australian supply until at least the second half of the 2020s, after which the gas supply from the northern Australian basins will need to be considered.

Until now, South Australia has not been actively explored for coal seam methane reserves; however, petroleum exploration licences have recently been granted over the Arckaringa Basin in central South Australia with coal seam methane being a major focus of the exploration effort. Should this prove successful, the requirement to seek gas supplies from the northern Australian basins will be further delayed.

Another important factor for security of supply is the infrastructure which delivers the gas to the market. South Australia has two major gas transmission pipelines which serve the state. The Moomba to Adelaide pipeline has supplied Cooper Basin gas to South Australia since 1969 and, in future, coal seam methane supplies from Queensland will be delivered by this pipeline. A joint venture between Epic Energy and the Australian Pipeline Trust is currently

assessing a project to connect Queensland coal seam methane reserves via a pipeline from Ballera in Queensland to Moomba in South Australia. Since 2004 the SEAGas pipeline has delivered gas from the offshore Victorian Otway Basin. The existence of two independent pipelines and associated supply sources means that the security of supply is significantly increased over the pre-2004 situation.

The Department of Primary Industries and Resources' Petroleum and Geothermal Group has reviewed the gas supply demand for eastern Australia for the 21 years from January 2007 and has shared this information with the Department for Transport, Energy and Infrastructure (DTEI), the Department of Trade and Economic Development (DTEI), the Electricity Supply Industry Planning Council (ESIPC), and the MCE-MCMPR (Ministerial Council on Energy-Ministerial Council on Mineral and Petroleum Resources) Joint Working Group, which is now assessing Australia's national natural gas supply in the context of forecasting domestic natural gas demand and liquid natural gas exports. In conclusion, the honourable member can be assured that secure supplies of natural gas will be a major contributor to South Australia's energy mix for some time to come.

OLYMPIC DAM

The Hon. M. PARNELL: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the proposed Olympic Dam expansion.

Leave granted.

The Hon. M. PARNELL: Despite a draft environmental impact statement for the proposed Olympic Dam mine expansion being circulated for comment through relevant government agencies in May and June this year, the EIS has still not been formally released. In fact, it appears that the company will not be releasing the EIS for another six months—certainly not until after the federal election is called. On Thursday last week it was revealed that BHP Billiton is seriously considering an option to export all new ore production from the planned expansion of Olympic Dam as a copper concentrate instead of smelting the uranium-bearing copper on site to produce copper product. One theory for the six-month delay in the release of the EIS is that it does not, in fact, focus on this new overseas processing option.

Despite the likely significant reduction in local employment from the overseas processing option, on FIVEaa two days ago the Premier stated:

There are \$34 billion worth of projects on the boil in South Australia at the moment. So, there is actually a queue of projects. . . the biggest one is the Olympic Dam expansion, which seems to be getting bigger and bigger and bigger, and that's going to be about 20 000 jobs.

Yet BHP Billiton only ever talks about 2 000 to 3 000 additional direct jobs being created by the expansion. Also, the Premier's press release of Thursday 12 July 2007 entitled 'BHP Billiton's "China option" is not South Australia's option' stated:

BHP Billiton is expecting the South Australian government to invest hundreds of millions of dollars into this mine through the provision of infrastructure and services. It will require more roads, schools, health services, policing and so on.

My questions are:

1. Does the minister know when the draft EIS for the Olympic Dam expansion will be released?

2. Does he know what has caused the delay in its release?

3. On what basis can the Premier claim 20 000 jobs for the Olympic Dam project, when BHP Billiton has only ever claimed a total of 4 000 direct jobs at an expanded mine operation, which equates to an increase of about 2 250 direct jobs over the level of current employment at the Olympic Dam mine?

4. What is the expected reduction in employment, in both the three to four-year construction phase and also in the operations phase, of the BHP Billiton mine expansion, given the new plan to process overseas?

5. Will the South Australian government now explain to the parliament the proposed range and cost of public investment and subsidies that the Premier intends to provide to BHP Billiton's mine expansion?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): There is a lot of information within the honourable member's question, although most of it is not correct. For example, to answer the last bit about the government providing subsidies, the government has made clear that we are not providing subsidies to BHP. What the Premier was saying was that we will need to provide hundreds of millions of dollars in infrastructure which, of course, would be associated with it. They are not subsidies to BHP. If you build a school or roads or hospitals or other facilities that states provide, it is not correct to say that that is a subsidy to a company; rather it is facilitating development, in the same way we would with any other company, whether it is BHP or anybody else. If we build roads for people to use and provide schools and hospitals and the like, that is the state performing its duties. It is not subsidising particular companies for whom people in that area might work.

The honourable member also asked questions about the environmental impact statement. I would have thought that, rather than expecting the environmental impact statement to be hurried up, the honourable member would prefer that job to be a thorough one. I would have thought he would want BHP Billiton to do a thorough job and consider all necessary factors in the preparation of that environmental impact statement. One of the reasons why it has been delayed is that BHP is still going through the scoping of its project and, of course, it needs to answer a number of key questions before that work can actually be done.

The honourable member himself referred to what he described as an option B, which was BHP looking at doing some processing of ore overseas. As he himself indicated, the Premier has made clear what the view of this government is; that is, we do not believe that South Australia should be seen as a quarry. The federal government has also, I understand, made clear that we do not believe it to be in the interests of this state, or of this nation, that BHP should seek to shift that processing offshore. Nevertheless, BHP is entitled to work through its options as it sees them before it comes up with a proposal for government. In fact, part of the honourable member's question was asking what that would do in relation to reduced jobs and the like. At this stage, as I understand it, BHP is simply considering options.

We and the commonwealth government have made our views known about what we think of those options. As I said, while BHP is entitled to look at all the particular options available to it in its internal studies, one should not draw the conclusion that, at the end of the day, that is what will necessarily be the case when this process is finished. Indeed, as the Premier has made clear, it is not something that we will

idly stand by and accept. The environmental impact statement that BHP is undertaking is a massive exercise, as is this whole project. It is not surprising that it will take a significant time. I do not have a recent update as to when that would be expected. I will take that part of the question on notice and check to see whether we have the latest update on that timing.

However, I would much prefer that BHP took a little longer and got that right, rather than our having to go back to it through agencies seeking to have some of that work redone. From my perspective, I would rather it do it thoroughly and get it right the first time—and I have no reason to think that will not be the case. I think that has covered most of the factors raised by the honourable member. The honourable member also talked about the number of available jobs. The government has made it clear that it believes that there would be 4 000 permanent operation jobs at Olympic Dam and 20 000 indirect jobs as a result of this development.

NATIVE VEGETATION COUNCIL

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about the Native Vegetation Council.

Leave granted.

The Hon. CAROLINE SCHAEFER: Yesterday the minister made a ministerial statement (thinly disguised as an answer to a question by the Hon. Mr Finnigan) which significantly changes the operations of the Native Vegetation Council. The minister said:

I intend to separate policy from decision making by asking the council to establish an expert based assessment panel and to delegate its clearance assessment powers to that panel.

My questions are:

1. What individual expertise will this new assessment panel be expected to have; and who will decide who is on this panel?
2. Will guidelines for the expertise required be published; if so, by way of amendment to the act or by regulation?
3. What stakeholders will be represented on that panel? For instance, will there be nominees from the South Australian Farmers Federation, the CFS or the Conservation Council; and, again, who will make those decisions?
4. Will the members of this new assessment panel be remunerated?

The Hon. G.E. GAGO (Minister for Environment and Conservation): In response to a number of concerns that were raised in relation to the way in which the council operates, we agreed to review the native vegetation legislation in a timely way. I proposed changes that, I believe, not only uphold the integrity of the legislation but also improve the operations of the legislation. One of the concerns which was raised related to the rate at which clearances were processed. It was a view that this could be done in a more expedient way by increasing the delegations to local councils for simple, uncomplicated clearances. We are looking at changes around that, as well as streamlining the processes of the council itself.

As outlined, one of the suggestions was to split the policy and clearance assessment functions of the council itself. The specific details of that have not been completed. We are still obviously consulting and considering the details, so it has not all been signed off as yet. However, I had intended that it would operate pretty much in the same way as it currently does. So, in terms of expertise, it would be similar to that

which is currently available on the council, and, in terms of remuneration, and so on, it would operate pretty much in the same way.

We initially looked at perhaps setting up one panel. As I said, it would only deal with clearance functions: it would not have to become bogged down with broader policy issues. Also, it would have to focus only on the more complex clearance assessment issues rather than a whole range of routine things. So, it is a way of expediting clearance applications. As I said, the membership of the panel would be very similar to the constitution of the council. Initially, we are looking at setting up one panel. We would monitor that and, if it was assessed that we needed more, we would look in the future at the possibility of setting up more than one. So, we would adjust that on an as needs basis.

The Hon. CAROLINE SCHAEFER: Sir, I have a supplementary question. If this is purely an announcement of some plan into the future, when will the minister be able to provide us with some details about the make-up and structure of this new panel?

The Hon. G.E. GAGO: In the fullness of time.

The Hon. M. PARNELL: Sir, I also have a supplementary question. If I understood the minister's initial response accurately, she is proposing to delegate to local government some clearance controls. When will more detail be available about that proposal?

The Hon. G.E. GAGO: Yes, that is correct. Currently, local councils have part responsibility for processing applications for household properties. There is a process whereby they can refer those proposals to the Native Vegetation Council for consideration. My advice is that the Native Vegetation Council does not have authority to impose an outcome on a local council but can make recommendations for consideration. So, often the processes can be protracted through that involvement. Local councils already have some authority around this area of responsibility. We are saying that, where those local councils are willing, we will extend a delegation so that they can proceed to make those assessments in a more timely fashion.

ALCOHOL CONSUMPTION

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about the responsible consumption of alcohol.

Leave granted.

The Hon. B.V. FINNIGAN: The National Alcohol Strategy, to which the South Australian government has committed, outlines priority areas for coordinated action to develop drinking cultures that support a reduction in alcohol-related harm in Australia. The strategy aims to include enhancing public safety and amenity at times and in places where alcohol is consumed and facilitating safer and healthier drinking cultures. Will the minister update the council on moves to promote the responsible consumption of alcohol in our society?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): This government has many initiatives in place to deal with the responsible consumption of alcohol. Obviously, our peak body in this area is Drug and Alcohol Services SA, and its work in educating the community through national campaigns such as Drug Action Week and

local counselling services is exemplary. In fact, thanks to the work of DASSA, this state has become a leader in educating young women and expectant mothers on the dangers of drinking when pregnant and the foetal alcohol spectrum of disorders to which problem drinking can lead.

In the APY lands we are in the process of building a substance abuse facility that is specifically tailored to addressing the needs of the local Anangu on a culturally appropriate basis, utilising traditional malpas (friends) and ngankaris to help treat drinking problems. This approach is also used in Adelaide in a number of our mainstream hospital facilities.

There are other initiatives that are being driven from within local communities that deserve recognition. I am pleased to report that a milestone has been reached recently in the state's Good Sports program which taps into the vital role of sporting clubs in promoting healthy lifestyles and the responsible use of alcohol. Good Sports consists of a three-stage accreditation framework that challenges community and club culture around excessive alcohol consumption, underage drinking and drink-driving, enforcing the responsible service of alcohol. The program also encourages clubs to go smoke free, as well. The program was developed by the Australian Drug Foundation in 2000, and it is operated in South Australia by DASSA with additional funding provided through sponsorship by the RAA and the Motor Accident Commission. Around the state some 250 sporting clubs have signed up for this program, but recently the 100th regional club signed up, and I would like to personally acknowledge the Booleroo, Melrose, Wilmington (Lions) Football Club for joining the program. It is certainly great to have it on board.

In 2006, 30.6 per cent of people aged 18 years and over reported usually drinking at risky or high-risk levels for short-term harm, so members can imagine the value of getting the safe drinking message into football and netball clubs which are, quite literally, the most important social activity for many local youths, particularly in regional South Australia. Families drive in from around the district to play and often stay for dinner and drinks after the game, so it is an ideal place to get the message across to the whole family.

Recent data from 88 Good Sports clubs in Victoria, Tasmania and South Australia were collated and compared with data collected from non-Good Sports football clubs. The study found that, on average, patrons of Good Sports clubs that had progressed through to the second and third levels of the program drink at a less risky level than people from non-member clubs. That is good news for everyone involved. I am glad to be working in partnership with my colleague, the Minister for Sport, Recreation and Racing, Michael Wright, on this issue. I wish the Booleroo, Melrose, Wilmington Football Club all the best in spreading the safe drinking message.

POLICE ATTENDANCE

The Hon. A.M. BRESSINGTON: I seek leave to make a brief explanation before asking the Minister for Police a question about police attendance at road accidents.

Leave granted.

The Hon. A.M. BRESSINGTON: I was approached by a young man from the community who, a couple of weeks ago, had a road accident where he was not at fault. At the time of the accident he rang the police to attend and was told by them to ring a tow truck and make a report to a police station the following day. The cost of repairing the vehicle

was in excess of \$3 000. The young man went to the police station, made a report and drew a diagram for the police officer at the desk. He was told that, from the police officer's assessment, he was at no fault with the accident. The young man then pursued an insurance claim against the person who had caused the accident and has since been told that, because the police did not attend and there is no police assessment of who was in the wrong, the insurance company now refuses to pay out the claim. This young man and his wife are a matter of days away from having their first child and have been without a car now for about three weeks. It does not look like that car is going to be repaired by the insurance company. My questions are:

1. How are police required to assess whether or not they attend a road accident when requested?
2. Is it a requirement for police to attend a road accident if the damage to one car is estimated to be over \$1 000?
3. When police do not attend, is the police officer to whom the report is made able to provide a written statement to allow the victim to use that statement for the purpose of an insurance claim?
4. If that is not possible, what remedy could be offered by police to protect innocent victims of road accidents against insurance companies refusing to pay out on legitimate claims?

The Hon. P. HOLLOWAY (Minister for Police): I suspect that the issue here is really insurance companies refusing to pay. I know it is the practice of some insurance companies to just refuse to pay out on anything (whether it is home, or anything) until they are pushed. Sadly, that is sometimes the policy of these companies—or so I have heard. I suspect that, regardless, it really is up to the insurance company to do a proper assessment. I suspect that they are bluffing in relation to this matter. Unfortunately, these really are civil issues. I think the commonwealth government has an insurance industry Ombudsman, which for these people might well be an option worth pursuing. This is a matter more for insurance companies rather than—

The Hon. J.S.L. Dawkins: That's the Ombudsman of the insurance industry?

The Hon. P. HOLLOWAY: Yes, of the insurance industry, and I suspect that that is probably where that would be better directed, rather than the police. My understanding of the attitude of police is that, unless minor accidents are causing traffic congestion, or unless somebody is injured, and depending on other priorities, of course, the police may not attend, particularly if they have other high priorities. So, I do not think that it should be automatic that every time two cars collide the police will necessarily attend. It is not the job of police to act as umpires or conciliators in relation to what are essentially civil matters between people who have an accident. As I said, unless somebody is injured or there is traffic congestion as a result of the accident, it may not be necessary for police to attend. I will take the question on notice and get some more detail from the police as to what, in broad terms, their instructions are.

I will make a comment. I think part of the question suggested that one of the police officers had, on the basis of one person coming in and drawing a diagram, deemed that the person was not at fault. I would be surprised if police officers did that because, when an accident is reported, a road traffic section assesses it and, if a person is considered to have caused an accident through bad driving, the police can take action. It is my understanding that that sort of assessment is done by senior officers through a particular section. I think

it is highly unlikely that an officer at the front desk of a police station—he might have just been giving a sympathetic view—would make some throw-away line in relation to the causation of an accident or that it should be taken necessarily as an endorsement. Obviously, both sides of the story would have to be considered. One would expect that senior officers would look at the reports from both people involved in the accident and then make some determination.

In relation to insurance, that should really have nothing to do with it. If the insurance company is due to pay, then it should pay. As I said, I can only suggest that perhaps the insurance Ombudsman or someone should be contacted, because it certainly does not sound right to me. If the honourable member would like to provide me with the details, I will ask the police to look at the case. As I said, it really seems to be more of an insurance industry matter rather than a police matter.

JAMES NASH HOUSE

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Mental Health a question about James Nash House.

Leave granted.

The Hon. R.D. LAWSON: I refer to the minister's announcement today that a public-private partnership will be established to collocate the government forensic psychiatric facility, James Nash House, with the Mobilong prison complex. Members may recall that in 2002 this government announced a public-private partnership to establish a new Adelaide women's prison by 2006, a proposal subsequently abandoned. Members will also recall the protests of the member for Florey about the location of a forensic facility within her electorate and the member for Port Adelaide about the location of a correctional facility at Pelican Point. My questions are:

1. What feasibility study and/or consultation did the government undertake before making the decision to collocate James Nash House with the Mobilong prison?
2. Who prepared the study, and when was it received by the government?
3. Which mental health organisations and clinicians were consulted about the desirability of establishing a psychiatric facility 100 kilometres away from the major centres of population, and what response was received from those organisations and clinicians?
4. Given the fact that the new facility will not be established until 2010 and that James Nash House is already stretched over capacity, what action will be taken to accommodate the additional inmates between now and 2010?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for his important questions. Combining the PPP with the prison facilities and the secure facilities proposal is a wonderful opportunity for forensic services. Basically, the new forensic mental health centre will be included in the new prison's secure facilities public-private partnership expressions of interest process. The final decision on all aspects of that process will be made following the expressions of interest and request for proposal phases of the project. Those details will be considered as part of that process. Consultation with staff has commenced. We will involve staff in consultation in relation to transition arrangements. We have four years lead-up time, so that will be ample opportunity to work through those details, and consultation will occur there.

Consultation will also occur in relation to the design of the new facility.

When the forensic proposal was proposed for Oakden, people howled with discontent. Wherever it has been considered for the future, again, is never seen as popular; people do not like it in their backyard. This is a wonderful opportunity to build a whole new secure facility. The forensic facilities, as I have emphasised, will not be part of the prison project facility but they will be nearby. Of course, we hope to obtain some cost efficiencies by putting it together as one proposal and putting it out for expressions of interest rather than as separate proposals.

REPLIES TO QUESTIONS

NATIVE VEGETATION

In reply to **Hon. D.W. RIDGWAY** (5 June 2006).

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

The current Native Vegetation Act regulations do provide for the clearance of vegetation to expand cemeteries, or provide for other developments, where the vegetation is not seen to be significant, and there are no other practical alternatives for the development.

Local councils may need to consider reasonable alternatives that avoid the need for further impacts on the significant remnant areas of native vegetation often found in cemeteries. This may require planning for the expansion of cemeteries on previously cleared land, which will allow us to preserve as much as we can of our important areas of native vegetation.

The Government is also considering, in consultation with interested parties, amendments to the Native Vegetation regulations, which would bring cemeteries under the general exemption for 'infrastructure in the public interest' [Regulation 5(1)(d)]. Such an exemption would not give carte blanche to clearance associated with a cemetery expansion. Provisions would apply as they do for other clearance associated with infrastructure in the public interest. Specifically the:

- Minister must declare that the cemetery expansion is in the public interest; and
- Native Vegetation Council must be satisfied that:
 - after taking into account the need to preserve biodiversity that the proposed site for the development is the most suitable that is available, and
 - there is no practicable alternative that would involve no clearance or the clearance of less native vegetation, or the clearance of less significant, or more degraded native vegetation, and
 - the clearance is undertaken in accordance with a management plan that has been approved by the Council that delivers a significant environmental benefit offset.

In addition, the draft amendment provides that the clearance of native vegetation for a cemetery expansion complies with any guidelines prepared by the Native Vegetation Council.

ENVIRONMENT AND CONSERVATION BUDGET

In reply to **Hon. R.I. LUCAS** (26 September 2006).

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

In 2006-07 there will be an anticipated 1946 FTEs across the Environment and Conservation Portfolio. This is 25 more FTEs in 2005-06. Given that funding positions are derived from annual allocations by the State Government for ongoing programs; from annual allocations by the State Government for defined term projects; and from external funding sources that vary from year to year, it is not possible to accurately project staffing levels within the portfolio over the next four years.

NATIONAL PARKS, BOUNDARY FENCES

In reply to **Hon. D.W. RIDGWAY** (20 February).

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

Where a boundary fence is required for a specific reserve management purpose, the Government, through the Department for Environment and Heritage (DEH), will contribute to the cost of boundary fences. 'Reserve management purposes' allows discretion for co-operative arrangements between landholders and the

department, for instance, where a substantial firebreak is constructed and maintained on a landholder's property, or where the fence line is located to the Department's advantage.

Where DEH requires a fence of a standard greater than that required by the adjoining landowner, it will contribute to boundary fencing on a negotiated basis.

In all instances, contributions are negotiated on a case-by-case basis and are one-off arrangements only.

MARBLE HILL RESIDENCE

In reply to **Hon. D.W. RIDGWAY** (7 December 2006).

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

1. Expressions of Interest have been sought to encourage the widest range of innovative proposals for the future management of Marble Hill that will provide for continuing public access, while conserving the heritage significance of the site. All options for the site will be considered, including adaptive re-use. While sale of the site is not the objective, it will be considered, should the most outstanding proposal be based on sale of the property.

2. The Marble Hill site is on Crown land, and the sale of land under the *Crown Lands Act 1929* is not privatisation. There are no Government employees working at Marble Hill.

RECYCLING

In reply to **Hon. D.W. RIDGWAY** (29 March).

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

1. The guide is available electronically on the Zero Waste SA web site—it can be downloaded from www.zerowaste.sa.gov.au/retail_industry/index.php.

A limited number of hard copies have been printed and are being distributed to retail industry groups.

2. Yes.

APPROPRIATION BILL

Adjourned debate on second reading (resumed on motion).
(Continued from page 513.)

The Hon. D.W. RIDGWAY (Leader of the Opposition): I will continue the remarks that I was making before lunch and pay attention to matters under my responsibility as shadow minister for mineral resources development. The budget for both the minerals program and the petroleum program has taken a steep decline over the past two financial years. The minerals program has been cut by 19 per cent since the 2005-06 budget and the petroleum program by over 50 per cent in the same period. The minerals exploration target has been described as follows in the State Strategic Plan:

To make South Australia a favoured minerals investment destination for private investment by 2010.

With exploration expenditure targeted to almost treble to \$100 million by 2007, it is a target that has been well achieved. Minerals production is to reach \$3 billion by 2020, with a further \$1 billion worth of minerals processing by that time, according to the State Strategic Plan. For the mining sector, which is so important to the government and is expecting to grant more licences for minerals exploration, adequate staffing has not been made available through PIRSA, and a \$5.2 million cut in spending on the minerals program since the 2005-06 financial year poses significant questions about the seriousness of this government's target to increase mineral investment in South Australia.

Industry bodies have commented that PIRSA is screaming out for more staff to deal with indigenous land use agreements, process applications and, most importantly, provide general information and build relationships with private investors: activities that have been stimulated by interest in the mining sector. Whilst the government attempts to fast track mineral exploration licences, it has not accounted for additional resources needed to support this very important program. Rather than surfing the wave of this minerals boom, this government needs to underpin the industry with sound administrative processes in order to bring more projects to fruition.

It is interesting to note that, when the Australian Labor Party overturned its three mines policy, Premier Rann spoke about the hundreds of applications it had in place for uranium exploration in South Australia and in fact said there were 100 in the queue. It is interesting to note that the queue has diminished rapidly since he made that statement. I suspect there were never hundreds in the queue. I know there is significant interest and activity in South Australia, but I believe the Premier was overstating the number of mineral and uranium exploration licences we had.

South Australia's booming minerals industry has not been mirrored in the state budget, which is needed to support its fast-paced growth. This council would already be aware of the breakdown of government spending on the PACE program (the plan for accelerating exploration), which shows that annual average funding has been cut from \$5.6 million a year to \$3.5 million. Minister Holloway is always quick to boast in this chamber of the \$233.2 million of private spending on minerals exploration, but he is very slow to invest himself.

When the government quotes these figures on exploration in South Australia, often through a dorothy dix question from one of the backbench members opposite, the vast majority is not occurring on what we would call greenfield exploration, that is, on new sites, in new areas and new exploration where we have not drilled before. However, it is happening in places like Olympic Dam, where a lot of drilling has to be done in the pre-feasibility for the mine expansion. While it is exploring an existing resource, it is always quoted to make it sound like it is new exploration on a new frontier and on a new mining lease. In terms of capital investment under PIRSA, there is nothing new in the 2006-07 budget and the government has underspent by \$3.7 million on its capital works program for minerals.

I now turn to the police. A boost to the police workforce by means of a maternity relief pool was not delivered in the police budget. This was hoped for by many within the department and SAPOL. Whilst the decision to back-fill and relieve parental leave positions was an administrative decision that lay with the Commissioner, there needs to be a pool of employees available to relieve these positions. Some 25 per cent of our police force now consists of women, and it saddens me to see that they are not being supported with adequate resources, maternity leave and back-filling of those positions. When a police officer takes leave to have a family, they often leave the community in which they were operating one or more police officers short.

It is also rumoured, by police sector sources, that already officers will need to be taken off the beat to cover the 40 administrative staff positions that will be cut as part of the Department of Justice's efficiency drive. At a time when we should be replenishing our police force with younger staff, this government has not made allowances for extra staff to

cover these positions or to cover new mothers. There is no incentive, under this government, for SAPOL to recruit more female officers as the lack of human resources will only create more of a strain when parental leave needs to be covered.

According to the SAPOL annual report, some 41.56 per cent, or 2 258 members, of the South Australian police force are aged between 40 and 54 years. This means that a significant segment of the police force will retire over the next 10 years. Only 33 per cent, or a little under 1 800 members, of the police force are aged between 20 and 34 years. This highlights the fact that the South Australian police force is in urgent need of replenishment with younger staff and in urgent need of a complete review and overhaul of its recruiting program. Only 18 per cent of SAPOL's first year budget allocation for the Recruit 400 program was actually spent in the 2006-07 financial period. The minister chooses to put this down to rescheduling of the program budget, but the fact is that more police are needed on the beat sooner rather than later.

The government has significantly underspent on its promise for equipment and buildings to resource the additional officers; it has merely carried the funds forward into the new financial period. Most of it is not new money, just promises on which this government has yet to deliver. Meanwhile, SAPOL's recruitment program has had dwindling success, with over 10 per cent of the British officers reported to have resigned since the recruitment program began in 2005. Minister Holloway's promise to increase police numbers by 400 officers over the next four years, along with additional British recruits, will not improve the bottom line of operational police officers. In fact, when you analyse the number of police officers over the age of 40 and the number likely to retire in the next 10 years, this figure is unlikely to cover the natural attrition rate, let alone boost staff levels.

It is interesting that in the Performance Commentary on page 4.25 of Budget Paper 4, Volume 1 it notes that there has been a significant increase in the detection of clandestine drug laboratories, yet the funding for this program has been cut by \$2.8 million and, in the estimates committees, the Police Commissioner confirmed that South Australia has experienced an increase in clandestine laboratories for the manufacture of amphetamines and methamphetamines. So, we have had increased detection and an increased incidence of these particular laboratories, yet the program has been cut by \$2.8 million. It simply does not stack up or make sense.

SAPOL has identified a raft of legislative changes required to tackle the issue of outlaw motorcycle gangs, which contribute significantly to the illegal drug problem in this state. Interestingly, it was in 2001—before this government was in power—that then leader of the opposition Rann unofficially declared war on the bikies. More than one whole term later this government is only now starting to consider legislative changes to take some sort of action against outlaw motorcycle gangs—another classic example of this government being all talk and no action.

The Commissioner further stated that, with Operation Avatar, SAPOL was looking to upgrade the number of staff targeting bikies; however, when asked whether there was anything in the budget to specifically deal with the bikies, the minister was quite confident that there was not. It is interesting to note that, from the question I asked of the minister today, it appears there was no actual budget allocation for extra staff for Operation Avatar, yet it appears that the

Commissioner may be redirecting resources from somewhere else in SAPOL to increase those numbers.

Outlaw motorcycle gangs are having a major impact on the safety of our community. We need only look at the recent events in Light Square and the bungle with the stolen files to see that this is a problem which is in dire need of additional resources to tackle it.

We saw on the *Today Tonight* program the report that the Para Hills Police Station on Bridge Road, which was closed in January of this year, was not properly secured and was subsequently badly vandalised and had furniture stolen. It was also reported that files and notes to the Commissioner were stolen from the office and later found scattered around the suburb. I note that the police put on the record that the normal procedure for decommissioning a police station is for the local police officers to remove all the operational files, but the minister failed to confirm the report that the files and notes had in fact been stolen from the premises. He also failed to justify why the complaints of local residents about vandalism of the property had been ignored for some time before any action was taken. In fact, I was advised that some community members—when the vandals were in the premises doing the damage—actually rang the closest police station but, unfortunately, police officers did not attend.

These sorts of incidents, along with the unfortunate time when a young police officer took some road spikes out of the back seat of a police car on attending an event in the western suburbs and then unfortunately left those spikes out of the vehicle when they drove off and they then fell into the hands of someone in the community whom the police would not wish to have them, actually demonstrates to me that the South Australian police are under-resourced, that they are almost, if you like, under pressure, and that the morale is such that people are making mistakes. They are working overtime and I know that a lot of police officers do not get the meal breaks that they are entitled to have without being contacted, but they have to have their radios switched on while they are on meal breaks. I think the operational rules say that if they are interrupted during the meal break they can then recommence their meal break, but that appears not to happen. I think it is high time that this government actually resourced our South Australian police force to a higher level and to the standards that the community would wish to have.

That basically concludes my remarks. It has been clearly demonstrated that this is a budget that has been somewhat of a disappointment to the community—a budget, again, that is all talk and no action. I am sure the level of disappointment in this budget will continue to grow within the community. I do have a number of questions that I would like to read onto the record in the hope of trying to get some answers from the minister, perhaps next sitting week, if that is possible; if not, perhaps during the break he can get back to me with some written replies. I will do this as quickly as possible.

1. I refer to 2005-06 actual figure for the total works in progress in the investing payments summary on page 5.11 of Budget Paper 4, Volume 2. I note that the budget for total works in progress for the 2005-06 financial year was \$3.247 million and the actual amount spent was only \$1.793 million. Why has this underspend occurred? Will the minister clarify whether the \$1.454 million underspend was rolled into the 2006-07 financial year? Will the minister confirm that the 2006-07 budget figure of \$4.724 million is inclusive of all moneys which would have been spent in this period, irrespective of last year's underspend?

2. I refer to the net cost of the minerals subprogram on page 5.13 of this year's Budget Paper 4, Volume 2. I note that the actual figure for the 2005-06 financial year was \$21.092 million, when the budgeted amount for the program was \$18.595 million. Can the minister explain the reasons for this \$2.497 million blow-out? Which programs and services under PIRSA were cut as a result of this above-mentioned overspend?

3. I refer to the net cost of the minerals subprogram on page 5.13 of this year's Budget Paper 4, Volume 2. I note that the estimated result for the 2006-07 financial year is \$17.793 million, when the budgeted amount for this program was actually \$17.254 million. Can the minister please explain the reasons for this \$539 000 estimated overspend? Which programs and services under PIRSA were cut as a result of the above-mentioned overspend?

4. I refer to the performance commentary for the Planning SA subprogram, page 5.16, Budget Paper 4, Volume 2. Specifically, I refer to the completion of the Development (Panels) Amendment Act 2006 in January 2007. One of the objectives of this bill was to provide greater policy, procedural and timeliness certainty for community and applicants. My question to the Minister for Urban Development and Planning is: what additional resources have been allocated in the budget to cope with the growing number of development applications caused by this state's booming economy?

5. I refer to the new work on the unregistered and uninsured vehicles initiative as budgeted for in the investing payments summary on page 4.18, Budget Paper 4, Volume 1. Will the minister provide details on how the initiative will improve efficiency in managing unregistered and uninsured vehicles? Further, what external advice and consultation has the minister engaged on what software will be used to improve the management of these vehicles; and will the minister provide a budget breakdown of all costs associated with the new work?

6. I refer to Budget Paper 4, Volume 1, page 4.47. In the SAPOL administered items, the cash inflows show that \$3.7 million was budgeted to be received in the 2006-07 year from the victims of crime levy, but there was a shortfall of over \$1 million and only \$2.611 million was collected. They also show that \$5.925 million is budgeted for collection in 2007-08. What is the reason for the fall? What is the basis for budgeting for the doubling of this figure (to \$5.925 million) in 2007-08?

7. This question concerns SAPOL, the counter-terrorism and state disaster response in Budget Paper 4, Volume 1, page 4.18. I note in the actual column for the 2005-06 year that \$232 000 was spent. However, no funds have been allocated for the 2006-07 budget or the 2007-08 budget. Will the minister please explain this cut and, given that it has been cut, has it now been rolled into another arm of SAPOL?

8. I refer to the grants and subsidies line of the summary income statement for the public order program, Budget Paper 4, Volume 1, page 4.19. In the 2006-07 budget, the government failed to budget for grants and subsidies. The 2006-07 estimated result column reveals that an estimated \$43 000 will be spent for that period. Given that this was not allocated for, which program was cut to make up the shortfall and from where was the \$43 000 taken?

9. I now refer to the South Australia police force public order program expenditure. I refer to the summary income statement, Budget Paper 4, Volume 1, page 4.19. The net cost of providing services for this program shows an increase in

expenditure of \$8.9 million from the 2006-07 budget period to the 2007-08 budget period. Will the minister please explain what additional supplies and services in the 2006-07 period this \$8.9 million accounts for?

10. I refer to the 'other expenses' line in the summary income statement for SAPOL's crime prevention program, Budget Paper 4, Volume 1, page 4.22. The other expenses associated with running this program have increased by \$3.3 million from the 2006-07 budget period to the 2007-08 budget period. Will the minister please explain what additional supplies and services in the 2006-07 period this \$3.3 million accounts for?

11. I now refer to the net cost of the summary income statement for SAPOL's crime prevention program, Budget Paper 4, Volume 1, page 4.22. The net cost of providing services for this program shows an increase in expenditure of \$7.2 million from the 2006-07 budget period to the 2007-08 budget period. Will the minister please explain what additional supplies and services in the 2007-08 period this \$7.2 million will account for?

12. I refer to the 'other expenses' line in the summary income statement for SAPOL's road safety program in Budget Paper 4, Volume 1, page 4.27. Again, the other expenses associated with running this program have increased by \$1.13 million from the 2006-07 budget period to the 2007-08 period. Will the minister please explain what additional supplies and services in the current budget period of 2007-2008 that \$1.13 million accounts for?

13. I refer to the 'other expenses' line in the summary income statement for SAPOL's Criminal Justice Services Program in Budget Paper 4, Volume 1, page 4.33. The other expenses associated with running this program have increased by \$1.25 million from the 2006-07 budget period to the 2007-08 period. Will the minister please explain what additional supplies and services in the 2007-08 period this \$1.25 million accounts for?

14. I now refer to the net cost of the summary income statement for SAPOL's Criminal Justice Services program, Budget Paper 4, Volume 1, page 4.33. The net cost for providing this service program shows an increased expenditure of \$3.4 million from the 2006-07 budget period to the 2007-08 period. Will the minister please explain what additional supplies and services in the 2007-08 period this \$3.4 million accounts for?

15. I now refer to the 'other expenses' line in the income statement for South Australia Police in Budget Paper 4, Volume 1, page 4.36. The other expenses have increased by \$9.8 million from the 2006-07 budget period to the 2007-08 budget period. Will the minister please explain what additional supplies and services in the 2007-08 budget period this \$9.8 million increase accounts for?

16. I now refer to Budget Paper 4, Volume 1, page 4.20 and the performance indicator for the level of community satisfaction with police services. The 2007-08 target for community satisfaction with police services is listed as being greater than 75 per cent. Is the minister satisfied with this figure, and how is the figure measured? What is the percentage of community satisfaction with police services, given that it is only measured as being greater than 75 per cent, and which police activities impact on this result?

17. I now refer to the net cost of SAPOL's Police Response Services Program in Budget Paper 4, Volume 1, page 4.20. The net cost of providing services for this program shows an increase in expenditure of \$8.3 million for the 2006-07 budget period to the 2007-08 period. Will the

minister please explain what additional supplies and services in the 2007-08 period this \$8.3 million accounts for?

18. I now refer to the 2007-08 budget estimates of full-time equivalents for South Australia Police, Budget Paper 4, Volume 1, page 4.12. How many of the 2006-07 estimated result of FTEs and the 2007-08 budgeted result of FTEs were or are in operational service (that is, sworn officers of the South Australian police force), and what is the total number of South Australia Police employees, including employees who are job sharing? How many of these estimated FTEs are British police officers recruited under SAPOL's United Kingdom recruiting program, and what has been the success of this campaign in relation to the percentage of British officers who have resigned since the inception of the campaign in 2005?

19. I now refer to the 2006-07 budget figure of full-time equivalents for South Australia Police, Budget Paper 4, Volume 1, page 4.12. How many of these full-time equivalents account for sworn police officers who took leave without pay over the 2006-07 financial period? How many of these full-time equivalents account for sworn police officers who were on WorkCover throughout the 2006-07 financial period?

20. I again refer to the 2006-07 budget estimate of full-time equivalents for South Australia Police, Budget Paper 4, Volume 1, page 4.12. Has a maternity leave pool of employees been included in the 2007-08 budgeted result of full-time equivalents? If not, how many operational officers will need to be taken off their regular duties in order to backfill and relieve parental leave positions?

21. I now refer to work in progress on the additional police shop fronts, in the investing payments summary in Budget Paper 4, Volume 1, page 4.18. Will the Minister for Police explain why the completion date for this project has been extended from June 2007 to June 2008? Of the \$450 000 that has been allocated to be spent on this project in the 2006-07 period, it is estimated that only \$100 000 will be spent. Can the minister give reasons for this underspend?

22. I refer to Budget Paper 4, Volume 1, page 4.417 and the line of fees, fines and penalties. The collection of expiation fees in the 2006-07 year is shown as \$58 379 000, and the government proposed to slug motorists an additional \$26 million in the 2006-07 year, with budgeted collections to \$76 million. What is the reason for this shortfall of almost \$22 million?

That concludes the questions that I would like answered, if possible before next week, but, if not, some time during the debate. With those lengthy remarks, I endorse the Appropriation Bill to the council.

The Hon. R.P. WORTLEY: I would like to say that the presentation by the Hon. Mr Ridgway was poorly researched, a lacklustre speech and so far from the truth that it defies imagination. However, it is with pleasure that I stand here today to support this bill, which will account for the appropriation of money from the consolidated account for the financial year ending 30 July 2008, and for other purposes.

As a newly-elected government in 2002, it was essential that Labor restore economic and employment growth opportunities in South Australia; something that was sadly lacking for many years prior to that election. A strong economy has since been delivered year after year, thanks to the Treasurer in another place, who has handed down the sixth consecutive surplus budget. The Rann government has provided six financially responsible budgets, enabling this

government to further strengthen the economy and not only deliver but exceed the services it promised at the last election, whilst maintaining a AAA credit rating.

The Rann government has a proud history of achievements and today these achievements will continue: it will continue to deliver for mums, dads, students and the workers of South Australia; it will continue to deliver a high standard of health, education, law and order, and employment opportunities; and it will continue to provide South Australians with the services they need today, and for their children's needs in the future.

As with anything in life, a good foundation is what makes a house, a relationship, a workplace, or a family long lasting and successful. Today's budget is laying South Australia's foundation for the future prosperity of our state by providing, over the next four years, \$542 million for transport and infrastructure, including revitalisation of the rail networks, a significant new road infrastructure, and road safety initiatives; \$523 million for a new hospital infrastructure for progress on mental health reforms, and to support the delivery of current health services; \$163 million for families and communities, for the delivery of disability services, and for the care of children in need; \$114 million of new commitments for law and order and community safety; and much more.

The key foundation that will be put in place by this budget will enable the state's health system and standard of living to prosper. A record extra \$640 million was allocated to health in the last budget to help ease the growing pressures of our state's health system. Today's budget has taken the boldest step in reform that this state has ever seen in its history, and Labor has set the foundation for perhaps the most advanced hospital in the Western world. The \$1.7 billion Marjorie Jackson-Nelson hospital will replace the ageing Royal Adelaide Hospital. It will position South Australia to lead the nation by offering the latest and most comprehensive technology in health care services. Not only will the Rann government be providing South Australians with a brand-new hospital but it will also be giving our country health services a much needed lift. More than \$100 million will be spent on capital works in country hospitals as part of a decade-long reform of South Australia's health system.

Four regional sites have been identified to provide an extensive health care service usually offered only in Adelaide. This major reform of our country health service will enable people to stay within their region to undergo more serious procedures. The four sites of particular interest are Whyalla, Port Lincoln, Berri and Mount Gambier. Recently, I conducted a street-corner meeting in my duty electorate of Chaffey. Local residents expressed much concern about the lack of health services provided in the Riverland community. I was pleased—as were the local residents—to inform them of the proposed budget funding for the Berri Hospital. The proposed four sites will provide integrated health services which will offer hospital care and primary health care services such as a high—

The Hon. T.J. Stephens interjecting:

The Hon. R.P. WORTLEY: I know it upsets you. You would rather sit and listen to the negativity of the Hon. David Ridgway than listen to good initiatives to provide for our regional areas. We know and understand that.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: The proposed four sites will provide integrated health services which will offer hospital care and primary health care services, including a high level

emergency service, general medicine, palliative care, rehabilitation, general surgery, anaesthetics, high dependency, paediatrics, mental health, obstetrics and much more. Extended services are desperately needed in regional areas. This is where your people should be. Over a whole decade, you have neglected the health of your past constituents.

The remoteness of many communities and towns across the state's wide geographical area presents many significant health challenges. The ever-increasing demand on our health care system has resulted in some individual communities struggling to deliver viable services. Regional patients should not be put in a situation where they must leave their families and their surrounding communities to receive appropriate medical attention. This budget seeks to rectify the high level of regional patients in metropolitan hospitals by providing a greater range of medical services in our country areas. It seems inappropriate to be spending approximately 45 per cent of the public hospital cost on country people in the city. We need to keep this money in regional communities. This will be achieved only by extending the current medical services in regional areas.

Hospitals are a core drawcard for any community, and we will provide four regional hospitals with extensive health services, teachers, doctors and nurses, and businesses and families will follow. The Rann government has set the benchmark in health spending by committing nearly \$3.4 billion in operating expenses to the state's public health system over the next 12 months—a record investment for any government. This is what governments should do for their constituents.

While the record health spending has been the core focus of this budget, there are many other significant investments that it will provide. For the third consecutive year, the government will deliver more than \$1 billion in total capital expenditure. The budget also provides for significant investment in the transport, energy and infrastructure, justice, and families and communities portfolios. Importantly, today's budget seeks to introduce the biggest reduction in payroll tax in South Australia's history. A payroll tax cut worth \$309 million will be rolled out over the next four years. We all remember Mr Peter Vaughan, the Director of Business SA, singing accolades to our Treasurer for the magnificent initiative taken in this budget. More than 370 000 South Australians will benefit from the record payroll tax cut. A further reduction will also come into effect on 1 July 2008, making South Australia equal to Victoria, and equal second lowest in the nation.

The record payroll tax cuts will make our state more competitive and, importantly, give more confidence to businesses. South Australia's excellent economic growth, along with the budget's record tax cuts, will undoubtedly make South Australia the place to do business. There is still more: a tram bridge over South Road, as well as the ongoing projects such as the Port River bridges, the South Road tunnels and the Bakewell Bridge. There are new schools and police stations and an upgrade to our aerial firefighting capability. Mental health will receive a \$51 million boost in funding. One would wonder, Mr President, whether I were speaking about the same budget that the Hon. Mr Ridgway was speaking about. I would say that his research was quite poor, because the budget contains all of the initiatives that I am mentioning today.

There will be \$91 million invested on new technology infrastructure; and \$80 million has been allocated to help address the impacts of drought affected areas on regional and

rural communities; \$4.2 million will be set aside to help establish 19 marine parks; and \$3 million will be invested in carrying out detailed environmental impact studies to determine the feasibility of a desalination plant. There will be an injection of an extra \$4.7 million to enhance trade schools to prepare the state's young people for work while they complete their SA Certificate of Education; and \$31.4 million for redevelopments and upgrades in 14 more schools and preschools in collaboration with the Australian government's capital grants program.

Safety and security for all South Australians remain a high priority, with more than \$114 million allocated for vital law and order initiatives. An extra \$1.5 million annually will be provided to help promote South Australia nationally and internationally; \$1.225 million over four years for the Northern Advanced Manufacturing Industry Group to assist in putting skilled workers into the industry; \$71 million for the South Road upgrade program; \$124.1 million to begin construction of the air warfare destroyer shipbuilding common user facility at Techport; \$7.3 million to replace and upgrade ambulance stations, including an allocation of \$2.3 million for projects in rural areas and \$5 million towards new stations, including prospect, Adelaide and McLaren Vale; \$11.1 million over four years for the drug testing of drivers program; and \$2.37 million to Novita Children's Service to help hundreds of children who are waiting for equipment and communication services.

The Rann government has and will continue to provide South Australians with employment opportunities, a world-class health system, a diverse education system and good economic times, and we will continue to lead the nation in tackling climate change. We will not, however, do as the previous Liberal government did. We will not cut over 500 teachers and 287 school service officers, as the Liberals did in 1994-95. We will not close over 40 schools, as the Liberals did between 1994 and 1997. We will not increase class sizes, as the Liberals did in 1994. We will not allow police numbers to reach dangerous lows, as the Liberals did in 1998, when only 28 Fort Largs police graduated from the academy. We will not cut the health budget by \$70 million, as the Liberal health minister did in 1995-96. We will not promise not to sell South Australian assets and services only to sell, sell and sell, after we are elected, as the Liberals did with ETSA in 1998, along with the TAB, Ports Corporation, SGIC, *Island Seaway*, Fleet SA and State Print and putting the Modbury Hospital in the hands of a private operator.

This is a good news budget; this budget is nothing but good news. I know it upsets members of the opposition; they need to sit there and be a little bit more creative in their speeches and their opposition. I recommend and look forward to the passing of this bill, as do all South Australians.

The Hon. J.M.A. LENSINK: It gives me great pleasure to follow the previous speaker who can only, in redemption of his utterances and by the smirk on his face, show that perhaps he does not actually believe all the drivel that he reads out. I would like to mostly touch on my portfolio areas. My colleague the Hon. David Ridgway has discussed a lot of the general issues in his appropriation speech and some areas about which we believe this government has got it wrong.

It is quite unfortunate for Legislative Councillors to not be able to participate in the estimates process. I have a number of comments which, if I had been a member of one of those committees, could have been opening statements for those areas, and I have a number of questions which the

estimates process did not allow time to have included amongst all the other questions.

I will focus, first, on the area of the Status of Women. The issue of women on boards and committees was raised during the estimates process by the member for Bragg. It is not noted in the budget papers, but we had obtained information under freedom of information which indicates that this government has been going backwards on its target. One of the items from the budget papers lists a 2006-07 target of achieving a strong increase in the number of women on South Australian government boards and committees and the number of women chairing these boards and committees. A letter from the chair of the Premier's Council for Women to Premier Rann, dated 20 November 2006, stated:

The overall progress of female appointments has only marginally progressed over the last five months, with July figures at 41.2 per cent, August 41.71 per cent, September 41.71 per cent, October 41.5 per cent, and November 41.6 per cent.

It is also concerning that some ministers have a consistently low ranking in their percentage appointment of women. The worst offenders on this include the Hon. Carmel Zollo at 30.24 per cent, Kevin Foley at 28.7 per cent and Patrick Conlon at 24.4 per cent. It is hard to see how this government will reach its target to increase the number of women on all state government boards and committees to 50 per cent.

I also found it revealing to compare the actual figures in the current budget papers to actuals in the previous budget papers because the figures can vary widely and I assume it is only one means of the government hiding what is really happening in the budget because the estimated results are often fantasy. In the Status of Women portfolio—

Members interjecting:

The PRESIDENT: Order! Perhaps the Hon. Mr Wortley and Mr Stephens could go and have a coffee.

The Hon. J.M.A. LENSINK: The 2006-07 budget papers show the 2005-06 actual budget coming in at \$1.261 million, which is over, as cited in the following year's budget papers at \$1.444 million. That was supposed to increase in 2006-07 to \$1.522 million, and the estimated result for 2006-07 was \$1.691 million, so clearly these figures are all over the place. In the 2007-08 budget the figure is \$1.540 million, so I am not sure where the government is planning on chopping that out, but we will look at next year's budget papers with interest.

Members interjecting:

The PRESIDENT: I do not think the Hon. Mr Stephens is helping his colleague, who is trying to make a speech while he is muttering in the background.

The Hon. J.M.A. LENSINK: Thank you for your protection, sir, but the Hon. Terry Stephens was not disturbing me at all. Overall, when you crunch these numbers you get an increase in two budgets of some 34 per cent, yet the government intends to bring it back in 2007-08 to \$1.54 million. I am not quite sure how it does its accounting, but it is quite bizarre.

With the women's safety strategy, the Rann government took a policy to the 2006 election, after previously announcing a complete overhaul of the laws in November 2005. We are rapidly heading towards the winter recess of 2007—with less than eight sitting weeks to the end of the year—and still nothing. I now turn to the significant area of the environment, which is a very broad and diverse area of responsibility. The government's budget for the environment is a disappointment—if you do not believe me just ask the Conservation Council of South Australia, which put out a media release on

7 June entitled 'No news is bad news say conservationists'. It criticised the Treasurer for not even referring, in his speech, to the environment or to other critical issues such as climate change or the River Murray.

We know that when it comes to government policy money talks, and the Conservation Council has spotted this omission and drawn our attention to it. Indeed, I asked the minister quite recently whether the Conservation Council was, in fact, correct in its statement, to which she replied, 'No'. In the times we are facing this is particularly negligent towards South Australians, especially those in country areas who are facing drought conditions and the prospect of vastly reduced water allocations. The Conservation Council gave the government a tick for \$4.2 million over four years for what it says is the 'long overdue establishment of the 19 marine parks. . . we do however have major concerns whether this funding will be sufficient. . .'

The Department for Environment and Heritage appears, *prima facie*, to have had a significant funding cut—particularly in the circumstances of increasing demands in relation to environment protection. There were also a number of issues raised during the estimates process about, again, wildly variable figures in the budget papers. Popular parks and heritage sites have been left out of this government's priorities and, in some cases, allowed to run down; some cannot provide the same service levels they did under the Liberal government.

Most notable of a number of appalling examples is the Old Adelaide Gaol, which I visited recently with my colleague the member for Morphett. We had a tour and were shown some of the issues there. The gaol is in a neglected condition—there is evidence of salt damp and white ant damage—and we were told that the only means they have of funding any form of upgrade is through either grants (and they have not had one of those for a very long time) or through the revenue they raise—and the most significant proportion of that is raised through their overnight stays.

We went through the cells, and I must say that it is not the most salubrious accommodation but it is quite popular. However, the Old Adelaide Gaol is no longer allowed to do that because the government has said that there are occupational health and safety concerns. There are a few, but I do not believe they are significant. There are a few tripping hazards and so forth but, when we went on the tour and had described to us which areas the government thought did not meet standards, it was quite surprising. So, the first question I would like to put on notice for the government is: who was responsible for making these assessments and what qualifications do they have in occupational health and safety to make the decision that the Old Adelaide Gaol can no longer take overnight visitors?

Marble Hill is another case. That has been under a cloud since the government released a call for expressions of interest which included, as an option, its sale and long-term lease. The EOI closed on 27 April 2007, but the Friends of Marble Hill do not know the outcome and, in the meantime, they have not been able to take bookings. A lot of weddings have taken place there and, as honourable members would know, they are often booked months or even years in advance. Marble Hill is no longer able to take those bookings, and that has resulted in a loss of revenue of some \$50 000 so far.

In respect of the Morialta Conservation Park, the previous Liberal government twice considered purchasing lots which came onto the market in 1999 and 2002. Many users of the

park do not realise that some of the trails they walk on are actually on private land, and they can do so because of the generosity of the particular private owners who cooperate with users of the park. The minister told the parliament in question time that this government is not interested in purchasing even a portion of the land so that the park would be entirely on public property.

There are number of programs that have been delayed within the DEH budget over successive years. We have had the almost infamous example that has been referred to in interjections in this place, the 'No Species Loss' program, which features former minister Dorothy Kotz on the website. There are also a number of others, including nature links corridors, biological surveys and the Million Trees program.

I have already referred to the implementation of the marine parks—and that has been lamentable. The proposal was initiated by the previous Liberal government and our policy, at the last election, was to have all marine parks declared. This government's most recent timetable is 2010. In estimates, the member for Hammond raised issues in relation to broken promises over branched broom rape, so I will not go into that.

I now have some questions in relation to heritage issues. I refer to Budget Paper 4, Volume 3, page 12.22, Program 7: Heritage Conservation. On page 2.5 of the Budget Statement (Budget Paper 3) it states, under the Department of the Premier and Cabinet:

... an additional \$7.1 million has been allocated over four years for heritage building upgrades and for health and safety related improvements. These initiatives will contribute to making the state's most important cultural institutions accessible and to preserving the state's heritage collections.

My questions are:

1. Will this allocation of \$7.1 million be provided to DEH's Program 7: Heritage Conservation?
2. What is the state government's global budget for maintaining all state heritage places? When was that last increased?
3. Can sites in need of upgrades, such as the Old Adelaide Gaol, expect to receive any of that funding?
4. Regarding Marble Hill, what did the government anticipate through the expression of interest, and what are the time frames?
5. The Port Augusta courthouse has been sold; does the government also intend to sell the Port Lincoln site? If this old heritage-listed building is not sold by the asset management group, what opportunity will the government give a local community group to upgrade and use it? Can the minister advise who purchased the whole courthouse at Port Augusta and what was paid for it?
6. How is local government being supported financially to prepare local heritage registers?

Regarding Morialta Conservation Park, I refer to Budget Paper 4, Volume 3, page 12.13, Program 2: Public Land—Visitor Management. The minister stated in a letter to the member for Morialta on the subject of Marble Hill that Morialta Conservation Park is one of the two most popular metropolitan parks. The budget papers refer to 6.2 million annual visits to South Australian parks. Can the minister advise what estimated number of those are to the Morialta Conservation Park? Can the minister provide a run-down of all of the potential options regarding the land adjacent to the park which is currently for sale? Can the minister provide a full list of visitor numbers to all other major parks? Can the minister provide details of investments being made in all

parks; that is, the amount on maintenance and the amount on capital improvements to camping grounds, barbecue and picnic facilities and visitor information?

I turn to the issue of Zero Waste. I believe that Zero Waste must prove that it is at least as effective as local government has been in reducing its targets if it is to be taken seriously, because the LGA has stated that the initiatives of local government off its own bat has resulted in a 50 per cent reduction in waste to landfill. Unfortunately, the solid waste levy and the relationship with local government will suffer as a result of the state government unilaterally doubling the solid waste levy without the agreement of local government, and it is merely seen as a cynical cost shifting exercise.

In Budget Paper 4, Volume 3, page 12.94 regarding Zero Waste, the description/objective states, 'To eliminate waste or its consignment to landfill and advance the development of resource recovery and recycling based on an integrated strategy for the state'. Given that statement, can the minister advise, since its inception, what contribution to the reduction of waste to landfill has taken place? Given that the construction and demolition waste stream is such a significant contributor to waste, what strategies does Zero Waste have to reduce it?

I now turn to the EPA section of the environment portfolio. The Living Coast strategy, in particular, has suffered from a stalemate within the department, because amendments to the Coastal Protection Act are seen by some as controversial. The minister was specifically asked about this issue and she stated that legislation would be advanced once the marine parks legislation was passed. So, we look forward to that being progressed. One of the issues that were revealed through the estimates process is that this government is actually planning for a nuclear waste dump close to Olympic Dam. While it fought against a sensible proposal of a shared radioactive site, in a cynical attempt to play on the fear of South Australians, however, it has clearly been in some negotiations. I do not think the government was keen to reveal the fact that it has a site, and now we know where it is. The EPA is budgeting for an increase in collection from fees, fines and penalties by some 65 per cent, so some explanation of that would be appreciated.

I now turn to the Department of Water, Land, Biodiversity and Conservation section of the environment. My first point is in relation to the natural resource management concept, which we believe is a good idea but, as always, the devil is in the details. The structure of this new system of integrated natural resource management is somewhat of a hybrid government agency, which is governed by volunteers. A minute from the CE of DWLBI, as it is known, to the former minister for the environment, dated 17 October 2005, which was obtained by the Liberal Party under FOI, raised the following as 'clear areas of risk':

- Levy payers when they see apparent increases in levies on rate notices—this can be managed by an appropriate education/communication programs. . . prior to and at the time that rate notices are issued;
- Disenchantment amongst board members, including presiding members, if they believe they do not have enough funds to appropriately establish their regional NRM board operating frameworks;
- Local government continues to weaken their support for new arrangements. . .

The member for Goyder outlined how in his electorate, which is part of the Northern and Yorke NRM Board, the total NRM levy collections will increase to some \$2.5 million in 2007-08, which is an increase of 333 per cent and which is being borne through the local district councils. The local

NRM board believes the most equitable method of charging would be through a fixed charge levy across the region, but the minister has chosen to ignore that advice.

The communities on Eyre Peninsula share these concerns, and the Eyre Peninsula Local Government Association recently passed a motion to the effect of charging the levy on a similar basis, which I assume will again be ignored by the minister. The Eyre Peninsula NRM has a table listing its funding for 2007-08. As a percentage, its funding is derived from the following sources: commonwealth funds, 33 per cent; rateable property and water licence holders, 39 per cent; and state government, 7 per cent. Given that the boards operate under state legislation, yet the vast proportion of their funding comes from commonwealth and local government-derived sources, this makes this hybrid structure even more ungainly.

I am told that there are strict protocols for board members who wish to make media comment; that is, media releases cannot be issued without being approved by the Strategic Communications Unit of the Department of the Premier and Cabinet. The concerns that were expressed by that letter from the CEO in 2005, I think, are likely to come to fruition unless the government considers significant reforms. The Liberal Party has been advised that NRM boards will be charged full cost recovery for any advice or services that the Department of Water, Land, Biodiversity and Conservation provides to boards. Will the minister confirm this? If it is to occur, will the minister provide a set of costings for that particular advice for which the department is likely to charge?

My country colleagues would roast me alive if I did not raise the issue of native vegetation, which has become an area of concern for many landholders. Indeed, in discussions with constituents from areas such as Kingston and Cleve, landholders have become disheartened with the process to such an extent that they are very cynical and very disappointed that a number of their positive efforts to look after our native vegetation have been taken for granted.

The behaviour of some of the department's officers has led to a number of them almost throwing their hands in the air and saying, 'We will not try at all'. That goodwill has been severely damaged by that particular process. The Liberal Party was pleased to assist the government by giving speedy passage to the Natural Resources Management (Water Resources and Other Matters) Bill, and we are hopeful that this will lead to a simpler and faster processing of applications, as we are told by water licence holders and applicants that South Australia is well behind Victoria and New South Wales in the time it takes to approve new licences and transfers.

I refer to Budget Paper 4, Volume 1, page 12.49, sub-program information 1.1, natural resource management services. The performance indicators provide the number of water licences and water permits processed per annum. My question is: what benchmarks does the department have in relation to the time in which they are processed? I assume that my colleague the Hon. Caroline Schaefer will raise the issue of the Great Artesian bores. We understand that no funding has been provided in the forward estimates for controlling those bores, but I will leave that for her to raise, with her eminent experience. My final comments in relation to the environment relate to Waterproofing South Australia, which, from the indications in the budget papers, seems to have slipped down the agenda, with a number of infrastructure works delayed or not allocated sufficient funding, which,

at a time when we are facing drought conditions and the impacts of climate change, is a complete scandal.

One other area of scandal, in my view, is in relation to the mental health sector. The government has a nice headline number of \$93.5 million. It has adopted what the commonwealth might have started doing, announcing funding over four years. This funding is largely on capital which has already been announced and, indeed, some of it is a continuation of programs started under the previous Liberal government. In terms of the service, it provides funding through non-recurrent means. Many of the non-government organisations which had to wait until 7 June to find out whether they would continue to receive funding beyond 30 June still do not really know what their future is. They have breathed a sigh of relief that NGO funding (which was originally part of the 2005 budget) is being continued, but I do not believe it means any expansion of those services.

We on this side of the council believe that this is probably the most critical area in the expansion of funding the NGO sector. We have had the official announcement today from the government about James Nash House, South Australia's forensic mental health facility. The government finally fessed up what it was doing with that. It was initially allocated funding in the 2005-06 budget, which, effectively, is three budgets ago. That cost was estimated then at \$16.5 million. However, in 2006-07 the total cost was estimated at \$16.5 million, and in this recent budget it has been estimated at \$16.5 million. It will be intriguing, now that it is part of the PPPs for the Mobilong works, to see what has happened to that figure.

I have been back through those budget papers. Funding of \$300 000 had been set aside for this project in 2005-06; in 2006-07, \$1.3 million; and in 2007-08, \$1.1 million. My question is: has any of that funding over those three years been expended and on what? Given that James Nash House is continually under pressure, what is the occupancy rate for James Nash House? Will the minister advise about the Glenside overflow beds? I believe that there are some 10 of them and that they are continuously full. What are the occupancy rates of those beds? The revision of the Mental Health Act is referred to in Budget Paper 4, Volume 2, page 7.16. It states in a dot point that, during 2006-07, the division developed a draft new mental health bill. I assume this is the evolution of a report presented to this government in April 2005. That is over two years ago now, and we still have not seen a draft bill. I ask the minister: is this item correct—that is, the government has developed a new draft mental health bill—and when will that be released?

One of the other areas in which I have responsibility is substance abuse. Again, for the NGO sector this is a tale of woe. In fact, I think they are probably even worse off. They have told me that, over several years, they have received only minimal CPI increases, so they have had to dip into other funds. Some of them are close to closing or have had to cease certain services. In Budget Paper 4, Volume 2, page 7.28, subprogram 3.2, Southern Adelaide Health Service, Drug and Alcohol Services (DASSA) has two targets listed: one for the number of in-patient separations non-hospital; and one for the number of outpatient attendances.

My questions to the minister are: why are the targets for 2007-08 set to show a somewhat static level compared to the previous financial year? Does the minister expect greater demand because of the impact of methamphetamine use? As honourable members would know, these users are often more complex to manage and can be quite violent. What are the

waiting periods for each of the detoxification services, how many beds are there in the system and where are they located?

Another area where the government intends to flog off prime real estate is through the drug and alcohol services consolidation. I refer to Budget Paper 4, Volume 2, page 7.12. The investing payments summary, new works carried forward, indicates that some \$800 000 has been allocated in 2007-08. Last year, under freedom of information, the opposition obtained a DASSA brief on this subject, which indicates that the government's preference (of two options) is to sell Elura at North Adelaide, Warinilla on Osmond Terrace and the Alcohol Unit at Fourth Avenue, Joslin. The sale of these three sites, as identified by the Brown Falconer feasibility study of May 2005, would yield \$8.67 million. Does the government have a more recent valuation? The feasibility study proposed to fund the redevelopment was through a loan. Which agency will be responsible for this loan? Is this another PPP proposal? One of the risks identified in the briefing is that the rebuild would need the support of the local community as well as the local council. What steps has the government taken to undertake this aspect of its planning process?

I also have questions in relation to the drug diversion program. I refer to Budget Paper 4, Volume 2, page 7.51, commonwealth funding: revenues from the commonwealth. There is a line for police drug diversion. The amount for 2005-06 was budgeted to be \$3.5 million, but in 2007-08 it is \$25 000. What was the purpose for this funding, and on which programs did the state government expend it? Why has the amount fallen to \$25 000? Has a new source of funding been identified—and, if so, what is it—or will these programs end?

I refer to Budget Paper 4, Volume 2, page 7.27, sub-program 3.2: Southern Adelaide Health Service. There is a statement that DASSA will receive additional funding associated with the 2006-07 budget. Was this provided to DASSA services exclusively, or was any of it distributed to non-government organisations? Which NGOs receive recurrent funding, or are they all on contracts? What factor is used to determine increases in NGO budgets? Do they receive an annual CPI increase, or is some other basis used? What percentage of drug and alcohol funding in South Australia is provided to NGOs and what percentage to DASSA? What strategies has the government undertaken to assist NGOs with staff recruitment and retention? Can the minister confirm that the Drugs Summit funding has concluded, and is she aware of any NGOs that may cease to be viable because of a lack of funding?

My final comments relate to smoking targets, and I refer to Budget Paper 4, Volume 2, pages 7.5 and 7.6, targets in the South Australian Strategic Plan and, specifically, smoking targets for 15 to 29 year olds. According to the budget papers, the target for 2007-08, at 23.5 per cent, is higher than the 2005-06 actual of 23.4 per cent. In addition, the 2006-07 estimated result of 24.6 per cent shows that the prevalence increased from 2005-06. What is the reason for the increase, and what measures is the government utilising to attempt to reach the South Australian Strategic Plan target of reducing prevalence to 17.9 per cent by 2014? Can the minister confirm whether the government has changed this target?

I support the second reading of the bill, but I would like to reiterate the comments of many of my colleagues on this side of the chamber: we believe that this government has the wrong priorities, and the sooner it loses office the better.

The Hon. R.I. LUCAS: I rise to support the second reading of the Appropriation Bill. I congratulate my colleagues, the Leader of the Opposition in this chamber and the shadow treasurer in another chamber, for their comprehensive analysis and treatment of the Appropriation Bill's major points. I do not intend to repeat those point by point, but I will make comment in a number of particular areas. In summary, the budget has been described (and I think it is difficult to argue with this) as remaining in deficit on a number of measures (and I will refer to this in a moment). The debt has increased, the waste has continued and, in particular, sadly, there is no tax relief for families and long-suffering taxpayers.

The issue of the deficit is an interesting one, because it resulted in the Treasurer in another place losing his cool and the chair of the committee requiring him to apologise and his refusing. The estimates committee was suspended for a period and then he meekly came back, tail between his legs, and apologised. I was intrigued by it all, because there are many issues where one can argue a case government and alternative government, and it is a bit hard to say who is exactly right and who is exactly wrong. I think in politics—and, certainly, in budgets—that is always possible. However, it seemed extraordinary that the particular issue the Treasurer chose to have his argument with was the statement made by the Leader of the Opposition, and I just want to put it on the record again. The Leader of the Opposition in another place said something as un-inflammatory as the following:

The Treasurer claims that he is running a surplus budget. His own budget paper reveals that. Although that may be so in regards to net operating surplus, in respect of net lending borrowing and cash surplus bases (the other two genuinely recognised measures), the budget is in significant deficit.

The Treasurer said, 'Madam chair, that is a lie.' I will not go through all the detail, but he was then asked to apologise and to withdraw, and he refused. The Leader of the Opposition was 100 per cent accurate. He was even gracious enough and fair enough to say that whilst it might be in surplus—that is, the Treasurer's claim that on one measure, which is what is called the net operating surplus measure; an accrual accounting measure—on the two other measures (the cash basis and the net lending basis) the budget was in significant deficit.

That was the issue that the Treasurer decided to say was a lie. It would seem that the Treasurer had decided that he wanted to either call the Leader of the Opposition a liar, or depict something he said as a lie and, as soon as he opened his mouth, he proceeded down that fixed path and strategy. As I said, he picked the wrong argument because the facts speak for themselves. The Treasurer was unable, further on, to dispute the point that was made. Indeed, it was made by a previous leader of the opposition in another place as well. It is not a new point; it is a point that was made last year as well.

Put simply, the budget papers reveal that over the next four budgets it will be in deficit by about \$1.2 billion. The federal government reports its budget in cash terms, but the state governments report on an accrual basis. They also report on a cash basis but their preference is the accrual accounting method. The federal government does not agree with that and it says to just look at the cash to indicate the health of the budget.

On the net lending basis (which was the Treasurer's preferred measure of whether the budget was truly in surplus or deficit when he first came into the Treasury chair in 2002) he said, 'Forget about cash. Forget about net operating

surpluses. The only real measure of whether a budget is in surplus or deficit is something called net lending or net borrowing, and I am going to make sure this budget stays in surplus using that particular measure.' He had to change that because the budget has gone heavily into the red—if you use that particular measure.

Over the coming four years, without going into all the detail, the aggregate of deficits over the four years (it is a deficit every year) adds up to over \$1 billion—about \$1.1 billion or \$1.2 billion in terms of deficit. The statement made by the Leader of the Opposition was accurate. To have seen such an extraordinary and intemperate response from the Treasurer to that accurate statement by the Leader of the Opposition did him no credit at all.

It is impossible for the government to argue that this budget has been built—as was last year's budget—because it is nothing new. It is a bit bigger but the debt levels have increased and there are differing views about that. Various business leaders and business associations and *The Advertiser* and others have, in the past, supported increasing the state's debt levels as long as they can be used to build important infrastructure for the state.

The sad thing, from my viewpoint, in this brief summary of the budget, is that, in relation to providing tax relief to families and long-suffering taxpayers, it is non-existent. There is some relief for businesses (and we will talk about that in the budget tax bill, which is a separate bill), and that is welcome but, as we highlighted in the debate on that, we believe there should have been some increase in the payroll tax threshold to help small and medium-sized businesses. In looking at the taxes that are whacked on ordinary taxpayers and families, there is no relief. There is no relief with stamp duty. There is no relief with motor vehicle taxes and charges, whether it be registration or the costs of CTP or licence fees.

There is no relief in relation to the costs of utilities for older South Australians (a policy that the Liberal Party took to the last election), to provide further benefits and concessions to offset the increasing costs of utilities on household budgets. There is no relief for first home purchasers. Again, this was a policy the Liberal Party took to the last election to say that, in this important area of housing affordability, the state can make a contribution by increasing the size of the first home-owners grant or benefit to first home purchasers.

There are ongoing imposts such as the Rann water tax, and levies such as catchment and emergency services levies, and a variety of other levies that are imposed on long-suffering taxpayers. There is no relief right across the board for long-suffering taxpayers. The point we highlight (and continue to highlight) is that this government is the highest taxing government in the state's history.

Contrary to the statements that were made earlier today by the Leader of the Government, this government is drowning in cash. This government has almost \$4 billion a year more to spend than the last budget of the Liberal government just five years ago—an increase of almost 50 per cent in the size of the revenue available to the government to spend; yet, the Leader of the Government had the temerity to say that states were hard up against it; that it was only the commonwealth that was drowning in money from income and corporate tax inflows.

It is true to say that the commonwealth government is getting significant increases in tax revenue, but the big difference is that, in recent years (probably in the past three or four budgets), the commonwealth government has actually returned, through income tax cuts, some of that bonus

revenue that it has received. Some would argue that it should be more but, at the very least, the commonwealth government says, 'Yes, we are getting a lot more money and, in some cases, previously unexpected revenue inflows, and we believe that some of that money should be given back to the long-suffering taxpayers of the nation.' I think that is the point that the Leader of the Government and the Labor government in general miss. Yes; both state and federal governments receive significant unexpected flows of income, but only the federal government has actually said, 'Okay, we will share some of that dividend with the long-suffering taxpayers.' Other than what it has been forced to do in relation to the intergovernmental agreement on the GST; the decision in relation to payroll tax (which we support); and the partial decision two or three budgets ago in relation to land tax which, again, we supported, the state government has not shared the dividend in the areas which hit long-suffering taxpayers.

On average, the state government has received about \$500 million a year in unexpected revenue inflows which has come from the GST and from property taxes. Rather than saying, 'Okay, we will share some of that back with the taxpayers of South Australia', the government has basically said, 'Thank you very much. We will now spend that money on budget blow-outs, low priority expenditures or a variety of other areas rather than sharing some of the dividend flow with the taxpayers.' I think that is the key weakness because, at a time when relief is not being provided, people—the long-suffering taxpayers—see this government and its ministers blithely going on wasting money left, right and centre.

I will not go into detail. I have done it before in relation to opening bridges down in the Treasurer's own electorate at almost \$100 million over the life of the project—and for what, we do not know. I have talked about the extension of the trams from the Treasury to the Casino, and now just a bit beyond; the unbudgeted blow-out in the number of public servants (budgeting for about 2 000 and ending up with 12 000 full-time equivalents); blow-outs in the cost of infrastructure projects, such as the Northern Expressway and the South Road projects; and blow-outs in the cost of negotiating pay rise settlements.

The most recent matter which outraged South Australians comes back to the government's view that, as it relates to itself and in particular its own spin doctors, it does not believe that it needs to show any restraint at all. Poked away in the *Government Gazette* of July this year was the information that the government (the Premier and the Treasurer) had just approved massive pay increases of up to \$26 000 a year—and up to 16.8 per cent in one year—for some of its spin doctors. People like Mr Peter Chataway in the Premier's own office had a \$26 000 pay increase—or 16.8 per cent in the past year—and is now being paid \$180 000. It is my understanding that Mr Chataway was previously the Chief of Staff, the most senior position in the office. He has now been moved either sideways or downwards to a principal adviser position, yet he still has a pay increase of \$26 000 and, as I understand it, he is now on leave on this \$180 000 salary.

There is something wrong with the government's priorities when hard-working members of parliament, on its own backbench, are paid at approximately \$120 000 a year, and yet the government believes that a spin doctor in the Premier's own office is entitled to \$180 000 a year after being removed from the position of Chief of Staff and, as I said, either moved sideways or downwards to an adviser's position. Yet he gets a \$26 000 or 16.8 per cent increase.

There was outrage when members of parliament nationally were going to receive a pay increase of just over 6 per cent. That pales into insignificance compared to what Mr Rann pays his own staff within his office. Mr Nick Alexandrides—a man infamous in the parliament and in this chamber from a number of previous occasions, of which I do not need to remind members and you, Mr President—had a 16.4 per cent pay increase as well, a tidy \$22 500. Mr Alexandrides will now earn \$160 000 in the Premier's office. Mr President, you know Mr Alexandrides, as does everyone else in this council, and no-one is going to argue the toss over whether he is worth \$160 000 a year in terms of the output and the work that he undertakes in the Premier's office.

Ms Jill Bottrall—someone with whom you would be very familiar, Mr President—had an \$11 500 pay increase, or just on 9 per cent, being paid \$141 000. Mr Paul Flanagan had an \$11 000 pay increase, being paid \$138 000; and Ms Ethne Lange had an increase of \$12 000 or 16.6 per cent in the Premier's office. As I said, when that became public knowledge, people were outraged at this government's priorities and at the fact that the Premier and Treasurer are so tough on people like the Salvos, where the Premier publicly accused a senior officer of the Salvation Army of lying on public radio, in my view, in a most demeaning performance for a Premier of the state.

At a time when that is going on and they are cutting funding to various projects for the Salvation Army, the priorities of this Premier and his Treasurer are such they will cut the money for the Salvos and they will cut the money for various other groups in the non-government area that my colleagues the Hon. Michelle Lensink, the Hon. Anne Bressington and others have been highlighting in recent times, but they are quite happy to give spin doctors in the Premier's own office \$180 000 a year when, as I said, they have been removed from the senior position into an adviser's position within the Premier's office. We have a situation where this Premier now has 84 more spin doctors and other staff in his ministerial offices than the Liberal government had in 2001-02. If you actually removed those, and if you actually just said to Mr Rann and Mr Foley, 'Look, you only need the number of spin doctors and advisers the former government had'—and that was a considerable number, at just over 200, so instead of 300 you have just over 200 spin doctors and ministerial advisers—'we could save \$25 million over four years.'

I say to my colleagues the Hon. Michelle Lensink and the Hon. Anne Bressington that I am sure that both of them could come up with a range of opportunities for the non-government organisations in families and communities, mental health, child protection and drug intervention program areas. If we gave both the Hon. Michelle Lensink and the Hon. Anne Bressington \$25 million over four years to spend, I can tell you that we would get more value from decisions that those two members would allocate the money for in those areas than on 84 extra spin doctors and advisers within ministers' offices. That is what is wrong with this government, and this Premier and the Treasurer. What is also wrong with this government is that there are not people within the government caucus prepared to speak up to put pressure on the leadership of its own government in saying, 'Enough is enough; we do not want a situation where our Premier is calling a senior officer of the Salvation Army a liar at the same time as cutting funding to a Salvation Army program. We would prefer to provide moneys and funding for those important services in those particular areas and cut back on

the spin doctors in the Premier's own office and the salaries that are being paid in those areas.'

There are many more examples like that; I do not want to go through all of them. I gave those brief examples to highlight the wrong priorities of this government—the Premier and the Treasurer, because they drive the process—and the fact that, at the same time, money is being wasted. There is so much need for services, and there is also so much need to reduce the tax impost on long-suffering taxpayers.

The second area to which I want to turn is the estimates committee process. I am aware of the criticisms of the estimates committee process. Nevertheless, I remain a believer in at least the foundation of the estimates committee process. I must say that, over the past five or six years, that belief has been challenged as one sees what I would deem to be abuses of the proper functioning of estimates committee processes. One of the weaknesses of the processes is that, as we have seen, they are controlled by the government; they are chaired by government members.

There are also some inherent structural weaknesses in terms of limiting the time available for key areas, such as the areas that the shadow attorney-general had to question the Attorney-General on his portfolio. I think there was about a 45-minute period, 12 minutes of which the Attorney-General took up in making an introductory statement. One of the points that I think could be made by our colleagues in the lower house; that is, there is no need, in my view, for a 10 or 12 minute opening statement from ministers in relation to these portfolio areas. If they want to, they can table a statement. Perhaps, if they really need to, there could be some agreement for a heavily truncated three-minute, or maximum five-minute, introductory statement, and only for the portfolio overall, rather than for every particular section, as seemed to be the case in some estimates committee hearings.

In my view, it is a disgrace that something as important as the education portfolio, which is some 25 per cent of the state budget, was hidden away, starting at about 4 o'clock in the afternoon and going through to about 8 o'clock at night. Not so very long ago, when I was minister for education, I can recall sitting in the estimates committees from 11 o'clock through until 10 o'clock at night answering questions from the opposition on the education portfolio. That is what the portfolio deserves, and that is what ought to be provided for under the new arrangements. The fact that we have minister in minister Lomax-Smith who is incapable or unwilling expose herself to extended questioning on her budget is no excuse for what is occurring at the moment.

There should be sustained questioning of the education and health budgets, as they are the two biggest budget items in the state's responsibility. Those ministers should be available for questioning for almost a day each in relation to those responsibilities. I know that there are some in both houses of parliament who have a view that some Legislative Council members should participate in the House of Assembly process. I have never supported that proposition and still do not. I think that the weaknesses of the House of Assembly system and the government control of committees and the government chairing of the committees would mean that, even with Legislative Council members, those weaknesses would not be removed. We have started that process now with the Budget and Finance Committee, and other options are available to this chamber if it so chooses to ensure that it has an ongoing role in terms of monitoring budget and financial issues.

Upper houses federally and in other states adopt those processes. We see in the Budget and Finance Committee, now that it has started its most important work, the first positive examples of reform in this chamber. I know it is opposed by government members but warmly supported by everyone other than government members, certainly by members of the media and I am sure by members of the community, as a most important reform in terms of the important work of the Legislative Council.

The Hon. B.V. Finnigan: You got a good run out of the first one: you got stuck into the federal government.

The Hon. R.I. LUCAS: The Hon. Mr Finnigan said that we got a good run out of the first one. Certainly important issues were raised. The Hons Mr Wortley and Mr Hood and other members raised matters that attracted subsequent publicity in relation to the Budget and Finance Committee. Whilst that is an important part of the work of that committee, the more important task is to monitor the budgets of government departments and agencies. There is a responsibility of this chamber as a house of review to monitor spending programs of government departments and agencies. The estimates committees sit at only one point in the year—straight after the budget—so the government can talk about what it hopes to do for the year. The Budget and Finance Committee is available and will, in an ongoing way, monitor progress against budgets and commitments through the financial year.

The final point in relation to the estimates committees, which has been an unhealthy trend in recent times, is the tendency of chairs of the committees to seek to restrict the questioning of members on particular subject areas. To refer to one I had experience with, as I had four years sitting in the chair as Treasurer, the Leader of the Opposition in another place made comments and was going to ask questions about the general issues of debt and deficits, in essence the aggregate issues that relate to the budget of the state. The chair of that committee ruled it out of order, stating that really all the shadow treasurer should talk about were the estimate of payments for the Department of Treasury and Finance and a number of other areas like that. It is an interesting issue because the chair may well be able to argue on a technical and legalistic view of the estimates committees that that is all the shadow treasurer should be entitled to question on as they are the budget lines that are open.

For as long as we have had estimates committees under Labor and Liberal governments the Treasury portfolio has been one where the Treasurer has been grilled not only on his own budget lines but on the aggregate questions as they relate to the budget. Certainly questions of deficits and debts have always been directed to treasurers in the estimates committees. If this government through its chair seeks to restrict the opposition to that, it would mean that nowhere in the estimates committees could there be questioning of the Treasurer in relation to those issues.

Certainly as treasurer I never sought—and neither did the chair of our committee—to restrict the operation of the estimates committees in that way, and that should not be allowed under the new arrangements at all. It is an important part of a healthy functioning democracy that during the estimates committees the Treasurer should be able to be asked questions right across the board by the shadow treasurer and other members of the estimates committee on aggregate issues such as deficits and debt levels, as well as any specific questions in so far as they relate to the treasury and finance department itself.

I will put a series of questions to the Leader of the Government. As we sit next week we have, I understand, a full week available to us to complete the program required, including the Appropriation Bill, so there should be plenty of time for the government and its advisers to provide answers to questions members are putting this week. The first matter I raise is in relation to the PPP program. In the estimates the Treasurer answered questions in relation to the PPP program as it relates to education. I ask the Treasurer through the Leader of the Government whether he can outline what the old timetable was for the PPP and what will be the new timetable. The Treasurer indicated:

We had slipped a little bit on our times in relation to this particular PPP.

So I would ask for the old timetable and then the new timetable to be outlined. He certainly indicated in late July that they would be going to market with a market testing program, so I assume they are in the market as we speak. In relation to the contracts that have been met already, Treasury indicated that Connell Wagner and KPMG have been contracted. Will the minister indicate when those consultants were appointed, the terms of their appointment and the fees that are paid to those consultants for the work they are undertaking on that project? I also ask whether the government has appointed a probity auditor in relation to that project and, if so, who is that person or company? In relation to the PPP project, the Treasurer said:

These are likely to be on balance sheet projects, so they will be counted as debt and they will be counted as public schools.

If that is the case, can the minister indicate what figures are currently included in these budget forward estimates for these particular schools? I think there is some \$200 million plus of expenditure. Can the Treasurer indicate, for this year and each of the forward estimate years, how much is allocated in the state's accounts if they are (as he suggested) on balance sheet projects and so will be counted as debt?

Given that he has said that, I assume the debt levels of the general government sector that the Treasurer outlined in his budget documents include all or most of the \$200 million of expenditure on PPP for schools. I guess the question is: when will the government take these particular projects onto the balance sheet and the state books? One assumes that, if they are PPP, they will be built by the private sector with private sector money, and the first outlays from the government will not be until after they are operational. So, is it correct to assume that at some stage in 2009-10 (which is within the forward estimates period) the government's current figures will include \$200 million coming onto the balance sheet and impacting on the state's accounts in other ways as well?

Can the Treasurer outline the timetable for the PPP for the Mobilong prison and detention centre? The Treasurer said (almost a month ago) that the market-sounding exercise was scheduled for the July/August period; can he advise whether that is still the case and also can he provide the latest estimated timetable for expressions of interest in the other stages right through to completion? In the estimates committee Mr Foley indicated that he believed completion of the Mobilong prison would be in 2011 or 2012 (he answered yes to that question). A number of consultants have been appointed, and I ask how those decisions were taken. Was it an open tender process? What were the terms of appointment and the terms of payment to the consultants appointed for that particular PPP?

I also seek clarification from the Treasurer regarding how this PPP is to be treated. He said, in the estimates committees, as follows:

That is what I have said because, at present, that one is on budget and it is being dealt with in the budget [he was referring to the Marjorie Jackson-Nelson hospital] as an on budget, government borrowing project and it is factored into the forward estimates. A PPP, by its nature, is an off balance sheet transaction for the prison—I am not sure about the schools—but, either way, these are accounted for as payments in a net operating account.

The Treasurer had said earlier that schools were to be on balance sheet projects; he is saying in this answer that the prison was to be an off balance sheet transaction and that the Marjorie Jackson-Nelson hospital was, at present, an on budget transaction but they were considering whether it would be a PPP or not. Again, I ask specifically: what is the current treatment in the forward estimates of the correctional services facility to be built at Mobilong?

In relation to the issue of probity auditors, the Treasurer outlined that currently the Crown-Solicitor's office was acting as an adviser on probity issues on all projects, and that at some point in the future we would need to bring in an external adviser. I am assuming, therefore, that there are no external probity auditors at all for any of these projects, and I ask the Treasurer whether there has been any discussion with the Auditor-General about the appropriateness of this arrangement. I also ask whether it is true that the Crown-Solicitor's office, or officers within that office, are currently advising the government and departments and agencies on the project yet at the same time the Crown-Solicitor's office is supposedly acting as a probity auditor. On the surface it would seem that officers within the same office are acting as both legal advisers and probity auditors. In my experience of the former auditor-general, that process would not be acceptable to him in that regard, and I ask whether the Treasurer believes it is acceptable and why the government has proceeded down that particular path.

In relation to the Marion Aquatic Centre, the Treasurer said:

... I am advised that currently there are three bidders with whom the government is now involved in evaluation... we are now evaluating those bids.

Can the Treasurer outline the timetable in relation to the Marion Aquatic Centre? Is an external probity auditor appointed in relation to the aquatic centre and, if so, who is it? If the Treasurer's answer is that the probity auditor is actually the Crown-Solicitor, does the Treasurer believe there is a potential for conflict if the Crown is providing advice to government departments and agencies as well as acting as the probity auditor in relation to these issues?

I turn to the answers provided by the Treasurer in relation to increases in full-time equivalent employers in the Public Service. The Treasurer said:

... the government has provided substantial increases to front-line services since coming to office, including 1 836 extra nurses, 600 more teachers, 466 extra doctors and 300 extra police...

First, I ask the Treasurer to outline the comparative dates of those increases; is it from June 2002 to June 2006, or estimated to June 2007? Secondly, in the increase of 1 836 extra nurses, are the nurses who were already working within the Modbury Hospital included within that number of 1 836 nurses? The argument, if they were, would be that they are not actually extra nurses; they would have been just classified from outside the public sector to inside the public sector.

The Treasurer also says further on that he disputes this claim from the opposition that there has been an increase of 12 000 full-time equivalent public servants. The Treasurer says, 'Our number is 9 287 over the five years from 30 June 2002 to 30 June 2007.' Will the Treasurer provide answers as to what is the document source for this increase of 9 287? Have they been taken from the budget documents, have they been taken from Commissioner for Public Employment figures or have they been taken from some alternative source? There is a significant difference in terms of the claimed increase in full-time equivalent Public Service numbers.

I turn now to the issue of enterprise agreements for pay increases, which is obviously a critical issue as it impacts on the budget. In the estimates committees the Treasurer said:

All enterprise agreements I guess are public agreements. My guess is we always publish the amount of money that is going to impact on the budget.

Further on, he said:

Most of it, if not all of it, is on the public record.

I do not agree with that statement from the Treasurer and I seek, therefore, a response from him. First, will the Treasurer indicate where a member of parliament can obtain a copy of the enterprise agreements that have just been agreed between major public sector unions or associations and the government; and, more importantly, where the government actually answers the question as to the amount of money that is going to impact on the budget from each particular enterprise agreement settlement?

In relation to that, I want to refer to a number of press releases issued by the government. In relation to the Ambulance Employees Association decision, the government press release states that the government's offer includes a salary increase and a new paramedic classification rate structure. The offer also includes 14 weeks paid maternity/adoption leave, on-call payments for non-operations staff, reimbursement of child care and travel costs consistent with provisions for other public servants and a training allowance for accredited training. It does not include any indication of the size of the salary increase or the cost in each financial year of that salary increase.

In *The Advertiser* of 14 July it was reported in relation to the Ambulance Officers Association, I think, that more than 750 employees had accepted a 25 per cent pay rise—I assume over three years. Whether that is a correct description from *The Advertiser* or not I am not sure. My question is in relation to this agreement and three others that I will put on the record. What are the precise details of the financial agreement finally reached with the Ambulance Employees Association, in particular, the size of the annual pay increase, the date from which each increase or increment operates and the cost for this year and for each of the forward estimates years of that wage settlement? I would accept that the total cost would not all be an additional cost to the budget, because some of that would already be included in terms of the forward estimates, but what I am looking for are the total costs of the increase in the enterprise bargaining agreement that has been reached and its impact on each financial year.

Similarly, in a press release of 18 July in relation to dentists, the Industrial Relations Minister Michael Wright said:

The government yesterday offered an additional attraction and retention allowance of 10 per cent and a managerial allowance ranging between 2 and 7 per cent. Therefore, the government's offer now equates to a minimum of 22 per cent over three years.

It sounds as if it is a maximum of 27 per cent. So, in essence, if one believes that statement, and I am not sure whether the dentist dispute has been finalised yet or not, but, if it has been, what is the cost per year in terms of additional costs on the budget? Again, it looks like the pay increase is somewhere between 22 and 27 per cent for dentists, or an average, if it is over three years, of somewhere between 7 and 8.5 per cent per year.

In relation to nurses and psychiatrists there was a press statement on 13 July which indicated an agreement had been reached following a lengthy dispute. When one looks through that press release, without reading all of it, again, it does not indicate the size of the salary increase or the total cost of that package. *The Advertiser*, however, reports that nurses voted to accept a 14.5 per cent pay offer over three years and that psychiatrists had accepted an interim 15 per cent pay increase. I thought I read somewhere else that the total pay offer for psychiatrists was going to be well over 20 per cent as well, because there were the additional annual increments over and above an initial increase of 15 per cent.

Again, with the psychiatrists, nurses and the dentists my questions remain the same. What are the precise details of the final agreements reached with those particular unions and associations in terms of salary increases; when do they operate from; and, if there any other benefits as part of the package, what is the cost to the budget this year and for each of the forward estimates years for each of those salary settlements? As I said, I remind the Treasurer and the government that he said:

All enterprise agreements I guess are public agreements. My guess is we always publish the amount of money that is going to impact on the budget.

All I am asking for is exactly that. The Treasurer seems entirely relaxed and was implying that all that information is being provided.

In relation to the budgeted savings, in estimates the Treasurer said that the government had locked in some \$25 million per year of savings in the government sector out of the ICT project. Can the government indicate the detail of the savings that constitutes the \$25 million per year in savings that are operating as from this year? Given that I assume it means that each of the departments and agencies have had their budgets reduced by some component adding up to a total of \$25 million, can the government outline the reductions in agency budgets which add up to the \$25 million and which the government claims has been saved as a result of the ICT tendering projects?

Further on, the Treasurer outlined that claim savings in the 2006-07 budget in relation to motor vehicle fleet configuration and office accommodation had been reversed. He said that, in relation to office accommodation (which was going to save \$2.5 million this year), it had just been readjusted in terms of the timing. Can the Treasurer indicate when the \$2.5 million will be ratcheted into forward estimate savings; and will that particular saving (\$2.5 million) continue at that level or grow over the forward estimate years? I am assuming the government, for the reasons outlined in the estimates, has not proceeded with the \$700 000 saving from motor vehicle fleet configuration that was outlined in the 2006-07 budget.

Further on in the estimates, the Treasurer made some statements in relation to ongoing monitoring and reporting of agency budgets. He made the extraordinary claim—the untrue claim, actually—that, under the former Liberal government, we required the Health Commission to report on a yearly basis. He said:

... from memory, after the end of the year. So, they were given their appropriation and just let run for a year, and then they would report it. That was unacceptable to me.

As I said, as a former treasurer, that particular statement is untrue.

The Department of Treasury and Finance had Treasury officers who liaised on an ongoing basis with big departments in particular, and part of their responsibilities were to report to Treasury and the Treasurer on ongoing issues. Of course, there were at least twice yearly bilateral discussions with departments and agencies such as the Health Commission and, if other particular issues arose through the year in relation to agency problems and budgets, they were raised by the health minister at cabinet meetings on a regular basis. The statement that former governments just let the Health Commission have its appropriation run for a year and then report is untrue.

The Treasurer went on to say that they now have monthly reports coming to the Economic Review and Expenditure Committee of cabinet where agencies have to report against their budgets. If that is the case, I ask the Treasurer: why was remedial action not taken much earlier in relation to significant budget overruns in agencies such as the Department of Families and Communities? We now know that the budget overrun in that agency is some \$34 million. That is the latest estimate by Treasury. If there are these monthly reports and ongoing monitoring and controls of their budgets, why did the Treasurer not become aware of this much earlier and take remedial action much earlier than he did? Similarly, one can ask the question in relation to significant overspends in the health portfolio as well.

Further on in the Treasury debate in the estimates committee, the Treasurer referred to budgeted savings of \$12 million a year from the abolition of DAIS and the Office of Public Employment. The Treasurer indicated that the \$4.5 million worth of savings in 2006-07 had not been achieved. My questions relate to the projected savings from 2007-08 onwards. The Treasurer said:

For the purposes of presentation in this, the 2007-08 budget, the remaining \$9 million from 2007-08 associated with the abolition of DAIS is held centrally prior to allocation to agencies. Identification of the savings will be complete before 30 June to enable agencies to plan their 2007-08 activities. These savings will then be factored into agency budgets.

On that basis, it is now a full month later than 30 June and that should be resolved, so I am asking the Treasurer: will the \$9 million in annual savings be achieved in 2007-08? As I am not sure whether the savings are allocated to agencies or paid back into agencies, I wonder whether the \$9 million in savings is being achieved. If the \$9 million in savings is being achieved, can the Treasurer indicate what the component reductions in the other agencies will be to achieve this \$9 million in savings that he has claimed?

I wanted to put those questions on notice so that the government's advisers have time over the next few days or so to provide answers to members before the conclusion of the Appropriation Bill debate some time next week.

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

STATUTES AMENDMENT (REAL ESTATE INDUSTRY REFORM) BILL

The House of Assembly did not insist on its disagreement to amendments Nos 1 and 9 made by the Legislative Council.

**CRIMINAL LAW (SENTENCING) (DANGEROUS
OFFENDERS) AMENDMENT BILL**

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

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

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

ADJOURNMENT

At 5.40 p.m. the council adjourned until Tuesday 31 July at 2.15 p.m.