LEGISLATIVE COUNCIL

Tuesday 17 February 2009

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:20 and read prayers.

DEVELOPMENT (PLANNING AND DEVELOPMENT REVIEW) AMENDMENT BILL

His Excellency the Governor assented to the bill.

PLANT HEALTH BILL

His Excellency the Governor assented to the bill.

SOUTH AUSTRALIAN COUNTRY ARTS TRUST (CONSTITUTION OF TRUST) AMENDMENT BILL

His Excellency the Governor assented to the bill.

LEGISLATIVE COUNCIL VACANCY

The PRESIDENT (14:22): I lay on the table the minutes of the assembly of members of both houses held this day to fill the vacancy in the Legislative Council caused by the resignation of the Hon. Sandra Kanck.

Ordered to be published.

MEMBER, SWEARING IN

The President produced a commission from His Excellency the Governor authorising him to administer the oath or affirmation of allegiance to members of the Legislative Council.

The President produced a letter from the Clerk of the Assembly of Members notifying that the assembly of members of both houses of parliament had elected Mr David Winderlich to fill the vacancy in the Legislative Council caused by the resignation of the Hon. Sandra Kanck.

The Hon. David Winderlich, who affirmed his allegiance, took his seat in the Legislative Council.

VICTORIAN BUSHFIRES

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:24): With the leave of the council, I move:

That the Legislative Council expresses its sadness at the tragic bushfires that devastated Victoria on 7 February 2009; extends its deepest sympathies to the families and friends of those who died or who are still missing; sends its condolences to all those affected by the fires; commends the selfless and heroic efforts of all emergency services personnel who have responded to the crisis; pledges its moral and practical support to everyone involved in the rescue and recovery effort and to the rebuilding of lives and communities; and, as a mark of respect to the memory of those who perished, that the sitting of the council be suspended until the ringing of the bells.

Today I join the Premier in the other place in moving this motion. South Australia and Victoria have both experienced extreme weather events this summer, pushing the mercury well above the old 100 degree Fahrenheit mark, and this has taxed our public transport and electricity networks. It has also put residents living in bushfire-prone areas on full alert. Whilst South Australia has, so far, been spared a major bushfire during this summer's record-breaking heatwave, in Victoria our fellow Australians have not been so lucky.

Ten days ago, on 7 February, high temperatures and dry winds combined to create what professional firefighters have described as a 'perfect storm' throughout Victoria. On that fateful day, bushfires broke out across our neighbouring state forming a deadly crescent from the Wimmera to the Yarra Valley and Gippsland. Like many Australians I was stunned and saddened as the death toll continued to climb, moving beyond Ash Wednesday and Cyclone Tracy proportions towards the worst natural disaster in post-war Australia.

Currently, I am advised that about 4,000 firefighters are battling some nine blazes throughout Victoria at this time. Sadly, the death toll currently stands at 189, with many more people still missing or badly injured. More than 1,800 homes have been razed. Farmlands, towns and hamlets, schools, shops and churches across Victoria have not been spared from the fury of this firestorm. Images of razed homes in towns such as Marysville, Churchill, Strathewen and

Kinglake, burnt-out bushland and twisted and charred cars were beamed around the world and etched into the national consciousness.

Along with the aftermath of devastation on such a massive scale there have come stories of tear-choking sadness and individual and collective heroism. The destruction of homes, property, stock, wildlife and family pets was indiscriminate; the extent of the loss of life almost too difficult to comprehend. Amid this tragic loss were those who chose to stay and defend their homes and properties and those who were unable to flee to safety as the ferocity and speed of the blaze prevented any escape.

Our newspapers, radio and television broadcasts have recounted harrowing tales of death and uplifting stories of bravery. I am sure that all members join me in expressing sincere condolences to the families and friends of those who died in the fires, and to everyone in Victoria who suffered a loss of some kind during this tragic week. Those who have died and those who have suffered remain in our thoughts and prayers. Victoria need not stand alone in its grief: Australians have, once again, been brought together by tragedy, united in our sorrow.

I am proud to say that South Australia has stood up during this desperate and despairing time to extend a hand. We moved not only to share their solace but have been spurred into action. While our volunteer firefighters have crossed the border to join the fight against these fires, ordinary South Australians have reached into their pockets and into their hearts. They have been moved to donate time, money and blood as well as ordinary household items, clothing, toiletries and other practical goods to assist the victims who have been left with nothing.

On behalf of the people of South Australia, the state government has pledged $1 million to the Victorian Bushfire Appeal. In passing this condolence motion it is only right that we acknowledge the selfless actions carried out by emergency services personnel, both staff and volunteers. We applaud those firefighters and State Emergency Service staff who have travelled to Victoria to lend assistance in that state's time of dire need. These people, who put their lives at risk to fight to save the lives and property of strangers, are an inspiration to all Australians. More than 160 South Australian CFS, MFS and SES officers have been deployed in Victoria, as well as 40 St John Ambulance volunteers, a team of specialist forest firefighters and a range of forensic experts. Fifty firefighters (40 from the Country Fire Service and 10 from the Metropolitan Fire Service) returned home last Thursday after five days on the front line. Even as these weary volunteers stood down, a further 54 fire personnel boarded a flight to Victoria to take their place.

I am advised that more volunteer firefighters are on standby to take their place as required. South Australia has also deployed 40 specialist forest firefighters from the environment department and Forestry SA, along with SES volunteers. An Erickson air crane and 19 firefighting vehicles have been dispatched to Victoria. A team of South Australian forensic specialists also arrived in Victoria last week to assist in the bushfire emergency.

Alongside these extraordinary South Australians, ordinary members of the public have also played their part. As often happens when tragedy strikes, South Australians rallied to do what they could to provide speedy and practical support. Many South Australians simply were not prepared to watch the images on television and in the newspapers and stand idle.

South Australians may have felt helpless in the face of a human disaster of such a heart-wrenching scale, but that has not prevented many from helping in any way they can. Some literally rolled up their sleeves to donate blood for those hospitals treating the burns victims and other survivors. Fund-raising efforts have been launched; logistical teams, often cobbled together by volunteers, swung into action; and clothing, goods, money and other materials were gathered up and shipped across to those most in need.

Many Australians are lured by the beauty of our bushland and find comfort and tranquillity amongst the eucalypts. Speaking as a resident of the Adelaide Hills, I am well aware of the attraction of living in a bush setting. We must never forget that it is often the very traits that draw us to live in this seeming wilderness of gum trees and escarpments that pose such a danger. Complacency can be our downfall. Often in the past we have been touched by loss similar to that which now faces Victoria: Ash Wednesday in 1983, in which 28 people died in South Australia, and the 2005 Eyre Peninsula bushfires remain vivid in South Australia's collective memory.

As the Premier said in the other place, South Australia is incredibly fortunate not to have suffered a similar bushfire tragedy so far this summer, given the recent extreme heat. We can try to minimise the risk of living in bushfire prone areas with planning codes, building standards, action plans and a well-drilled force of firefighters, but we can never totally erase the intrinsic threat that

emerges each summer when weather conditions conspire to turn our bush paradise into a tinderbox. On behalf of the people of South Australia, I join the Premier in pledging our continued support to help the survivors rebuild their homes, their hopes and their lives.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:33): I rise to speak on behalf of my Liberal colleagues, although a number of them will make contributions during the afternoon. I offer my utmost sympathy to the families who have lost loved ones in this disaster. The stories which have unfolded over the past week are truly numbing. I think it is important to note that, as the condolence motion passed the federal parliament last week, the bushfires were lead stories on websites and major news agencies around the world. This truly has been a disaster that has shaken the whole world, not just our Australian community. One of my federal parliamentary colleagues indicated that question time was suspended in federal parliament last week, and the only time that has happened before was when the federal parliament sat during the Second World War. It certainly puts into context the significance of this terrible disaster.

I am reminded of the forecast prior to the day in question, and it was the first time I can ever recall seeing a South Australian town (Renmark) with the forecast temperature of 48°C. We have often heard of Moomba and other places in South Australia reaching that temperature but that forecast showed that the weather bureau was confident that it was going to be that hot the next day; in fact, it did reach that forecast temperature, which was an indication of the risk that these conditions would pose to both South Australia and Victoria. We were very lucky in South Australia. The wind speeds and the timing of the change were such that we did not see the same extreme weather conditions here in South Australia, notwithstanding how hot it was in the Riverland.

The scale of destruction of homes, businesses, loved pets, personal possessions and entire communities is so vast that it is difficult to comprehend. I am reminded of a story I read in *The Australian* last week where a family had returned to a house that they had escaped from with their lives. They rescued a young pup but, sadly, their old family dog could not be found at the time. When they returned to their home, they found the remains of the old family dog under his favourite chair where the father of the family always sat.

I am sure those of us who have loved ones and pets can understand how difficult that must have been. The number of lives claimed in the Victorian bushfires, as the Leader of the Government said, is currently 189, but it is said that the number is expected to grow significantly, and many more people will not be found because of the ferocity of the fires. With almost 200 lives lost and over 1,800 homes gone, the extent of the disaster is overwhelming. It is the greatest natural disaster our nation has ever experienced.

It is hard to comprehend that one of the towns worst hit, Marysville, lost 100 of its 500 residents. It is a loss beyond comprehension that 20 per cent of a community would just simply be gone. We know that 7,000 people have been displaced as a result of these fires. One Kinglake resident attempted to describe the emotions of losing everything but the clothes they were wearing and still feeling lucky. Over the past weeks, many more tales of tragedy have been told than those of good fortune. We have seen images of shocked and bewildered residents assembling in areas close to devastated towns. Some have been reunited with loved ones, others have learned of the fate of loved ones and some, unfortunately, are still waiting.

Many of the shattered survivors are now returning to where their homes were, and the thought of rebuilding lives will be overwhelming—even more for those who have lost families. The bushfires have tested our ability to pull together as a nation. I join with the minister, the Premier and members in the other place and commend the generosity of this nation both at a business level and at a personal level. It has been really inspiring to see that, as a nation, we can still pull together to help others interstate who are obviously much less fortunate that we are.

Recent reports indicate that some 5,000 homes are offering temporary lodging, with around $50 million of donations to the Red Cross fund. Families whose properties survived have been using their homes to collect and distribute items to those who have lost their homes. Local communities and affected residents, many of whom have lost their homes and some who have lost their friends and family to this terrible tragedy, have shown remarkable resilience to care for one another. The debt that our nation owes to those in the emergency services is immeasurable. They have physically and emotionally laid themselves on the line to attempt to curtail this tragedy.

Many people say that these people are fearless, but they are only human. They felt fear but went in anyway and showed courage of the highest order. As a parliament we must make a commitment to offering our full support to the rebuilding of the lives of the people affected by these

fires. Everyone must make a commitment to learning what we can from this tragic event. As a nation we must be compassionate, determined and practical in our endeavour to rebuild these communities. Today we thank those who have shown bravery in the bushfires, those who have offered support amidst the personal loss, those who still hold grave concerns for loved ones and for those who have tragically lost their life.

The Hon. D.G.E. HOOD (14:38): On behalf of Family First, I rise to offer my deepest sympathy to the victims of the Victorian fires. To those who have lost loved ones, we are sorry and we grieve for your loss. To those who have lost homes and businesses, we are committed to doing whatever we can to help you rebuild. To the firefighters and emergency services workers (including those who travelled from South Australia), you have done so much and risked so much for the safety of others and we sincerely thank you. It gives me great hope to know that so many Australians are responding to this absolute tragedy.

As a nation we have now pledged or given more than $100 million to assist the victims of these fires. People have given supplies and they have given their time, sweat and tears. Businesses in this state have released their employees to help in the recovery effort. We are indeed a generous community, and I believe that our generosity and goodwill will help us overcome whatever tragedies and setbacks we may encounter in the future. Again, on behalf of Family First, I express my sincerest condolences to those who have fallen victim to this terrible tragedy.

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:39): I rise to support this motion and to extend my condolences to those who have been affected by the utterly devastating bushfires in Victoria. I particularly express my condolences to those who have lost families, loved ones, friends and homes. I place on record my admiration and respect for those firefighters, police, other emergency service workers and members of the defence forces who have been involved in, first, responding to the worst bushfires in our history under truly horrendous conditions and, secondly, in assisting the community as it begins the long journey through to recovery.

While I was the emergency services minister there were many occasions when I saw our volunteers leave the comfort of their own homes and families to assist others in need, and this is what occurred in Victoria. Members of a largely volunteer force left their homes and families, many under threatening conditions, to respond to an event the magnitude of which we are only just beginning to comprehend. The stories coming out of Victoria only reinforce that our firefighters and emergency service workers are a unique bunch. I note from the media that many individuals, many of them CFA volunteers, are downplaying the role they played in saving lives and property. This is typical of the qualities I saw in our firefighters and emergency services workers during my period as minister for emergency services.

As we have already heard, there is a special bond that exists in the emergency services family, and it crosses our borders. When we were fighting our Kangaroo Island bushfires, CFA volunteers came across to assist us, and it is with great pride that South Australians are now able to, in some small way, assist the devastated communities of Victoria. There is a long tradition within the emergency services of assisting other states and territories in their time of need, and long may it continue. As I said, they are a unique bunch, and I know that all members will join me in acknowledging the tremendous job they are doing in Victoria, as well as here in South Australia.

As in any tragedy, especially one of this size, investigations need to be undertaken so that we can learn from what has happened. A royal commission has been announced. I also note that many questions have been raised in relation to policies and other issues. The policy of 'leave early; or prepare, stay and defend' is one that has come under some scrutiny. At this time we are rightly advised that until the recommendations of the royal commission are available it is still the best policy. We will all need to await the findings of the royal commission, and no doubt there will be lessons to be learnt, not just for Victoria but for all jurisdictions. Again, our hearts go out to those families and communities in Victoria that are experiencing tremendous pain at the moment.

The Hon. S.G. WADE (14:42): I rise to join the leaders and the minister to support this motion of condolence. I know that I speak for all Liberal members in this place in associating ourselves with this motion. Last night, I was on Mount Lofty looking out over the city. As the sun set, the horizon was red. The sky was cloaked with smoke from the Victorian bushfires as though grey in mourning. CFS firefighters had gathered, as they do every year, to remember the 13 CFS volunteer firefighters who have lost their lives in the service of the people of South Australia. The day chosen to remember, 16 February, is Ash Wednesday, a day when fires across South

Australia and Victoria killed 76 people, including 13 Victorian CFA firefighters and four South Australian CFS firefighters. Twenty six years ago, Victoria and South Australia were united in loss and grief.

Again, we share the grief of Victorians, although on this occasion South Australia was spared the tragic losses they have suffered. On 7 February 2009, Victoria and South Australia faced historically dangerous fire conditions. By early afternoon a cool change had alleviated the fire threat in South Australia, but conditions persisted in Victoria and, by late afternoon, fires broke out which went on to claim at least 189 lives and 1,831 houses, and left 7,000 people homeless and tens of thousands of people traumatised. We express our deepest condolences to those who have lost loved ones, friends, their homes, pets, livestock, property and communities.

As shadow minister for emergency services, I particularly want to associate myself with the motion, as it commends the selfless and heroic efforts of all emergency services personnel who have responded to this crisis. I pay tribute to the firefighters because they, too, are victims of the fire. We thank God that no firefighters lost their life fighting the fire but they are, nonetheless, victims. Not only have many of them lost loved ones and homes but also they have had to face the terror of the fires and witness things people would never want to witness—burnt bodies, unbelievable suffering and the inconsolable grief of survivors.

To take but one community, I remind the council of the stories of Marysville where, as my leader reminded the council, out of a population of 500, 100 residents are feared dead. Marysville has a local CFA with a dozen volunteer members. I understand that every member of the Marysville brigade lost their home. Glen Fiske, the captain of the brigade, and his son, Kellan, a firefighter in the brigade, lost their wife and mother, Liz, and their son and brother, Dalton.

Many firefighters looked the fury of the fire in the face at Marysville and will be emotionally affected for years to come. John Munday, a member of the CFA Acheron crew, fought the fire in Marysville, and he has spoken of scenes that will haunt him forever: a father standing in the middle of the road with two small children and a man begging the crew to save people trapped in their house on the hill. Mr Munday said that 500 Elvises and 1,000 tankers would have made absolutely no difference.

The remarkable survival of so many facing some of the worst fires in Victoria is a tribute to the professionalism of our volunteers. New equipment, better training and fire trucks with heat shielding I am sure all helped, but I am sure that the key factor in no lives being lost amongst the firefighters was the skill, courage and safety first culture of the CFA, whose crews planned safe, credible but flexible strategies to defend their communities.

Although no CFA firefighters or CFA support team members were killed on active service on 7 February, I want to honour the memory of Raye Carter. Raye was a 68 year old great-grandmother and the secretary of the St Andrews CFA branch. In volunteer firefighting terms, she was an auxiliary. Earlier in the day, she was helping to coordinate the CFA troops in the St Andrews Brigade. She returned to her property to protect her beloved goat herd. She was found dead the following morning, and her husband, Alan, is still recovering from serious burns. Raye was part of the CFA family, and we grieve her loss along with that of the many other victims.

I want to pay tribute to and thank the South Australian firefighters who have assisted in the past 10 days. I understand that the fourth rotation of South Australian firefighters leaves this afternoon, bringing to more than 300 the South Australians involved in the Victorian fire effort. CFS teams have been joined by firefighters from the MFS, the Department for Environment and Heritage and Forestry SA. These men and women are giving tangible expression to our solidarity with the Victorian community.

Service groups and welfare organisations have also swung into action to provide immediate assistance. We pay tribute to the more than 250 Salvation Army and 500 Red Cross volunteers who have worked rotating rosters to deliver over 13,000 meals to firefighters and displaced people. Thousands of South Australians have donated to the appeals, and I understand that yesterday the Red Cross appeal passed the $100 million mark.

While the past 10 days have been tragic and traumatic, they have demonstrated the resolve of the Australian people to pull together and support Australians in need. Let us remember that the need for support will not end when the homeless are housed and when communities are re-established. Thousands of people have experienced loss or trauma that will remain with them for the rest of their life.

Last weekend, a captain of a local CFS brigade recounted to me that he had met a man in town in that week who, whilst he had not lost loved ones or his home in the Ash Wednesday disaster of 1983, burst into tears when talking about it 26 years later. Those fires deeply affected him, and the recent fires will deeply affect thousands of Victorians for many years to come.

As we mourn the loss and express our condolences as a council and as a state, I close my contribution to this motion where I started: by recalling the prayers offered at yesterday's CFS memorial service, as follows:

Lord, we thank you for keeping Your volunteer firefighters safe in this fire season, and we ask that You bring them safely home each time they answer a call.

Lord, give your comfort and consolation to all who have lost family in this service or suffer from the effects of fire. May they receive strength from You to carry the burden and rebuild their lives.

Lord, who gives us the Australian bush, where fire is part of the endless cycle of regeneration, give us the wisdom to live in harmony with the bush itself and a sense of wonder of all creation. Amen.

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:50): I rise also to support this condolence motion. Having grown up in a regional country town in Victoria, I understand the risks of living in areas of high fire danger. This, obviously coupled with the extreme drought and acute weather conditions, ignited a situation which can only be described as a shocking tragedy for the families and their friends in the areas that have been affected.

This has been a catastrophic event; it has exceeded Ash Wednesday and other major fires experienced in the past, and as yet the full extent of the damage and deaths is unknown. I have a former brother-in-law in the township Toolangi, which is near Kinglake, and he and his neighbours spent a very traumatic night sitting in a cleared paddock all night with wet blankets and wet towels draped over their heads as they watched the fire pass around them. They were very fortunate that they were spared from the fire, and so too were their homes in that area. They were some of the very lucky ones; there were so many in that region who clearly were not so fortunate as he and his neighbours.

I express my sincere and heartfelt condolences to those families and friends who have lost loved ones, to those who are injured and to those who are waiting for news of their family and friends. It is also essential that we acknowledge the wonderful efforts of paid and volunteer firefighters, SES and ambulance officers as well as all the other support workers and volunteers who have come to the aid of these communities.

I acknowledge the relief effort of South Australia's firefighters and volunteers who have assisted Victoria during this time. They have done a fantastic job protecting the community and the public. The humanity expressed within the wider community has moved me and obviously many others greatly. I acknowledge too the fantastic efforts of ordinary Australians who have come together to donate money, time and blood and generally lent a hand, often to neighbours and friends.

Every South Australian has been moved by this tragedy, as can be seen by their extraordinary efforts right across our community. It does not matter where we go or what event or function that we attend, there are collections being taken for the victims of these fires. The compassion and sentiment expressed show a prevailing strength and unity which I believe are uniquely Australian, and I know that with the help of their fellow Australians the Victorians will get through this disaster and go on to rebuild their lives.

The Hon. M. PARNELL (14:53): On behalf of the Greens in South Australia I too offer our sincere condolences to those who have lost family members, neighbours, friends, homes and property in the Victorian fires. The fires have certainly been an extraordinary event and unimaginable tragedy. We still do not know exactly what happened, and there are many lessons still to learn. In the meantime, the task of comforting, supporting and providing for the survivors should be a national priority.

As we followed the progress of the fires and their aftermath in the media, none of us can have failed to be touched by the enormity of what has happened, and all of us have been given cause to reflect on what is most important in our lives and communities. We have seen, heard and read about people who have lost everything they own, and as a nation we have responded with generosity and compassion, and we can be proud of that. With so many people affected, many of us will know someone who is involved, and there are many South Australian connections, including

those that have been mentioned, with our firefighters going to the aid of our Victorian colleagues. A friend of mine is over there at the moment supporting his mum, who lost her home and her business in Marysville. She owned the local confectionery shop.

Informal networks here in South Australia and elsewhere are gathering momentum to support people who we know have been affected, and through such connections South Australians can support our friends, and even friends of friends and people we do not even know, with money and practical assistance. The generosity reflected in donations through official channels like the Red Cross is perhaps matched in some ways by the informal network of support being offered.

In Victoria our local Greens' branches are moving to adopt individual communities to try to lend some focus to the support effort. Other community organisations are doing likewise. I received a note just this morning from the Law Society, which is collecting contributions from its members. This is happening everywhere in Australia as people seek ways to show support for those who need it most.

It is hard to see too many silver linings in the dark clouds of this disaster, but the responses of individuals, professional groups, businesses, service clubs, churches, and the like, show that the Australian spirit of comradeship is alive in adversity. At a personal level, I know very well some of the areas affected by the fire. In the early 1980s I spent time living in Yea—I was that town's only lawyer. That included acting for the local shire council and dealing with development approvals, pine plantations, houses and farming matters. The area included the growing Kinglake region and small communities such as Flowerdale. I travelled through these areas every week, and it is highly likely that many of my former clients have perished and many will have lost property. I doubt whether the house I lived in between Yea and Murrindindi is still standing.

Listening to many of the survivors tell their stories, it is clear that one motivation many had was a desire to live in the bush—the so-called tree change. For some the dangers clearly were not recognised; for others the risks were known and a balance was struck between personal safety and the joys of being surrounded by bush and wildlife. But, clearly, the Victorian fires exceeded all our understanding of how fires behave and the appropriate strategies to deal with them. I heard one Victorian fire officer say they have a risk scale of one to 100 for rating bushfires, but these fires were of a magnitude of risk closer to 300. That meant that even the best prepared properties were lost.

It is inevitable that with passions running so high in the aftermath of the fires there will be many angry responses. Arson is suspected in more than one of the fires. But, whether born out of anger or frustration or even opportunism, we are starting to see attacks many of which are ill-informed and prejudiced. For example, those involved in town planning, vegetation management, building standards or conservation have come under attack in recent days because many people need to find someone they can blame. On the whole, however, most people are focusing more on preventing such a disaster happening again. People are asking legitimate questions.

If only we had cleared bigger firebreaks, if only we had had underground bunkers, if only building standards were tougher: these issues need to be considered very carefully and objectively, and that is why the royal commission announced by the Victorian government will be such an important process. It will need to deal with not just how the fires started but what could have been done to prevent them and also how well the community was prepared to face them. So, let us hope that the tragic loss of lives and property that has come from the Victorian fires will lead to some real improvements as the royal commission process gets under way.

The Hon. R.L. BROKENSHIRE (14:59): I rise briefly to support the condolence motion. There are no words that I can say that will ease the pain of those who lost their lives and of the loved ones who are grieving at the moment for those who passed away. Our hearts certainly go out to them. I place on record my personal appreciation of the efforts of people, including volunteers, from South Australia—SES, CFS, MFS and SAPOL. I include particularly those involved in the forensic side of it, because it is an incredibly difficult area of work, and they are over there at the moment and need to be acknowledged as well. The recovery work is almost more difficult, from my experience, than when you are in the middle of an horrendous bushfire situation like that. Whilst some of us have been involved in extensive bushfires like Ash Wednesday—and I and anyone else involved in those fires have never forgotten it—not all the lessons from that have been learned. I hope that out of the royal commission will come a positive legacy in that all parliaments and governments in Australia will learn from this tragedy. The National Bushfire Research Centre is also doing a great amount of work in relation to the bushfires in Victoria.

I put on the record the following comments in the hope that at some stage the CFA will read the comments made by members of this parliament. The firefighters who fought the bushfires in Victoria should be very proud of what they achieved, and they should hold their heads high and not blame themselves and feel that they did not do enough. As a former minister for emergency services, I acknowledge that in recent years a superb effort has been made to improve equipment to better fight bushfires. However, the fact is that, when we have bushfires like those experienced in Victoria, they cannot be contained, no matter what resources are available. All anyone can do is try to protect those properties where there is a chance that they can be saved.

My final point is that for many people it was an experience they will never get over, which is something that was touched on by the shadow minister for emergency services. I acknowledge the generosity of all those people who have made donations to the bushfire appeal, and I congratulate them for it. I trust that the money raised will be distributed properly, fairly and equitably.

Because of the intensity of the fires and the damage to the top soil, it will take years for some of the farmers to regrow their pastures. There needs to be ongoing support, and I hope that all members contribute in their capacity as members of parliament.

Premier Brumby did a brilliant job in a very difficult set of circumstances, and we should let it be known to the government and the parliament of Victoria that we will provide ongoing support to these people. It would be very easy for us to forget this event in a few months, but their tragedy, pain and heartache will go on for years, if not decades. I strongly support this most important motion.

The Hon. A. BRESSINGTON (15:02): I also rise to offer my condolences to the people of Victoria. Like most other South Australians and Australians, I sat in front of the television watching this tragedy unfold. I found it very difficult to comprehend that lives could be lost and towns could be completely wiped out in a split second. We have heard stories about people having less than five minutes to get out of their homes to try to make a getaway, and some of those people lost their life whilst they were fleeing. The loss has been so great that it is very difficult to get our head around it.

However, for all of that, we have heard stories of bravery. We saw husbands and wives and mothers and sons re-united. We also saw that here in Australia, in a time of great tragedy, we never lose that Australian mateship. We do rally to each other's aid, and that is something we should all be very proud of.

I also offer my congratulations to the Country Fire Service workers who risked their life, and I want to send them a message that just knowing they are there doing what they do with the spirit with which they do it gives us all a sense of comfort. I will not go on, because other members have gone over the stats and have put on the record everything that needs to be on the record. I am sure that we all agree that our hearts are heavy and that our sympathies are with the people of Victoria. As the Hon. Robert Brokenshire said, we cannot forget this tragedy in a few months because it will probably take many years for people to recover.

The Hon. B.V. FINNIGAN (15:04): I support the condolence motion, and I would like to associate myself with the sentiments expressed by the Leader of the Government and the Premier in another place.

We all know how tragic an event like this is and the number of people who have been affected, and we offer our condolences to the families of those people who have lost loved ones, property and so on. I also commend those who played such an important role in fighting the fires. I think a number of members have mentioned Ash Wednesday. I think yesterday was the 26th anniversary of the Ash Wednesday bushfires, yet we can still recall that tragedy so clearly. I grew up in the South-East and, even though we were in an area that was not as severely affected by the fires as many other areas, I certainly remember the trauma of that day and the terrible impact it had for many years on communities in the South-East. I think we all feel great sorrow that other families and communities are going to feel those effects now and in the coming years.

I particularly want to commend all the firefighters and emergency workers who have worked to combat the fires and to clean up the aftermath and, in particular, those South Australians who have contributed. I know there have been quite a number of people from the South-East area who were quick to offer their help and who did a sterling job assisting in Victoria.

It is well known that the South-East has a certain affinity with Victoria, and Western Victoria in particular, due to its proximity and ties in many familial, cultural and sporting ways. I commend

the firefighters from the area. I know that a number of sporting and community groups have been very active in fundraising and offering their support. I commend the motion to the council. We honour the memory of those who have perished and commit them to God's care. We offer our condolences to their families, and our best wishes for recovery and healing in the future.

The Hon. C.V. SCHAEFER (15:06): I also support this motion. As many of you know, my experience with bushfires was with the Eyre Peninsula bushfires and people I knew who lost their lives, their homes and their properties. For sheer scale and size this terrible tragedy in Victoria makes the Eyre Peninsula bushfire look small, and yet the human tragedy is much the same.

The effort of recovery is only just beginning. We can feel great sorrow for those who are left behind and great sympathy for those who must have died in the most unimaginably horrific and frightening circumstances. However, for those who are left, the recovery process is just beginning. The landscape will recover and people recover on the surface but, underneath, they will carry the scars of these burns for the rest of their life.

I commend the volunteers who fought the unfightable, the unwinnable, fight. This was a bushfire beyond our imagination. As described by so many, it was actually a firestorm. Someone described it by saying that the sky was burning. It moved so quickly that it was not a defendable fire, and we perhaps should thank God that as many survived as actually did.

The logistics of this recovery are almost incomprehensible. I keep thinking about those who are donating. Many semi-trailer loads of fodder have already been donated to help keep stock alive. My experience tells me that, no matter how much fodder is sent, there are no fences and nowhere to keep the stock. We send clothes but there are only so many clothes that people can wear; there are no wardrobes, cupboards or houses to keep them in. We send pet food but many of the pets are dead. We send furniture but there are no homes to put the furniture in.

On Eyre Peninsula, in the end, we had to get shipping containers to put some of the donations in because there was nowhere to store anything. Everything you touch is black and filthy and smells. It is either, ironically, smoke damaged or burnt and charred or, for those lucky few who saved something, it is water damaged. Water tanks have melted; there is no water; there are no sanitary provisions. It is almost like a Third World country, and it will be for many months. The only positive out of this is that it restores people's faith in each other and brings out the best of community spirit in all of us.

If this tragedy has done only one thing, I think it has united us as one community and I hope that it will bring strength and comfort to those who are personally involved. I commend this motion.

The Hon. J.A. DARLEY (15:10): I also rise to support the condolence motion. I recall the 1981 and 1983 Ash Wednesday bushfires during which I experienced firsthand the terror, fury and torment of fires raging towards Mylor in the Adelaide Hills, towards my parents' property, with winds of 60 knots and flames 50 feet high. We were fortunate, on that occasion, that we lost only fences and pasture, but other people lost a lot more. Certainly, the Victorians lost a lot more than we did in those fires.

I extend my deepest sympathy to the friends and relatives of all those people who died in the inferno last Saturday, and I also extend my thoughts towards those people who suffered injuries and property loss. I congratulate everyone involved in the firefighting exercise, which still goes on, and I commend the recovery action that is now taking place. I hope that all victims of the Victorian fires are treated with compassion and sensitivity in trying to rebuild their lives.

The PRESIDENT (15:12): I take this opportunity to support the motion. On behalf of my family, all members of parliament, all parliamentary staff and retired members, I pass on condolences to those who lost loved ones. I congratulate all the volunteers—the firefighters, emergency services and police—the general public who make the sandwiches and feed the firefighters, and all those charity workers who organise charity events in order to raise money, particularly the Salvos, the Red Cross, St Vincent DePaul and many more.

I also take the opportunity to say well done to the Queensland flood victims who raised a lot of money, some of whom gave donated money they received after the floods to the victims of the fires in Victoria. On behalf of all the staff of Parliament House, I hope the wounds heal in the years to come; I know that it will take a long time. To all those Victorians who have lost loved ones, pets and homes, may you have much more luck come your way in future years. We hope that

Victoria recovers from this and that people rebuild. I hope that people prepare better in the future for such things, especially residents of the Adelaide Hills and those who live in the bush.

Motion carried by members standing in their places in silence.

[Sitting suspended from 15:15 to 15:45]

ANSWERS TO QUESTIONS

The PRESIDENT: I direct that the following written answer to a question on notice of the last session be distributed and printed in *Hansard*.

SKYCITY

261 The Hon. D.G.E. HOOD (10 April 2008). Can the Minister for Gambling advise:

1. How many children were found abandoned within, or in relation to, the SkyCity Adelaide Casino in 2006 and 2007?

2. How many thefts and other crimes are known to have occurred in, or in relation to, the SkyCity Adelaide Casino in the last five years?

3. How many 'procedural breaches' has the SkyCity Adelaide Casino committed in:

   (a) 2005;

   (b) 2006; and

   (c) 2007?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs): I have been advised that:

1. The number of minors, up to the age of 17, found unaccompanied by an adult in the SkyCity Adelaide Casino's environs, and reported to the Office of the Liquor and Gambling Commissioner's (OLGC) casino inspectorate in 2006 was 20. The number reported in 2007 was 12. These incidents were not in the casino's licensed area, but were in the vicinity of the casino including outside the North Terrace entrance and on Station Road.

2. The number of thefts and other crimes known to have occurred in, or in relation to the SkyCity Adelaide Casino which were reported by SkyCity Adelaide to the OLGC's casino inspectorate in the period 2002-07 was 447.

3. The number of breaches of procedures detected by the OLGC's casino inspectorate at the SkyCity Adelaide Casino in 2005 was 47. The number detected in 2006 was 95 and 151 in 2007.

NATURAL RESOURCES COMMITTEE

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:46): I move:

That standing orders be so far suspended as to enable me to move a motion without notice concerning the appointment of a member to the committee.

Motion carried.

The Hon. P. HOLLOWAY: I move:

That, pursuant to section 21(3) of the Parliamentary Committees Act 1991, the Hon. D.N. Winderlich be appointed to the committee in place of the Hon. S.M. Kanck (resigned).

Motion carried.

STATUTORY AUTHORITIES REVIEW COMMITTEE

The Hon. B.V. FINNIGAN (15:46): I bring up the report of the committee 2007-08.

Report received and ordered to be published.

PAPERS

The following papers were laid on the table:

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

Reports, 2007-08—
Electricity Industry Superannuation Scheme
Metropolitan Fire Service South Australia—Superannuation Scheme
Regulations under the following Act—
Associations Incorporation Act 1984—Fees

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

West Beach Trust—Report, 2007-08

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

Australian Crime Commission—Report, 2007-08
Regulations under the following Act—
WorkCover Corporation Act 1994—Claims Management—Contractual Arrangements

By the Minister for Gambling (Hon. C. Zollo)—

Rules under Acts—
Authorised Betting Operations Act 2000—Bookmakers Licensing (Amendment) Rules 2009

By the Minister for State/Local Government Relations (Hon. G.E. Gago)—

Reports, 2007-08
Gawler Health Service
Loxton Hospital Complex Inc
South Coast District Hospital Inc. Incorporating the Southern Fleurieu Health Service
Strathalbyn and District Health Service
Yorke Peninsula Health Service Inc
Adelaide Festival Centre Trust—Charter
District Council By-laws—
Port Pirie—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Roads
No. 5—Dogs
Flinders Ranges—
No. 4—Waste Management

By the Minister for Consumer Affairs (Hon. G.E. Gago)—

Regulations under the following Acts—
Liquor Licensing Act 1997—Dry Areas—Long Term—
Naracoorte
Strathalbyn

BUSHFIRE PLANNING

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:49): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. HOLLOWAY: The Victorian bushfires and their tragic loss of life and property have again brought home to South Australians the danger inherent in living within our natural bushland. Victorian Premier John Brumby has already announced that a royal commission will

investigate the causes and aftermath of the Black Saturday fires, and that will no doubt inform some of the policy making in other states. Whilst you can never create a zero risk in bushfire-prone areas, we can attempt to minimise the risk to life and property as much as possible through better planning and building codes. South Australia has implemented a number of initiatives since the Premier's Bushfire Summit in 2003, a meeting called soon after the ACT bushfires that cut a path of destruction through Canberra, a city that portrays itself as our bush capital.

As part of the summit process, the Premier called on South Australians to provide ideas and raise concerns about bushfire preparedness across the state. These contributions from the public and government agencies identified 15 initiatives that the government endorsed on 10 November 2003. In response to some of those initiatives, this government conducted a major review throughout the state to identify bushfire protection areas and rate them in terms of risk—general, medium or high. This was a huge exercise that required identifying and mapping bushfire protection areas and then introducing development plan amendments affecting 39 local councils.

The planning requirements in these bushfire protection areas include such features as: dedicated water supplies for fire fighting; buffer zones between houses and flammable or combustible vegetation; appropriate access roads; and building features which increase bushfire protection. Since the implementation of those protection areas, new housing applications within a high bushfire risk level have to be referred to the Country Fire Service to ensure that the bushfire planning provisions contained in the development plan are met. This approach empowers the CFS to direct the local planning authority to refuse a building application in a high risk area should the bushfire threat be found to be too great, or direct that stringent conditions be imposed.

South Australia has already adopted Australian Standard 3959-1999 in relation to the construction of new homes located in bushfire protection areas. New dwellings in these designated areas need to be designed and built in accordance with the Building Code of Australia and the South Australian Housing Code. While progress towards a national agreement on a building code for bushfire prone areas has dragged on for some time, South Australia has taken the lead by already adopting the national standard. This government has also gone a step further than the Australian Standard to mandate perimeter protection for elevated dwellings to prevent embers, etc., endangering a building from below. To complement the building standard, this government has also introduced requirements through council development plans that deal with clearance distances, access and on-site water capacity.

In the light of the Victorian bushfires, and with the prospect of climate change leading to more extreme weather events more often, South Australia will now review those bushfire protection areas to determine whether the risk ratings need upgrading. That could mean that protection areas that were previously rated as a general risk may need to be upgraded to medium, and medium to high.

A draft of Minister's Code—Undertaking Development in Bushfire Protection Areas has been under development for some time, including a thorough review by the CFS. It is my expectation that legislative force will shortly be given to the final version of that code. Even then, the new code is likely to require further updating as new information comes to light, such as the interim report of the royal commission into the Victorian bushfires. This Minister's Code will enshrine prescriptive bushfire control requirements throughout the state and provide a uniform standard across the 39 local councils that now contain bushfire protection areas within their boundaries. Existing development regulations will require some amendment to ensure that development applications are assessed against these sections of the code.

The government can take measures under the building and planning codes to minimise the general risk, but South Australians living in bushfire prone areas are also required to play their part. This government encourages residents to develop their own bushfire action plans and be prepared to implement them when required. Information on how to develop bushfire action plans can be obtained from the CFS.

PORT AUGUSTA PRISON

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:53): I seek leave to make a ministerial statement.

Leave granted.

The Hon. CARMEL ZOLLO: On 9 October 2008, 39 prisoners engaged in violent behaviour and took control of the Bluebush accommodation block and associated areas within the Port Augusta Prison. Following peaceful resolution of the event, the Department for Correctional Services commenced an immediate comprehensive investigation. The objective of this investigation was to identify issues relating to the management of the incident, as well as implementing possible improvements to operational practice and building infrastructure to prevent the recurrence of such an incident.

The investigation was undertaken by a senior investigator from the department's Intelligence and Investigations Unit, who was supported by a general manager from another prison and a senior advisor in Custodial Services, with further support from the Police Corrections Section of SAPOL.

Incidents such as the one at Port Augusta are serious and entirely regrettable but, unfortunately, at times they can be part of the operational reality in a high security prison. This is certainly not a mitigating factor, but incidents of this nature must be also considered in the context of the high risk that some offenders pose to the correctional system and the volatility of their behaviour.

I am pleased to say that the investigation has not only gone a lot further than merely dealing with the incident management but has also identified a comprehensive range of improvements to building infrastructure and emergency management protocols. I am also pleased to say that all these measures have started to be attended to, some as early as in the days following the incident. It is important that immediate action is taken where considered necessary to restore the operational capacity of the damaged areas and contribute to enhanced staff safety and, in doing so, the safety of our community.

A report of this nature contains highly sensitive information that goes to the heart of the security operation of our correctional system, and it would therefore be irresponsible and inappropriate to publicly outline the details. What I will outline, however, are some of the major findings of the investigation and some of the actions that have been taken as a consequence.

Overall, the incident was unprovoked, but it was clearly led by a small group of highly volatile and dangerous prisoners. It has been established that those prisoners were able to motivate the remaining prisoners to engage in destructive and violent behaviour. In the lead-up to the incident, Port Augusta Prison experienced a great deal of infrastructure upgrades that made daily routines more restrictive for prisoners. Until about August 2008, regular lockdowns occurred in the prison.

The general manager was successful in negotiating and implementing changes to those restrictions, but the changes still resulted in restricted regimes for high-security prisoners in cases where staff had to be reassigned for operational reasons during a shift. This occurred on the day of the incident, when staff had to supervise prisoners in the infirmary. As a result, the fortnightly session on the oval was cancelled for prisoners in Bluebush Unit. While again it should be stressed that this incident was unprovoked, the investigation established that the cancellation of the fortnightly exercise session was a factor that directly contributed to the incident.

During 2007-08, the government ran an aggressive recruitment campaign to attract new staff to prisons across South Australia. Since the major incident, 12 new staff members have been hired at Port Augusta Prison, and a further 10 will commence their training in March. Nevertheless, the government realises that there is still an ongoing issue of attracting staff to regional centres.

On the day of the incident, staff supervising the prisoners at the time had no option but to retreat to a safer area when the prisoners were able to break through a barrier of a food servery area adjacent to the accommodation unit. This necessitated remaining staff to retreat outside the inner secure section of the prison. Prisoners were able to be contained within that section during the entire incident, preventing it from spreading to other parts of the prison. The incident control was handed over to SAPOL, in accordance with established protocols between the two agencies. SAPOL staff were subsequently able to achieve a peaceful resolution.

The investigation identified a range of opportunities to strengthen the emergency management arrangements at Port Augusta Prison and to further augment the coordination of activities between responding emergency services agencies and the department. This work includes the regular testing and practising of emergency response procedures. The tests have now been stepped up, and every prison must run three exercises per month, two of which are practical

tests of procedures and one can be a desktop exercise. In addition, contingency tests will also be undertaken in conjunction with other emergency services.

Since the incident, there have been significant additional upgrades to the physical infrastructure of the prison, totalling around $500,000. This includes the hardening of officer stations, doors and windows; the installation of additional cameras; the installation of bars to cell windows in Wattle, Spinifex and Sandalwood units; and the reinforcement of steel rods in ceilings. In most cases, that work has already been completed or commenced.

The Chief Executive of the department also approved a change to the prisoner mix in the high-security section of Port Augusta Prison. The Bluebush Unit will now house prisoners on protection, with mainstream prisoners being accommodated in Greenbush and Sandalwood units. This allows for an improved separation of low risk prisoners from those who are more volatile, and it will contribute to a greater level of stability without limiting the capacity of the prison to provide the necessary prisoner accommodation.

I am pleased to state that the first of the two units of Bluebush section of Port Augusta Prison was ready for full occupancy before Christmas 2008, and it is anticipated that the second unit will be available for use within the next three months, which will then see the completion of all the repair and building works in that part of the prison.

I am heartened to know that the management of the incident occurred in an exemplary way and that all agencies involved in the management of the incident cooperated well and contributed to the peaceful resolution. This has been a serious test of the ability of our correctional system to respond to spontaneous, volatile and reactive prisoner behaviour and, while I sincerely hope that there will never be a need to do this again, I am encouraged by the fact that the system was able to respond well.

QUESTION TIME

WESTFIELD SHOPPING CENTRES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:05): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about car parking at the Westfield Shopping Centres complex at West Lakes.

Leave granted.

The Hon. D.W. RIDGWAY: Last year Westfield Shopping Centres lodged an application with the City of Charles Sturt to install boom gates at the entrance to the West Lakes shopping complex at its 10 entrances, as well as ticketing machines. I have been contacted by a number of concerned residents of the western suburbs in relation to this issue, and I am advised that last Monday night the council met and received at least two submissions from the No Car Parking Fees for West Lakes Shopping Centre Group.

Since that time the council apparently has decided, given its shared sentiments with the people of that group and a conflict of interest that exists within the council, to refer the decision on who should assess this application to the minister. It is interesting to note that the Australian Electoral Commission donations return shows that, from 2002 to 2007, Westfield Shopping Centres donated some $64,100 to the ALP. My questions to the minister are:

1. Which body should assess this application by Westfield Shopping Centres?

2. Does the West Lakes Development Act 1969—the original indenture—protect the residents from the impost of parking fees?

3. Has the minister or any other government minister met with Westfield Shopping Centres, or representatives of that organisation, since the time of the application?

4. How much has Westfield Shopping Centres donated to the ALP in the past 12 months?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (16:10): In relation to the last question, I have no idea. If the honourable member wants to find out, he should look it up on the Australian Electoral Commission website.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Not to my knowledge. I go to lots of functions all the time.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: I do. I speak at all sorts of dinners and lunches, as would the honourable member, and it is probably quite likely that there would be Westfield people at some of them. However, I certainly have not to been to any fundraising dinners recently, let alone any relating to Westfield.

This is all a red herring because, in any case, I will not be accepting the proposition put by the Charles Sturt council that I should make the determination in relation to what is a boom gate in a car park. Councils quite regularly write to me to ask that the Development Assessment Commission be involved in a planning area because of a perceived conflict of interest by the council. In this case, I think I had a letter from the Chief Executive Officer of Charles Sturt council informing me that the council would be moving this resolution and would therefore be conflicted.

This parliament passed some changes to the Development Act several years ago to appoint development assessment panels, in the majority made up of independent members. There is no reason an independent development assessment panel, consisting in the majority of independent members, should not be able to make a decision in this case.

As I said earlier, I get regular requests from councils, and I analyse them fairly carefully. The Development Assessment Commission (DAC) has a significant workload dealing with very important development matters. In this case, the development application is simply for a boom gate at a shopping centre, and I would not think that would be a significant development application. However, what is significant are the issues behind it, and they are not development issues.

There may be significant issues in relation to whether or not charging should be undertaken at car parks, but that is really a matter for local government to address. It is not something that should be decided as a planning matter; rather, I would think it is a question of legal issues. Really, the thrust of the honourable member's question is whether the indenture would allow that to happen. They are legal issues to be determined.

I believe that the installation of a boom gate at a shopping centre is a matter that should be determined by the council and the independent development panel of that council. I have certainly made a decision to write back to the Chief Executive of the Charles Sturt council informing him that I believe the council's DAP is the appropriate body to make the decision on the matter. I often get these requests from councils, because they may have some interest, perceived or otherwise, in relation to a particular development issue. In most cases, it is my practice to refer those requests back to the council, particularly since they now have development assessment panels, which are comprised in the majority of independent members.

The development assessment panel is the body that should determine whether or not there should be boom gates at a car park. The Development Assessment Commission will occasionally have to determine issues where there is a genuine conflict of interest involving councils, but I do not believe that is the case in this instance.

ECONOMIC STIMULUS PACKAGE

The Hon. J.M.A. LENSINK (16:14): I seek leave to make an explanation before asking the Minister for Gambling a question about the federal government's stimulus package.

Leave granted.

The Hon. J.M.A. LENSINK: Honourable members may recall that in the last week of sitting I asked a question about the December stimulus package and its coinciding with a blip in the gaming revenue. I referred to the fact that the concerned sector, in particular Mark Henley, had stated publicly that people were more likely to gamble in tough economic times. A number of Centrelink recipients and salaried workers who earn less than $100,000 will receive a bonus in the order of $900 or $950 in the months of March and April.

I asked this question previously and, since then, I have had other gambling counsellors advise me that they are aware of several of their clients who attempted to have their barring orders lifted in the month of December. Is the minister intending to have any additional strategies to ensure that people will not try to foolishly gain extra funds by gambling?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs)

(16:15): I thank the honourable member for her question. Just to recap: my response last time was that, essentially, there was a slight rise in that particular quarter and we discussed the fact (as have other people) that there were a number of issues, including that it was the Christmas period and a time when people are more likely to go out and be entertained, have a drink in a hotel or a club and also, perhaps, play gaming machines. There was also a view that there were extra finances in homes because of the drop in interest rates.

I am certain that all of us, other than the federal opposition, welcome the stimulus packages of this very responsible federal government: the first one and, subsequently, the stimulus package that has now passed the Senate. However, as I said, it is regrettable that those opposite are members of a party that tried to stop that federal stimulus package, because it is very much needed in Australia, given the global economic conditions that we face.

As part of the gambling responsibility of this government, we have the Office for Problem Gambling with the Minister for Families and Communities. I have previously placed on record the contribution the government and hotels and clubs make to that fund. I am certain it is something that would be on the mind of those who assist in running those services. Whether one can personally prevent a person from attempting to spend more money is a question of: what do we, as a government, do? The honourable member mentioned barring orders, and we do have, at the moment, I think six different mechanisms for people to bar themselves or be barred by a licensee, the casino or the Independent Gambling Authority. We also have family protection orders.

The honourable member may not be aware that in August 2008 I requested that a barring inquiry be held in this state. A report will be presented to me by October 2009. I understand that there will be a hearing this month (on 24 February) to ensure that all the various mechanisms that we have for barring people are working and working well, and whether we can improve the systems that we have in this state. I am sure the honourable member opposite will welcome that initiative on behalf of this government to ensure that, at a very independent level, people can honestly have a say so that, in the end, we have a better system.

I do not have any statistics with me to tell us, as a state, how much extra funding people who are eligible for that stimulus package will receive. At this time, I am not in a position to even make a comment about it. However, I can say that, overall, we all welcome the extra money that the community will have at its disposal to assist in buying the necessities of life, to assist with the education of children, to assist in so many ways—whether it is paying off bills or whatever. I am sure everybody joins me in hoping that nobody would use that money irresponsibly. However, as I have just mentioned, mechanisms are in place to try to prevent that. Certainly, the office in charge of ensuring responsible gambling would also ensure that some extra mechanisms are in place.

PORT AUGUSTA PRISON

The Hon. S.G. WADE (16:20): I seek leave to make a brief explanation before asking the Minister for Correctional Services questions about the Port Augusta Prison riot.

Leave granted.

The Hon. S.G. WADE: In the aftermath of the Port Augusta Prison riot, the Public Service Association and Offenders Aid and Rehabilitation Services both suggested that overcrowding was a factor in the riot. My questions are:

1. Will the minister advise whether the terms of reference of the internal departmental investigation included a consideration of any factor which may have undermined the stability of the prison at the time of the riot?

2. Did the departmental investigation find that overcrowding was a factor affecting the prison at the time of the riot?

3. Given that the ministerial statement mentioned the recruitment of 22 staff in the context of the cancelled exercise session, did the internal departmental investigation find that the prison was understaffed at the time of the riot?

4. What is the total estimated cost of the repairs, building works and enhancements at the prison following the riot?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (16:21): I thank the honourable member for his further questions in relation to the ministerial statement I made today. I do not have a definitive amount for the repairs because, as I have

mentioned, one of the units is not fully completed yet. I put on record today that, in addition, the department has already spent $500,000 in upgrading the security. In relation to the actual costs, whilst I do not have a definitive figure, it is our view that it will be well over $1 million (or at least $1 million) at this time. We will have to await the outcome in a few months to know how much that amount is.

On the day of the incident, there were around 50 spare beds throughout the system. I have already placed on record that a decision was made that correctional services officers undertake to escort prisoners to the infirmary, and a session on the oval had to be cancelled. I have also placed on record that that was one of the reasons why the incident happened.

In relation to staffing, this government has embarked on a very aggressive recruitment campaign never before seen in this state. I inform the chamber that, since the incident at Port Augusta, from memory, 12 extra staff have joined Port Augusta Prison. Another 10 will be in the training school that commences in March, and my understanding is that a further 10 will join the training school in June, which will more than bring them up to the complement of staffing at Port Augusta Prison.

We have already placed on record that it is often a challenge to get people to work in our regions and sometimes it is difficult to understand why. The other thing I would like to place on record is that we have not lowered our standard in terms of the staff who are chosen to work in our correctional services institutions, nor should we. It means that sometimes, as in this case, we have had to wait a little longer to get the full complement of staff but, since the incident occurred, 12 staff have commenced and, in the next four months at least, we will expect another 20.

For the information of the honourable member opposite, we have a strategy in corrections in terms of ensuring that we have enough prison beds for those in our prisons at this time. I have also mentioned that numbers will fluctuate on a day-to-day basis. We had 50 spare beds in the system on that day and, over the past few months, we have had about 150, even up to 170. I know that today we have 150 spare beds in the system; so, those numbers will fluctuate. I have also placed on record on a number of occasions, including when speaking about the deferment of the new prison, that $65 million will be expended by this government before the new prisons come online at Mobilong. To suggest that we do not have a strategy, really, is just pure nonsense by the honourable member.

PETROLEUM INDUSTRY

The Hon. B.V. FINNIGAN (16:25): I seek leave to make a brief explanation before asking the Leader of the Government and Minister for Mineral Resources Development a question about regulation of the upstream petroleum industry.

Leave granted.

The Hon. B.V. FINNIGAN: The Productivity Commission last July published an issues paper and requested submissions on the regulatory burden on the upstream petroleum sector. The commission published its draft research report in December and requested that submissions be made by 30 January this year. Will the minister explain how the South Australian regulatory regime fared in this review and how the draft recommendations will affect regulation of the industry in this state?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (16:25): I am delighted to inform members that South Australia's approach to regulating the upstream petroleum sector has been highlighted by the commission's draft report as a working example of best practice. Examples of this recognition are reflected in the following extracts from that draft. In relation to South Australia's adoption of the lead agency or one-stop shop approach in regulating the sector, the report states:

> Primary Industries and Resources South Australia was widely seen as a model for other jurisdictions.

In relation to the relative efficiency and effectiveness of various Australian petroleum legislative frameworks, the report states:

> Industry participants' feedback suggests that South Australia has a relatively straightforward regulatory system which could be considered a benchmark for other jurisdictions.

The report also states:

The South Australian Petroleum Act 2000 is simple to follow and regulate. The ease of comprehension of the legislation and its purpose are discernible factors when reading the SA legislation.

In relation to breaking through what are considered unreasonable delays in proceeding with native title negotiations, the report states:

ILUAs provide a flexible alternative to negotiating land access approvals...Such agreements have been used successfully in South Australia...Governments should investigate whether the greater use of such agreements is feasible, particularly as reducing unnecessary process delays should lead to better outcomes for all parties.

I am certain that members will agree that such findings reflect the strong support this government affords the resources sector in this state. In particular, the government recognises the fundamental need for an effective and efficient regulatory framework upon which this sector can operate in a safe and environmentally responsible manner. In response to the second part of the honourable member's question, I can advise that draft recommendations simply reinforce the best practice regulatory principles to which the South Australian framework adheres.

Furthermore, the draft recommendations, if implemented, will assist greatly in delivering a consistent best practice regulatory framework for this sector across all jurisdictions, which has been an ambition of this government for some time and which is why the government supports the draft recommendations. Our submission to the review offers not only support for the draft recommendations but also suggests how the intent of these recommendations could be strengthened. In closing, I congratulate the people within Primary Industries and Resources SA who are responsible for developing and administering this regulatory regime.

Shortly I will be seeking cabinet approval to introduce into parliament a bill that will propose amendments to the Petroleum Act to provide further improvements and strengthen what is already widely recognised to be best practice.

DEVELOPMENT LAWS

The Hon. D.G.E. HOOD (16:28): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about development laws.

Leave granted.

The Hon. D.G.E. HOOD: We are all aware, of course, of the terrible tragedy in Victoria in recent days. Indeed, we expressed our condolences today in the motion earlier, but the sad fact is that it could have been us in South Australia as well. Most recently an article in the *Sunday Mail* carried a revelation that some 300 people could die in an Adelaide Hills death trap (as the article called it) in a fire's first hour if it occurred in certain regions of the hills. Modelling by the CFS apparently concluded that 50 people could die on Sheoak Road, Belair, and noted that sections of Belair, Blackwood, Upper Sturt and Crafers West are so-called 'no-go zones' for CFS crews in a bushfire.

Senior CFS officials also told the *Sunday Mail* that literally thousands of homes are surrounded by bushland and could not be saved in the event of a major bushfire. These homes could conceivably be saved if development laws allowed residents to clear firebreaks around their property without having to go through a tortuous application process or facing hefty penalties under the Native Vegetation Act if they do so.

Indeed, the case of Liam Sheahan is clear proof here. He is a farmer who some years ago bulldozed a firebreak around his home at Reedy Creek in Victoria and, under similar laws to those we have in South Australia, Mr Sheahan was hauled before a magistrate and fined $50,000 for clearing. Last Saturday, that illegal firebreak saved his home and possibly the lives of his family. Indeed, his home was the only one left standing in a 2 kilometre area. My questions are:

1. Does the minister agree that the case of Mr Sheahan in Victoria supports the argument that some over-zealous environmental initiatives may actually be putting human lives at risk for the sake of very small parcels of bushland scrub?

2. If so, does the minister agree that this is entirely inappropriate and, indeed, unacceptable?

3. Will the minister investigate a change to our development laws to allow home owners at risk of bushfire to construct reasonable firebreaks around their properties without the Native Vegetation Council preventing this commonsense, probably lifesaving practice?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (16:31): Earlier today I made a ministerial statement in relation to bushfire planning and indicated that obviously in the light of the Victorian bushfires we need to upgrade what has already been a comprehensive review of bushfire regulations since the Premier's Bushfire Summit back in 2003. I also indicated in that statement that we need to consider whether the events that we saw last Saturday week are likely to occur more often due to climate change. Clearly, in those sorts of situations, as other members expressed during the condolence motion, there is virtually nothing one can do.

In relation to vegetation clearing, it is my understanding that there are already provisions that enable people to clear around a development. Whether or not those distances are sufficient is probably something that will be looked at again in the light of what has happened. However, I also pointed out that following that bushfire summit the development laws have been changed so that if one is to build a residence in a high bushfire risk area, the CFS must look at that development application and has the capacity to either reject it or require certain contingency measures. Indeed, in the aftermath of the Victorian bushfires and the horrific losses, even in cases where there had been protection around many of the buildings that were burnt, there has been some discussion about whether some form of shelter should be mandatory in such high risk areas.

We do have complexity. I know that one of the members in another place has suggested that we should ban all development from taking place in areas such as Sheoak Road. There are some roads around Crafers that, in my view, are worse than that because they have only one way out. At least Sheoak Road has an entrance at each end because it is a through road. There are many other roads up on ridges in that area that have only one entrance. The member for Fisher in another place has suggested that there should be a categorical prohibition against development in those areas. I notice that the member for Davenport (Hon. Iain Evans), who, like me, lives in the Adelaide Hills, has commented that he does not believe that is practical, and I myself have made the same comment.

There are many blocks in the Adelaide Hills that people have bought in the expectation of building on them. If we were to suddenly render those blocks effectively worthless, we would have to consider what compensation we would give to those people. Rather, perhaps the answer is in requiring other forms of protection such as bunkers or housing that is more compatible or offers more protection from bushfires. Of course, that would be expensive but, certainly in my view, home owners in those areas should be prepared to pay. People who live in those high risk areas cannot expect others to put their lives at risk trying to protect them during the sorts of conditions that we had last Saturday week.

There are some complex issues here. I indicated in my statement earlier today that we need to review all current laws in the light of the experience in Victoria. I note that the royal commission in Victoria has indicated that it will provide an interim report in six months, and that report may well resolve some of these matters.

In the condolence debate today, my colleague the Hon. Carmel Zollo raised the issue of whether people should stay or go, and people should make any such decision early if they live in these high-risk bushfire areas. Clearly, we need to look at a whole range of issues, and I think it over simplifies the matter to say that we should simply prevent people from building in a particular area or just totally clear native vegetation. Most of these areas are water catchment areas, and it is important for the integrity of our water resources that we try to keep as much intact vegetation there to protect that.

Obviously, there are a number of other important issues we need to take into account, and I think we have to achieve a balance. We need to learn from the experience of every bushfire, particularly those that are as devastating as the fires in Victoria. We will certainly review all our bushfire policies in that light. I well remember the Ash Wednesday bushfires; many of these issues were debated at that time, and they are not simple matters.

As I said, it is not practical or sensible to undertake mass clearing of our major water catchment areas. Clearly, we should encourage people to live where the risk is lower, and there are many things people can do to remove the risk. However, as I said in my statement earlier, you can never reduce the risk to zero in places such as the Adelaide Hills; you can only lower it to an acceptable level, and how we determine that acceptable level will depend very much on how we assess the increasing danger from issues such as climate change.

It was 70 years ago that South Australia last recorded temperatures such as those we experienced last Saturday week. Given climate change, how long will it be in the future? Will it be another 70 years or another 20 years, or will these be one in 10-year events? No-one knows the answer. We will clearly have to make some judgment because that will determine the acceptable level of risk we can allow in these areas, and it is certainly an exercise the government will be undertaking.

STATE AQUATIC CENTRE

The Hon. R.I. LUCAS (16:38): I seek leave to make an explanation before asking the minister representing the Minister for Transport and Minister for Infrastructure a question about the state aquatic centre fiasco.

Leave granted.

The Hon. R.I. LUCAS: On 26 June last year, the Premier announced that Aqua43, a consortium comprising Candetti Constructions and Macquarie, were the successful tenderers for the state aquatic centre at Marion. Soon after that, industry concerns were raised with the opposition that Aqua43 had won the tender on the basis of a minimal level of state government contribution and that, after winning the tender, had negotiated significantly increased financial benefits or incentives from the state government as part of the final negotiated deal.

These concerns and probity concerns were raised with Treasury representatives four days later, on 30 June, in the Budget and Finance Committee. Soon after that, I lodged a freedom of information request with Treasury for all documents that listed concerns about the proposed aquatic centre deal the government had announced.

In October, Treasury identified that 35 documents that expressed caution or concern about the government deal with Aqua43 existed within Treasury and, unsurprisingly, Treasury found 35 reasons for not releasing any documents to the opposition.

During the months of August and September the Crown Solicitor (Simon Stretton), a senior crown law officer (Mr Chris Gray) and a number of other crown law officers met with senior representatives of the transport department—the Chief Executive (Jim Hallion), Mr Rod Hook and the Under Treasurer (Mr Jim Wright)—where concerns about the probity aspects of this deal were raised by the Crown Solicitor. Subsequent to that, on 8 September 2008, a letter was sent from Mr Jim Hallion to Candetti Constructions summarising the government's position as a result of the probity concerns having been raised by the Crown Solicitor.

Of course, subsequent to that we found out that Macquarie Leisure firstly withdrew from the aquatic centre consortia and then the whole PPP collapsed over the Christmas/new year period. My questions to the government are as follows:

1. Is it correct that, in September, almost three months after the Premier had announced Aqua43 as the successful tenderer, the Crown Solicitor (Mr Simon Stretton) and other officers from the Crown Solicitor's Office expressed concern about the deal and in particular highlighted the 'significant risk' to taxpayers and the government if the deal went ahead as negotiated at that time?

2. Did the government negotiators during that period prior to the announcement of the deal at the end of June give to Aqua43 an additional $5 million worth of state land as a sweetener, that land comprising rail reserve land and Warradale Triangle land in the Marion precinct? Also, did the negotiators further sweeten the deal for Aqua43 by giving further undertakings which led to prospective financial benefits for Aqua43 and which led to the successful negotiation of the deal and the announcement by the Premier on 26 June 2008?

3. Is it correct that representatives of Aqua43 expressed concern to the government after receiving the letter from Mr Jim Hallion dated 8 September that the government had changed its position as negotiator with Aqua43 as announced by the Premier on 28 June?

4. Were those concerns from the consortium raised with the minister and, if so, what action did the minister take in relation to those concerns?

5. Is it now the case that, as a result of the PPP having collapsed and the state government taking over the deal, the taxpayers now have to accept the demand risk in relation to the project; that is, if there are insufficient users of the facility or the facility is poorly managed, the taxpayers will face potentially large and ongoing losses?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (16:43): There are a number of quite specific details which the honourable member asked about, and I will refer those to the Minister for Infrastructure. However, I do not think I should just leave the answer at that. Quite clearly, if we are going to build an international swimming pool, which this state badly needs and which I would have thought everybody in South Australia badly needs, we know it will not be exactly a great money spinner. Of course, this government would have preferred to be able to reach an agreement where the private sector was able to run the swimming pool. The experience all around the world, particularly with an Olympic standard pool—and we are talking about a competitive swimming pool so that our swimmers in this state can compete in national championships and we can hold them here with a FINA standard pool—is that, clearly, that is something you would always prefer the private sector to run.

Of course, if the government sector runs it there will be risks; we know that, because all around the world swimming pools—particularly those that meet FINA standards, which are quite exacting and expensive—are difficult to fund. It is a bit like having a velodrome for cycling or having a soccer field, such as we have at Hindmarsh, which the previous government bought for soccer. Sporting fields, unfortunately, do not tend to be particularly lucrative financial arrangements. I find it rather incredible that the opposition is supporting the construction of a major stadium that will cost $1.5 billion, while the Liberal government in Western Australia has scrapped the Subiaco proposal, which was of that order.

If the honourable member is seriously suggesting that we can build a major sports stadium for something less than that amount, he has not looked at what is happening elsewhere around the world. I find it extraordinary that an opposition that hopes to be in government is proposing to build major sporting facilities, which we all know do not add up financially, but is criticising this government for trying to get out of a situation where we are the only major capital city in this country without a FINA-quality swimming pool.

This is something we need to do. My colleague the Minister for Infrastructure has done his best to get a solution and to get the private sector to fund it, but that has not been possible, so as a result the government will take up the construction of it so that swimmers in South Australia have a swimming pool this state can be proud of. Those points need to be put on the record. If we are talking about Treasury concerns and the like, everyone is concerned that swimming pools and other major facilities struggle to be profitable. This government has done what it can to reduce that risk—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: The last question the honourable member asked was about risk. This government will continue now to support the construction of a world-class swimming centre in this state so that our competitive swimmers are not disadvantaged relative to those in every other major city in this country.

TOUR DOWN UNDER

The Hon. R.P. WORTLEY (16:48): I seek leave to make a brief statement before asking the Minister for Road Safety a question about the young rider's jersey.

Leave granted.

The Hon. R.P. WORTLEY: Recently, South Australians were caught up in the excitement of this year's Tour Down Under. I am aware that the young rider's jersey included a message 'Cycle instead'. I am also aware that in previous years the young rider's jersey featured the 'Share the road' message. Will the Minister for Road Safety explain the significance of the 'Cycle instead' message?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (16:48): I thank the honourable member for his very important question. Since the inauguration of the Tour Down Under in 1999, the Department for Transport, Energy and Infrastructure (DTEI) has annually sponsored the young rider's jersey. It is awarded to the rider under the age of 25 years with the fastest cumulative time at the end of each stage. The jersey gives encouragement to a young rider and provides DTEI with a unique opportunity to encourage safer cycling.

As we all know, this year's race received unprecedented exposure, with over 700,000 spectators lining the streets, along with intensive media coverage throughout Australia and the

world. This year, for the second time in a row, the jersey was won by the young Spanish rider José Joaquin Rojas. José was also third overall in this year's tour, which meant that the jersey had a high profile at all stage sprint finishes.

The very first overall winner of the young rider's jersey was Cadell Evans, who progressed to be runner-up in last year's Tour de France. Another rider to win the jersey twice in this state is South Australia's very own Gene Bates. The 'Cycle instead' message aims to encourage South Australians to give cycling a go. We all know that cycling produces many benefits for our community. Cycling instead of driving can be a healthier, economical and sometimes even quicker way to get around. Climate change is widely recognised as one of the world's most serious challenges, and transport-related emissions have contributed significantly to greenhouse gas increases. Cycling instead of driving is a great way to care for the environment.

After 10 years it was time to promote a new and fresh proactive cycling message through the young rider's jersey. The 'Share the road' campaign has not been lost and is now conducted by the Motor Accident Commission through promotional materials and media. The key message for the 'Share the road' campaign remains that both motorists and cyclists are legitimate road users and deserve each other's respect and consideration. All road users need to look out for one another, particularly cyclists and motorists. All road users need to be responsible and give way in accordance with the road rules.

Motorists need to leave adequate space between themselves and cyclists, particularly when overtaking and, of course, cyclists must obey the road rules. Promoting both the 'Cycle instead' message and the 'Share the road' campaign message will help fulfil the state government's cycling strategy goal of more people cycling safely more often in South Australia. The 'Cycle instead' message will be successful only if people have safe and convenient places to ride. I am pleased to advise that since the Rann government came to office the length of shared use paths developed in Adelaide has increased by 40 per cent, and the length of on-road bicycle lanes has increased by 60 per cent. The 'Cycle instead' message will continue to be promoted through various cycling publications and maps, TravelSmart programs and school active travel initiatives delivered by DTEI.

SA WATER

The Hon. J.A. DARLEY (16:52): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development, representing the Minister for Water Security, questions regarding SA Water's billing procedures.

Leave granted.

The Hon. J.A. DARLEY: In July 2008, the Treasurer admitted that SA Water had been issuing incorrect accounts to its ratepayers, which saw SA Water prematurely charging ratepayers a rate for water that was not to come into effect until 1 July 2008. Following this fiasco, SA Water issued thousands of ex gratia payments to ratepayers to correct the error. The payments were made in the form of a cheque and were later shown on accounts as an adjustment.

I understand that recently many ratepayers have been confused by a further adjustment to their account. When queried about these adjustments, SA Water indicated that the initial adjustment last year was incorrect and that a further correction was necessary to ensure the correct amount was refunded. My questions are:

1. Can the minister confirm that further adjustments were made by SA Water as a result of its incorrectly calculating the initial refund?

2. Why were additional errors made on these relatively simple calculations?

3. What was the further cost of correcting this second error?

4. Can the minister give an assurance that all future accounts will be correct?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (16:54): I will refer the honourable member's question to the Minister for Water Security in another place and bring back a reply.

SOUTH AUSTRALIAN JOCKEY CLUB

The Hon. T.J. STEPHENS (16:54): I seek leave to make a brief explanation before asking the Minister for Correctional Services, representing the Minister for Recreation, Sport and Racing, questions about the ongoing investigation into the South Australian Jockey Club.

Leave granted.

The Hon. T.J. STEPHENS: It was recently announced that the inquiry into the activities at the South Australian Jockey Club, which was conducted by the legal firm Lipman Karas, is close to being completed. Those involved in the South Australian racing industry have been patient and are keen to know the results of the inquiry. The Thoroughbred Racing SA Board was evidently briefed recently by Lipman Karas about the progress of the inquiry.

The industry has received support recently by way of taxation reform and also protections by way of legislation, which was supported in a bipartisan fashion in this chamber. Given the amount of support given by the taxpayers of South Australia, my questions are:

1. Has the minister been briefed by Mr Philip Bentley, the chair of Thoroughbred Racing South Australia, about how the inquiry is progressing?

2. Does the minister agree with the opposition that this report must be made public to remove the cloud hanging over the industry in South Australia?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (16:55): I thank the honourable member for his questions in relation to the investigations into the SAJC. I will undertake to refer his questions to the Minister for Recreation, Sport and Racing in another place and bring back a response.

CONSUMER PROTECTION

The Hon. J.M. GAZZOLA (16:55): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about future directions for consumer protection.

Leave granted.

The Hon. J.M. GAZZOLA: Businesses, consumers and governments need to ensure that they can respond to new and emerging consumer protection needs. As you know, Mr President, there are a variety of mechanisms, including legislation and self-regulation, that are designed to address consumer protection issues. Will the minister advise the council what is being done to promote national and international perspectives of consumer policy?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (16:56): South Australians can expect in the future far stronger consumer protection relating to product safety, unfair contracts and payday lending after national and international experts hotly debate ideas in Adelaide.

These matters are included on the national consumer law agenda, with detailed policy approaches to be influenced during the 2009 National Consumer Congress, hosted by the South Australian Office of Consumer and Business Affairs. The National Consumer Congress will be held from 11 to 13 March.

Nationally, consumer law is undergoing significant change, and this congress is set to contribute to the positive outcomes these changes hope to achieve. Product safety is to be coordinated nationally, providing for closer scrutiny and follow-up. Tighter regulation of the credit industry is now being formulated to put dramatic pressure on payday lenders in a bid to stamp out unconscionable conduct. Unfair contracts legislation will pave the way to change the unreasonable terms of a contract or even void it altogether. As recently as this morning the federal Assistant Treasurer, Chris Bowen, announced the release of a consultation paper to look at addressing unfair contract terms.

The reform of consumer law in Australia is gaining momentum, and this congress will be an exciting opportunity for consumer leaders from Asia, Europe and the UK to join their Australian counterparts from the industry, academia and national consumer groups to influence that change.

Some of the brightest and best consumer professionals in the nation, as well as those from around the world, are being attracted to the theme 'A fair marketplace?', and we hope that it will inspire discussion about fostering a fair marketplace in a changing global environment.

Our guest speakers are eminent heads of their professions, and this is a fantastic opportunity for South Australia to really tap into cutting edge thinking. The congress will encompass a series of presentations and debates around this year's theme, and it will also address current consumer issues, such as sustainability and consumer and business ethics. I look forward to participating in this congress and hearing the views of the consumer professionals who will be attending that forum.

NATIVE VEGETATION CODE OF PRACTICE

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (16:59): I table a copy of a ministerial statement relating to a review of the code of practice for the management of native vegetation to reduce the impact of bushfires made in another place by the Hon. Jay Weatherill, the Minister for Environment and Conservation.

QUESTION TIME

POINT LOWLY

The Hon. M. PARNELL (16:59): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about development on the Point Lowly Peninsula.

Leave granted.

The Hon. M. PARNELL: Last night, the Whyalla city council unanimously passed the following motion:

That in view of feedback to Council as a result of engagement with the local community regarding the development of a deep sea port at Point Lowly, the Whyalla City Council call upon the State Government to:

- Immediately review current site selection process to encompass a regional approach and seriously consider alternative port proposals.
- Initiate a new site (or sites) selection process for the establishment of a deep-sea port (or ports) to meet the long-term needs of all current and proposed future developments of the mining industry in the region.
- Ensure that the new selection/decision-making process involves regional communities from the start and that the process embodies genuine triple bottom-line planning (environmental, economic and social). Form a new committee or working party which includes representation from state government, regional councils, regional economic development boards, the private sector, local indigenous groups and local and state based environmental groups, which has the task of implementing an International Association for Public Participation Australasia engagement process to establish criteria for port infrastructure and site selection.

This motion, carried unanimously last night in Whyalla, follows an extensive consultation process undertaken by the council in which over 300 residents responded. I understand that that is the largest response Whyalla council has ever had on an issue. The media reports today suggest that the Eyre Peninsula Local Government Association will back the council's call. In addition, a new group has formed in Whyalla called the Alternate Port Working Group which is made up of members with, collectively, hundreds of years' experience in heavy industry, engineering and major projects, and it argues that Point Lowly is not in the long-term interests of the mining industry. My questions to the minister are:

1. In response to this clear call from the local council and the local community, will the government now take seriously the search for an alternative site to the proposed new mineral exporting facility at Point Lowly?

2. Will the government accept the council's call and initiate a new site selection process that genuinely takes into account social, environmental and economic factors for the establishment of a deep sea port in the Whyalla region?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (17:01): The answer to the question is that, of course, the government has put a significant amount of time into investigating an appropriate site for a deep water port to the north of Spencer Gulf. There are not, unfortunately,

a huge number of alternative sites around which meet all the requirements relating to a major facility.

There is currently an environmental impact statement (which is being printed as we speak) by BHP Billiton relating to its proposals for the Point Lowly area. I believe that will be released on 1 May and it will be the largest document ever printed in this state when it is prepared. It will be looking at many of the issues that were included in the honourable member's questions. That is just one of the proposals which impacts upon this particular site.

It is my understanding that expressions of interest were called in relation to the particular proposal by my colleague the Minister for Infrastructure. I understand Flinders Ports has been doing some work on that matter. If I recall correctly, it was given four months to look at options, and that period of time must be coming towards its end. They are matters for my colleague the Minister for Infrastructure. I will see whether he has anything further to add in relation to the questions.

However, I would not like it to be suggested that there has not been a very comprehensive and significant process embarked upon by the government in looking at the viable alternative sites for ports in that area. There are mining and other types of operations in the region that need consideration in relation to Eyre Peninsula. There are mines closer to Port Lincoln, and I am sure that the honourable member is aware that companies such as Centrex have been looking at both temporary facilities in Port Lincoln and alternative ports in that part of Eyre Peninsula.

There may well be a number of sites ultimately chosen but currently, as I understand it, Flinders Ports is looking at the feasibility of this particular site, and it is the government's view that that process should be completed. When that process has been completed by Flinders Ports, we will be in a position to go forward in whatever way is deemed appropriate. I certainly do not accept that government has not given significant consideration to possible sites for a major port within the Upper Spencer Gulf region.

DEPARTMENTAL REGIONAL BOUNDARIES

The Hon. J.S.L. DAWKINS (17:05): My questions are directed to the Leader of the Government are as follows:

1. Given that the government's deadline for the implementation of common regional boundaries across all departments and agencies was pushed out from 31 December 2008 to 30 June 2009, will the leader advise which departments and agencies failed to meet the original implementation date?

2. Will the minister also inform the council of the progress in the matching of senior departmental officers with the existing relevant regional coordination networks and the appointment of the chairs of each network?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (17:05): I will have to take that question on notice in relation to the details. I know that South Australia Police was one group that raised issues—very reasonable issues, I might say—in relation to the boundaries. It is very difficult to get common boundaries that are reasonable for every single government agency, given the great diversity of tasks which different government agencies undertake.

By and large, government agencies have been able to work within common boundaries. Some departments have experienced issues which they have had to resolve. I know the police had a particular issue over in the Eyre Peninsula region, for example. I think there were also some issues with one of the boundaries within the metropolitan area. However, by and large, most government agencies have been able to adjust to those boundaries. I will get an update on the situation from the department and bring back a response to the honourable member.

PROSPECTOR OF THE YEAR AWARD

The Hon. I.K. HUNTER (17:07): My question is to the Minister for Mineral Resources Development. Is he aware of the Prospector of the Year Award and any recent acknowledgement of the level of exploratory work being undertaken in South Australia?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (17:07): I thank the honourable member for his question. Australia's mining and exploration industry gathered in December to mark the end of a tumultuous year and acknowledged the work of its peers. At the Association of Mining and Exploration Companies (AMEC) end of year dinner, my federal

colleague Martin Ferguson presented the prestigious AMEC 2008 Teck Prospector of the Year Award. This award was presented to David Brunt, Geoffrey McConachy and Andrea Marsland Smith for their work in discovering the 4 Mile uranium deposit, located 550 kilometres north of Adelaide.

AMEC chief executive officer Simon Bennison said that the award recognised a special mix of technical and scientific excellence, innovation, persistence and outstanding leadership. As Mr Bennison told the dinner, the AMEC Teck Prospector of the Year Award highlights the critical importance exploration plays in Australia's long-term social and economic wellbeing.

The South Australian government also acknowledges the important role that exploration plays in laying the groundwork for establishing mines that generate jobs, investment and export earnings for this state. When this government took office, there were only four major operating metals mines in this state, and annual spending on mineral exploration averaged $40 million. Thanks to initiatives such as the Plan for Accelerating Exploration and this government's one-stop approach to approvals, annual spending surged to a record $355 million last financial year, more than tripling the government's ambitious target of $100 million a year set down in the South Australian Strategic Plan. When coupled with petroleum exploration, that figure leaps to more than $500 million annually.

The increased expenditure on exploration has led to the number of major operating mines increasing to 11, with a pipeline of up to 30 projects still on the books since this government came to office almost seven years ago. The continued interest in South Australia for exploration reflects the confidence that minerals companies have to invest in this state. The ongoing global economic uncertainty has made financing for some of these 30 mining projects more problematic, but the government remains hopeful that, as stability returns to the global economic outlook, many of these projects will proceed. Meanwhile, the hard work of exploration continues.

The recently announced Prospector of the Year Award acknowledges the work of explorers in unearthing the 4 Mile uranium deposit in 2005. The 4 Mile deposit is considered one of the most significant uranium discoveries anywhere in the world in the past 25 years. The project is a joint venture between Quasar Resources Ltd (with a 75 per cent holding) and Alliance Resources Ltd (with the remaining 25 per cent). Quasar Resources is a wholly owned subsidiary of Heathgate Resources, operator of the Beverley uranium mine, located 8 kilometres from this important new discovery. The 4 Mile discovery was supported by a PACE grant from the government's PACE collaborative drilling program.

I congratulate the winners and I look forward to the developers of this exciting project working with PIRSA and other regulatory agencies in tapping the potential of this strategy. I also assure South Australians that, while this government welcomes investment to develop South Australia's mineral resources, all mining applications are subject to rigorous technical and environmental assessment. This application process also includes extensive scope for public consultation. This proposed mine underlines South Australia's importance as a major source of the world's uranium resource. The investment already made by the joint venture at 4 Mile would not have been possible without the certainty provided by the ALP's uranium policy.

VICTORIAN BUSHFIRES

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (17:11): I table a copy of a ministerial statement relating to the Victorian bushfires made earlier today in another place by my colleague the Hon. Michael Wright, Minister for Police.

MOUNT GAMBIER HOSPITAL HYDROTHERAPY POOL FUND BILL

Adjourned debate on second reading.

(Continued from 4 February 2009. Page 1190.)

The Hon. A. BRESSINGTON (17:12): This is somewhat different to the legislation that we usually address in this council. Nevertheless, the thrust of this bill is simple enough: it proposes to allow donations that were made for a hydrotherapy pool in Mount Gambier to be returned after the appeal was aborted due to a lack of funds. The bill also requires the health advisory council to consult with the Mount Gambier community and recommend a project to put any remaining moneys towards the funding. However, the final determination will be made by Country Health SA.

It is possible that up to $170,000 could be given back to identifiable donors, which would leave $130,000 able to be allocated. Members have touched upon these issues in their speeches in the other place and also in this chamber, and I note the contribution of and amendments proposed by the Hon. John Darley. However, I would like to bring another angle to this debate: is it still possible that there can be a hydrotherapy pool in Mount Gambier?

As members are aware, the appeal, which attracted widespread support more than eight years ago, fell through when the Mount Gambier Hospital announced that it could not afford to install and operate a large hydrotherapy pool. It is my understanding that the government has no current plan for the establishment of such a pool at Mount Gambier.

My office was informed by a spokesperson from the health department that it was not seen as a priority and that the benefits of a pool were outweighed by the exorbitant cost of building and maintaining it and, as such, the community had accepted that the idea had been shelved. I decided that I would look into the matter further just to make sure.

I was interested to read an article in the local paper, *The Border Watch*, dated 9 December 2008 entitled 'Hydrotherapy pool push revived' which asserted that the Mount Gambier community's RSL had reignited a push for a hydrotherapy pool to be built. A phone call to the RSL's executive officer, Jock Chambers, confirmed that more than 2,000 members were supportive of the continued lobbying of the government for a pool and that, following a meeting last November, a submission had been made for the Mount Gambier Hospital's newly established health advisory council to consider.

It seems to me that the government has been trying to act as though demand for the pool had subsided simply because it does not want to spend the money on maintaining it. An RSL member with whom my office spoke disputed the government's claim that a pool would cost too much to maintain and operate, although he said that an issue had been the health department's committing itself to ongoing maintenance costs and also the reluctance on the part of the hospital administration to get behind the project. RSL State Vice-President Peter Coulson said that he was in the process of getting a reliable quote, and that he was totally convinced that Mount Gambier could purchase and maintain a slightly smaller pool than the one at Griffith Rehabilitation Centre at Hove, which he said cost about $12,000 to $15,000 a year to maintain, and that is excluding heating.

The Chairman of the Community Advisory Committee also said that he was a strong advocate for a hydrotherapy pool and that the committee had voted twice in favour of one. He said that, while the government said that the ongoing costs would be ludicrous and had been estimated at around $150,000 per year, he believed they had not been correctly evaluated. He said that the pool did not need to be massive and that maintenance costs could be offset by others, such as local physiotherapists and orthopaedic surgeons hiring the pool, as he had previously seen work well in Western Australia.

He said that he could name many people who could benefit from it, such as those recuperating from strokes and those with back and leg injuries who were trying to make do with normal pools. Although the lower house has already passed this bill to have the $300,000 returned to the community, clearly there is still strong demand for this facility in Mount Gambier. Let us keep in mind that $300,000 was donated by locals for its construction—no small feat for a city of fewer than 24,000 people (according to the 2006 census). Let me just say that I am certainly not in favour of the government holding onto this money which really belongs to the Mount Gambier community. I just think that, as such a large amount of money was donated for the purpose of building a hydrotherapy pool, if it is feasible and the demand for such a facility still exists, should not our priority be making it a reality?

Of course, this would take a 'can do' attitude, which the Leader of the Opposition in the other place often tells us this government just does not have. An RSL member pointed out to me that South Australian towns smaller than Mount Gambier (such as Naracoorte) have hydrotherapy pools, as do many over the border. He said that the health and wellbeing of the older population in particular would greatly benefit from such a facility. Hydrotherapy is most often used to treat musculoskeletal disorders, such as arthritis. Like many regional areas, Mount Gambier has quite an ageing population. Indeed, I am told that the biggest residential building complex is the retirement village, and the renewed push for a pool has been instigated by the RSL.

It would also benefit those recovering from accidents at work, such as those on WorkCover, or sporting injuries, for example. Patients suffering burns, spinal cord injuries and

spasticity would also greatly benefit from a hydrotherapy pool. In response to this renewed push, my office met with the RSL's State Vice-President Mr Peter Coulson, Grant King of the Mount Gambier Health Advisory Council and Tony Donohue a local pool manufacturer. Mr Donohue provided a quote on the supply and installation of a 10.5 metre Southern Cross Compass pool. The total cost, including GST, was just under $65,000. This included things such as a solar pump and sensor, dual pump and filtration, vantage in-floor cleaning, and so on.

Mr Donohue also advised that in South Australia automatic dosing units are mandatory and that the approximate cost of this would be around $4,500—and this is outside work. The cost of installing a chair with no water connection was $13,520, with UV sanitisation approximately $3,000 to $5,000 depending on the approximate pool working load. All up, Mr Donohue estimated that capital for the pool would not exceed $100,000. I am told that the government's main issue is with the ongoing costs. My office contacted Country Health SA to request a copy of the operating costs of the Naracoorte hydrotherapy pool, but unfortunately I am yet to receive this information. I do hope that this has not been stalled so as to let this bill pass unhindered in the meantime.

At this meeting my office was provided with some information on Griffith Rehabilitation Hospital's hydrotherapy pool. It is 13 x 6 metres in size with a depth of between 900 centimetres and 1.5 metres. The pool's capacity is 93,600 litres, which is slightly larger than what has been proposed by Mr Donohue. Annual system operating costs, excluding heating, were around $15,000. Unfortunately, I was unable to be provided with the costs for electricity or gas, which undoubtedly will comprise a very significant percentage of the running costs.

However, I ask the minister to consider whether this small pool could be achieved within the funds available considering that the significant solar-power system would offset the electrical operating costs. As for location, the Mount Gambier Hospital was seen by those at the meeting as the preferred site but not the only option. Of course, the cost of building works would need to be considered. The RSL estimated that about $50,000 would be required for this. I believe that there is something for the government and Country Health SA at least to consider here, and I wanted to draw this matter to the attention of this council. As I said, many stakeholders have informed my office that the original costs were vastly overstated, particularly with the smaller size pool.

It is possible that the project could still be feasible without being a drain on government finances. In addition, as a major regional centre, I think that Mount Gambier deserves such a pool. We have heard a lot of rhetoric about regional hubs, world-class facilities, super hospitals, and so on. Under the government's Country Health Care Plan, Mount Gambier was designated as a major hub, and therefore I believe it should have such facilities. After all, they are common, very common, in Adelaide. Why should Mount Gambier residents be treated as second-class citizens? If the government is serious about the health of the state's second largest city (as one local member told me), it needs to put its money where its mouth is. Another said that he was convinced that there is a need and that the government's plan should reinforce that.

I believe the government's refusal to provide a hydrotherapy pool in Mount Gambier is further proof that the country health plan is solely about savings and not services. It is not as though the residents at Mount Gambier are asking to be world leaders. When smaller country hospitals such as Naracoorte offer hydrotherapy, it seems ridiculous that the super hospital in Mount Gambier will not. So, my message to members is that I believe we should listen to the demands of Mount Gambier residents and have a hydrotherapy pool there if it is feasible, and that should be the ultimate goal. However, if I am wrong and the costs are simply too high, I will be happy to humbly apologise and support the intention of the bill.

It is an interesting point that the RSL and the Australian Hotels Association have indicated that they would prefer money to go to local charities and not to another hospital project. Is this indicative of the disillusionment in respect of this process? Mr Acting President, I table documents relating to quotes for this project, so that other members can access that information.

I commend this bill to the council. First and foremost, we should be considering whether this is a possibility and it is just a lack of will that is preventing it. The benefits of hydrotherapy are well-known and appreciated, well documented and proven and, as a medical treatment, can bring a great deal of benefit and faster healing to many people who suffer injuries. So, I ask members to consider this point of view.

The Hon. R.D. LAWSON (17:24): I rise to briefly contribute to the second reading of the Mount Gambier Hospital Hydrotherapy Pool Fund Bill and to make a couple of points. I certainly agree with the sentiments expressed by the Hon. Ann Bressington in her contribution a moment

ago that it is a great pity that the hydrotherapy pool project at Mount Gambier seems to have been abandoned at a time when other hospitals in this state have hydrotherapy pools and are using them and finding them effective.

I recall some years ago visiting the Jamestown Hospital, which wanted a hydrotherapy system installed. The hospital received no support on that occasion from the health department. It raised funds locally and was able to purchase a pool that had been used as part of the Sydney Olympics. That is an example of a small community getting behind its hospital and installing a facility that locals would use, notwithstanding the fact that the central bureaucracy did not wish to support it. So, it is a pity that the moves to establish a hydrotherapy pool at Mount Gambier had to be abandoned, because the community, by its support to the extent of a quarter of a million dollars, clearly wanted one. However, the project was simply not funded, and that is regrettable.

The second point I would make is that as a matter of principle it is right that those who make charitable donations for a purpose which fails ought have an opportunity to have their money refunded to them, and that is something that ought to be reinforced and is a central feature of this bill. It is all very well to say in relation to some appeals that the individual amounts donated were so small that the cost of refunding the money outweighs the funds themselves; but, when people establish a fund, they have to bear in mind that, if a fund does not succeed, those who established it should be responsible for returning, or at least offering to return, the money to those who made the donations. Very often people will say, 'I do not want the money back. I have given it and I am happy to see it used for some similar purpose'. However, if they do not say that, they ought to have their money returned.

The third point I would make is that I think it is regrettable that this has taken as long as it has to reach this stage. This money has been sitting there for years. It has not been appropriately used. When it was clear to those in control of this scheme that it was not going to work, the process of return ought to have been embarked upon immediately.

Indeed, I think in cases such as this consideration ought be given to making it a term of the original appeal that if the money is not able to be used for the intended purpose within a specified period it will be returned to the persons making the donation if they have indicated on their donation form that that is their wish. When hospitals and other organisations are undertaking appeals of this kind, I think it would be appropriate for them to indicate that, if the money cannot be used for the intended purpose within a specified time, it will be returned.

We insist, for example, in relation to lotteries, raffles and the like that there be an end date by which the raffle has to be held and the prizes distributed. You cannot go on extending until such time as you have raised sufficient money. You actually have to meet your commitment. I think it is regrettable that, in cases such as this, a similar sort of scheme does not apply. Indeed, I ask the minister to indicate whether any information is available to show whether such a scheme would be practicable.

I commend the Hon. John Darley for proposing amendments to ensure that the Commissioners of Charitable Funds, under the Public Charities Funds Act, fulfil the function that is truly theirs under our law. I am glad to see that the Mount Gambier and Districts Health Advisory Council Inc. will be the body to be consulted in relation to the disposition of the balance of any funds that are not refunded.

I notice that the Hon. John Darley has this day placed on file four pages of amendments; I gather they are not of great significance. Frankly, I have not had an opportunity to study them in detail. I gather that it is not intended to take the bill through the committee stage today; I think that is good, because members ought have the opportunity to examine the amendments proposed before they are discussed in detail.

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (17:31): By way of concluding remarks, I thank the Hon. John Darley, the Hon. Ann Bressington, the Hon. Robert Lawson and the Hon. Stephen Wade for their contribution.

The government's bill achieves the primary purpose of enabling the funds held by the Commissioners of Charitable Funds for the failed hydrotherapy pool to be used for an alternative purpose that is acceptable to the local community. The bill provides for the Mount Gambier and Districts Health Advisory Council and Country Health SA to be responsible for developing an alternative proposal for the use of the funds and for the Mount Gambier and Districts Health

Advisory Council to be responsible for the consultation process. It therefore ensures that the community are informed and part of the decision-making process.

The bill prevents Country Health SA from using the money for a purpose that is not generally acceptable to the local community, and it requires Country Health SA to return donations, with interest, to those who request it, subject to some verification that they are legitimate donors. The bill has all the principles in the legislation that are required to ensure a satisfactory outcome for this issue. Crucially, the bill before the council is supported by the Mount Gambier and Districts Health Advisory Council.

The government believes that it is not the appropriate role of the Commissioners of Charitable Funds to be involved in the process of community consultation and the development of an alternative proposal. For this reason, and because health advisory councils do not as yet have deductible gift recipient status, under the bill the money is to be transferred to Country Health SA, where it can be properly held until an alternative proposal is agreed to. The Commissioners of Charitable Funds support the bill as it is tabled in the council, since it will resolve the situation for the Mount Gambier Hospital.

The government accepts that the amendments to the bill before the council would achieve the same outcome for the community in and around Mount Gambier in terms of consultation on a proposal and the return of donations. Again, the Commissioners of Charitable Funds support these amendments because of their wish to resolve the situation. The government thanks the commissioners for their flexibility in this matter.

Again, in order to try to finalise this issue, the amendments are supported by the Mount Gambier and Districts Health Advisory Council. The government, too, is keen for the matter to be resolved and, because the amendments are in keeping with the principles of the Health Care Act, the government accepts the amendments before the council.

The government would like to correct a matter put before the council by the Hon. John Darley, that is, that Country Health SA was incompetent or negligent in failing to obtain deductible gift recipient status endorsement by the Australian Taxation Office of the health advisory councils. In 2008, the Department of Health asked the Australian Taxation Office to consider the deductible gift recipient status of health advisory councils. The department was only recently advised that the Taxation Office's senior tax counsel is currently looking at this matter. The Australian Taxation Office is yet to make a ruling.

In relation to the proposal put forward by the Hon. Ann Bressington, namely, that it is still possible that an alternative cheaper pool could be built under this bill, the honourable member may well be right. It may be the case, and it may be the course of action the local community choose to take. The consultation process, which will be undertaken following the passing of the bill, will allow the community to determine the type of project on which they choose to spend the remainder of their funds. It is up to the local community to determine whether they want a smaller version of the pool, if the cost is within the funds available, or some other alternative.

The original project could not be implemented due to the fact that the finances could not be raised. The donations have been offered for return, and the government has given a commitment in relation to this matter. Therefore, the amount of funds available will only be known once the original donors have confirmed whether or not they require a refund of their donation. So, we do not know how much will be in the fund to spend on an alternative proposal, and we need to go through that process before we know what will be left in the kitty, so to speak. This amount will obviously have a bearing on the alternative proposal that can be implemented. As I said, the Hon. Ann Bressington's proposal may well be the viable alternative the local community choose. So, it is the government's intention that the incorporated health advisory councils be endorsed to have deductible gift recipient status. With those comments I look forward to the committee stage and, if I have not answered all questions, I am happy to do so then.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Progress reported; committee to sit again.

STANDARD TIME BILL

Adjourned debate on second reading.

(Continued from 5 February 2009. Page 1225.)

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (17:38): I will be very brief in summing up. I thank the Hon. Michelle Lensink for her contribution to the debate on this bill. I am grateful for her indication of the opposition's support. This bill will replace references to Greenwich Mean Time with the more accurate time measurement scale called Coordinated Universal Time. The passage of this bill will ensure that South Australia is brought into line with all other Australian states and ensure that South Australia operates as part of a uniform national time standard. While the proposal will not change the actual time in South Australia to any noticeable degree, the public and businesses that rely upon precise time measurement will benefit from the certainty in the use of uniform terminology in standard time legislation in South Australia. On a final note, on behalf of my colleague in another place I acknowledge and thank parliamentary counsel and staff from SafeWork SA for their assistance and support in drafting this bill.

Bill read a second time and taken through its remaining stages.

KAPUNDA HOSPITAL (VARIATION OF TRUST) BILL

Adjourned debate on second reading.

(Continued from 4 February 2009. Page 1192.)

The Hon. S.G. WADE (17:47): I will speak briefly to indicate the opposition's support for this bill. Given the nature and content of the bill, I will not speak at length. Its purpose is to address an innocent oversight by the Eudunda and Kapunda health service, now the Eudunda Kapunda Health Advisory Council. The Health Advisory Council is a trustee of the 1877 trust deed in respect of the Kapunda Hospital, a trust deed that stated that any current or future buildings on the land covered by the deed can only be used as a hospital or as a purpose of the hospital. Unfortunately, the health service as it was then, did not adequately investigate the provisions of the trust when, in 2005, it entered into an agreement whereby Child Care Services Australia would utilise an unused portion of the trust land to establish a child-care centre.

The creation of the child-care centre has been beneficial to the hospital and its staff by providing a nearby child-care facility. However, whilst it was beneficial, it was not in accord with the provisions of the trust, and this was identified in 2006. The government advised that as the child-care centre was in breach of the trust provisions, the centre would be required to close down unless the trust deed was varied by legislation.

The minister in another place said that the government considered that, given that Child Care Services Australia had entered into the agreement and established the child-care facility in good faith, it would seem unfair to disadvantage the entity for what was essentially a failure of the Eudunda and Kapunda health service. Accordingly, the parliament has this piece of legislation before it to amend the trust deed so that the trustee, with the approval of the minister, may permit land not used by the hospital to be used for other purposes, which in this case will be the provision of child-care services.

The opposition agrees with the government's approach on this issue. We consider that, as the child-care services are beneficial to the hospital, and as the agreement was entered into in good faith, Child Care Services Australia should not be penalised and the trust should be amended. We therefore support the bill and look forward to its passage through the remaining stages.

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (17:50): Other members have indicated that they do not wish to speak on this bill, which is a straight-forward administrative matter dealing with an oversight in relation to a trust deed and the provision of a child-care centre on the site. I look forward to this matter being dealt with expeditiously through committee.

Bill read a second time and taken through its remaining stages.

STATUTES AMENDMENT (TRANSPORT PORTFOLIO—ALCOHOL AND DRUGS) BILL

Adjourned debate on second reading.

(Continued from 5 February 2009. Page 1214.)

The Hon. R.L. BROKENSHIRE (17:50): I support the second reading of this bill. I have always been committed to seeing what could be done by parliament and the government when it comes to addressing drink driving and driving under the influence of illicit drugs. Illicit drug driving is equally as dangerous as driving under the influence of alcohol. Tragically there are many examples of people who have already lost their lives in this state as a result of drug driving offenders not being detected. It is a real concern because, unfortunately, clearly there is greater use of illicit drugs in our community, and I am appalled at recent research that suggests that a significant number of drug users drive while under the influence of illicit drugs. The sooner these people are off our roads the better for the safety of the South Australian community.

Notwithstanding the fact that they often do not consider anything other than their own high when taking these drugs, they still believe there is a great chance they will not be detected when it comes to using illicit drugs and driving. I am pleased that South Australia is now getting on with drug testing. I hope the screening technology for marijuana, amphetamines and the like continues to get better so that the opportunities increase for South Australian police to be able to detect more minute but still dangerous levels of drugs and a greater range of drugs, because there are a lot of poly-cocktail drug users out there and a great choice of illicit drugs for those silly enough to go down that slippery slope.

Roadside drug testing should as soon as possible be extended to all other illicit drugs as technology allows. As we saw with the Rudd government's proposed alcopop tax hike, when you start to attack one particular product or drug by legislation, consumers often simply shift to something less regulated. I certainly hope that a lack of drug driving testing for heroin does not result in an increased uptake in its use, although at the moment clearly that appears to be the case.

We saw again on television last night that amphetamines are the major drug being manufactured and used and abused at present. Regrettably, young people are taking up amphetamines, and there is no sign that the use of amphetamines is abating. Nationwide, it is being called an ice epidemic.

I ask the minister to request her department to investigate whether some technology is perhaps being developed at the moment. I am not aware of that being the case, but I would appreciate it if the minister could inform the chamber now or in the future, after she has received advice from her department, whether interlock devices will be available some time in the not too distant future.

It is clear that, as drug testing is increasingly rolled out across South Australia, not only will more people be taken off the road but people will be reaching the end of their disqualification. Therefore, I believe that there ought to be scope to introduce a drug interlock system, as is the case with an alcohol interlock system. I understand the complexities of drug testing, having been associated with that towards the end of my time as police minister, when Victoria was clearly leading the way in relation to this issue. Unfortunately, it has taken some time for the legislation to be introduced in this place, but it is good that it is now before the parliament.

I agree with the sentiments of my colleague the Hon. Dennis Hood that having people on interlocks sooner is good policy because it would eliminate arguments about whether or not a person knew they had been disqualified. In any case, the technology prevents someone from being on the road, rather than our relying on their desire to be a law-abiding citizen and therefore keeping off the road.

We should not be lazy with this bill, because there has been a lot of litigation in the courts and commentary about drink-driving laws. Drink drivers are always trying to find ways around these laws, and we have seen some high profile cases in recent times. It could be said that the most frequently challenged laws in the South Australian Magistrates Court are those relating to drink driving.

I note that there is a considerable number of amendments from the minister and others in relation to this bill, and this demonstrates the merits of a bicameral system of parliament, where proper scrutiny of legislation delivers better results. I am sympathetic to the general tenor of the Hon. John Darley's amendments to toughen the effect of this bill, and I will listen carefully to what he has to say about his amendments. The Hon. Ann Bressington's amendment is fairly simple and, in my opinion, common sense. Her amendment makes it mandatory, rather than at South Australia Police discretion, for people involved in motor vehicle accidents to submit to drug testing.

I put on the public record that I will never apologise for fighting for more resources for SAPOL. Yes, we need more and more police, but we also need more resources and a better budget for SAPOL. Budgetary restraints is the only reason SAPOL does not have more people out there drug testing, and I think that is quite a sad situation. The general theme of this bill is to equalise the treatment, under the law, of drug drivers and drunk drivers, and I think the Hon. Ann Bressington's amendment has very strong merit.

Family First raised questions in the briefing, and I seek an assurance from the minister that there will be adequate deployment of alcohol interlock resources in regional South Australia where, sadly—and inevitably—drivers will be on mandatory alcohol interlocks as a consequence of this legislation. All honourable members in this place represent the whole state, and we must remember that a significant number of people live outside metropolitan Adelaide and will not be able to access the central service for alcohol interlock checking and maintenance.

As a country person, I am concerned that road trauma in the country has occurred often because of alcohol intake and because drivers think that they can get away with drink driving because of the lower rate of police presence in country areas and the fact that they have the option of using back roads to get home. That is why I want an assurance from the minister that there will be adequate deployment of alcohol interlock resources in rural and regional South Australia.

In relation to regional South Australia, I congratulate the government on its amendments allowing registered nurses to take blood tests outside of metropolitan Adelaide. Country SA is under threat from the government's attack on country health and hospitals, and I note that the minister still has not agreed to my legislation, which is now before the House of Assembly. My measure relates to guaranteeing protection of health services and country services in country South Australia. There may well be fewer doctors available in country South Australia if the government does not support the legislation introduced by Family First, and the work will have to be done by the nurses.

I understand that legal problems have arisen in country SA in relation to blood tests for drivers. Because there is no doctor available, hospitals are asking for a call-out fee for doctors, and it is often the case that the person has no money to pay the call-out fee. However, it is almost always the case that a registered nurse is on duty at the hospital. So, this is a country-sensitive amendment.

We must give the police as much power and as many resources as they need to keep the community safe, and this bill is a step in the right direction. I hope the government continues to focus on serious road safety initiatives, and I commend the minister for this legislation. I hope that the amendments we have flagged will be considered and supported by the government. I encourage the government to continue to look carefully at making it a priority to provide the budgetary resources required by South Australia Police.

[Sitting suspended from 17:59 to 19:47]

The Hon. R.P. WORTLEY (19:48): I am pleased to have the opportunity today to contribute to the debate on the Statutes Amendment (Transport Portfolio—Alcohol and Drugs) Bill. This bill is intended to complement a number of road safety reforms and give legal effect to the government's commitment to increase security on our roads for road users. It provides additional mechanisms to keep those who choose to drink or take drugs and drive away from our roads.

Sadly, we are all too well aware of the often tragic results of such selfish acts, whether they be impulsive, reckless, or even chillingly considered because, regardless of intention or circumstance, the results of these acts can change lives irreversibly. I know I do not have to describe those results to any of the members here in this chamber; we see them every day on the television news and sometimes we read about the judicial proceedings that follow. What we do not hear about so often is the heartbreak of bereavement and the long-term anguish of dealing with injury, pain and disability.

Let us consider some recent statistics issued by the South Australia Police. These are of particular significance to me, given the fact that my duty electorate of Chaffey covers rural and regional areas. In 2008, 56 per cent of all fatalities and 43 per cent of serious injuries occurred on rural roads. In the same year, 43 per cent of country fatalities occurred on straight sections of road. Single vehicle crashes—such as rollovers and leaving the road out of control—constituted 48 per cent of fatal crashes occurring on open rural roads.

Who are the victims? SAPOL statistics reveal that more than 73 per cent of people who die in crashes are males and that 62 per cent of those seriously injured are males. Young adults aged 17 to 24 make up only 11 per cent of the total population but account for 28 per cent of all road fatalities and 27 per cent of serious injuries.

What are the causes? Causes include speed, drink or drug driving, inattention and complacency, failure to wear seat belts, and fatigue. Of course, often multiples of these factors are involved in motor vehicle accidents. Statistics reveal that, in 2008, 36 per cent of people who died (that is, more that one third of all deaths) had a blood-alcohol concentration, or BAC, of .05 per cent or higher and that most had BACs three times the legal limit. Shockingly, of those drivers aged between 16 and 25 who died, 55 per cent—or more than half—had a BAC of .05 or more. Meanwhile, research consistently tells us that every .05 increase in BAC above zero doubles the risk of crashing.

In relation to drug driving, statistics show that, in 2008, 15 per cent of drivers and riders tested positive to drugs including cannabis, amphetamines and MDMA. It is also widely recognised that prescription drugs can impair driving ability and reaction times. The tragic consequences of these fatal alcohol and drug related crashes aside, these episodes cost the South Australian community many millions of dollars a year. Hospital, long-term care and rehabilitation costs where people are seriously injured, perhaps for a lifetime, are, of course, even higher. However, despite the best efforts of all concerned in road safety and related campaigns, there are still those who are determined to drink or take drugs and get behind the wheel.

Road safety is of paramount concern to this government. It is determined to alleviate this terrible toll of death and injury and to protect our innocent citizens from harm. As my friend the Minister for Road Safety stated in November last year, this bill looks towards the implementation of two initiatives. It puts into effect the government's response to the review of the Road Traffic (Drug Driving) Amendment Act's first year of operation—that is, 1 July 2006 to 30 June 2007—and it introduces a mandatory alcohol interlock scheme, or MIS.

As those present are aware, the Road Traffic (Drug Driving) Amendment Act empowers South Australia Police to conduct roadside saliva testing for certain prescribed drugs. Pleasingly, the review indicated that the first year of operation had been effective. Having established that effective operation, the review also recommended a number of improvements to the statute aimed at improving its efficiency. Some of these required amendment to the drink-driving provisions, and the minister has amply outlined amendments that are of particular note.

I wish to focus today on the mandatory alcohol interlock scheme, the MIS, to which I referred earlier. As members would recall, South Australia was the first of the Australian states to introduce such a scheme. Serious drink-driving offenders have been able to participate in the scheme on a voluntary basis if convicted and suspended under the Road Traffic Act 1961 for a relevant drink-driving offence on or after 16 July 2001. Other examples of successful interlock schemes may be found in certain states of the United States and in Sweden and Canada. I understand that the interlock unit, which is a small breath analysis unit, is about the size of a mobile phone. This is fitted to the vehicle and measures blood-alcohol concentration when the driver blows into it, allowing him or her to drive legally but preventing vehicle ignition if more than a designated amount of alcohol has been consumed—and usually that designated amount is zero.

Obviously, the device is intended to enable the user to keep mobile, maintain employment and community links and so on, whilst ensuring that he or she can drive only if no more than a designated level of alcohol is present in the blood. It is a win-win solution for the motivated user, for the families involved, for employers, for the economy in terms of continued productivity, and for the community in terms of enhanced road safety. In light of this, the Road Safety Council has made a recommendation that the MIS be made mandatory for serious and repeat drink-driving offenders. The government completely concurs with this recommendation.

As a consequence, this bill provides that drivers convicted of serious drinking offences—namely, a second or subsequent BAC offence at or above 0.08 within five years; driving with a BAC at or above 0.15; driving under the influence of intoxicating liquor; or refusing or failing to provide a sample of breath or blood for the purposes of alcohol testing—will initially serve the full period of a court-imposed licence disqualification. When, and only when, that period has expired will they be able to apply to have an alcohol interlock device installed for the same period as that of the disqualification, up to a maximum of three years provided, of course, that no other barrier applies to the licence issue.

Only a nominated vehicle, fitted with the device, will be driven by a convicted person. It will be a serious offence for a driver to drive a vehicle not so equipped. Further, the final three months on a licence subject to MIS conditions will be particularly stringent so as to make certain that the offender has learnt to distinguish and separate the act of drinking alcohol from the act of driving. Once the interlock period has expired, the licence holder will be eligible to apply for a licence without MIS conditions.

The element of deterrence featured in this bill is paramount. However, there are other advantages flowing from its provisions. An administrative rather than a judicial scheme, the proposed regime will dispense with the present court-based approach to repeat offenders with its twin factors of cost and delay. Rather, the operation of the MIS will ensure that offenders' perception of the seriousness of their offences is not compromised. This is because the punishment will more quickly and closely follow the offending behaviour.

The scheme will also free up court time for other pressing matters requiring judicial attention. In addition, it is intended that the scheme will be cost neutral for government in the long term, because participants will meet all costs. The flexible payment system contemplated by the scheme will see participants on low incomes subsidised by those who are better off. As for those impacted by the cessation of the current voluntary scheme, transitional provisions will ensure that their rights and obligations are maintained.

While the bill removes the registrar's discretion with regard to alcohol dependency and assessments, it formalises his current practice in relation to licence issues in instances where there is a finding of dependency. The registrar's power to require medical assessments of fitness to drive pursuant to section 80 will continue. These powers may be applied in other circumstances involving alcohol or drugs.

Finally, certain maximum financial penalties have been increased as an additional deterrent to offending behaviour. Surely we can all agree that these provisions are timely, measured and appropriate. They make it abundantly clear that the government is determined to deal with people who persist in drinking or taking drugs and then getting behind the wheel. Ensuring the safety of all road users is a priority of this government. I support the bill and commend its terms to all honourable members.

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (20:07): I thank honourable members for their contributions and their indications of support for this bill. I will take this opportunity to respond to the questions, concerns and in-house amendments raised by the Hon. Mr Wade, the Hon. Mr Hood, the Hon. Ms Bressington and the Hon. Mr Darley. I will address these matters in the order in which they were raised. I realise that other members may have asked questions which I may not address in this second reading conclusion but which I will endeavour to do in the committee stage.

Given that the crash data was in percentage terms, the Hon. Mr Wade asked whether I might be able to provide the council with the absolute number of drivers and riders killed with a blood-alcohol concentration above the legal limit for each year since 1998. Toxicology reports show a total of 262 driver and rider fatalities with a BAC of 0.05 or more since 1998. The lowest recorded figure was in 2007 with 17 fatalities, the highest recorded in 2004 with 32 fatalities. The numbers in respect of driver and rider fatalities each year with a BAC 0.05 or more are as follows: 18 in 1998; 21 in 1999; 26 in 2000; 25 in 2001; 28 in 2002; 21 in 2003; 32 in 2004; 25 in 2005; 30 in 2006; 17 in 2007; and at least 19 fatalities in 2008. I understand that some 2008 toxicology reports are being finalised.

The Hon. Mr Wade asked: for each year since 2001, how many people have participated in the voluntary alcohol interlock scheme? The number of participants in the voluntary alcohol interlock scheme each year since 2001 are as follows: eight in 2001; 102 in 2002; 147 in 2003; 110 in 2004; 140 in 2005; 162 in 2006; 135 in 2007; and 103 in 2008.

The Hon. Mr Wade asked: how many people is it estimated would have been subject to the mandatory alcohol interlock scheme if that scheme had been in operation since 2001? Under the proposed mandatory alcohol interlock scheme, a serious drink driver is defined as someone who commits any one of the following offences within five years: second or subsequent BAC at or above 0.08 (category 2 BAC); BAC at or above 0.15 (category 3 BAC); driving under the influence of intoxicating liquor (DUI alcohol); and refusal to provide a sample of breath or blood for the purposes of alcohol testing.

Figures from 2005-2007 show that approximately 2,700 to 3,000 offences were committed per year that would match the offences as they have been defined for participation in the mandatory scheme. Figures prior to 2005 are not available at this time.

The Hon. Mr Wade asked: since 2001, what proportion of that class of drivers who would have been subject to the mandatory scheme actually participated in the voluntary scheme? The participation rate under the current voluntary alcohol interlock scheme is very low, with only about 130 people on the voluntary scheme at any one time. This equates to about 4 per cent of the potential pool of participants that is likely under the proposed mandatory scheme.

The Hon. Mr Wade asked: how many people are estimated will be subject to the mandatory alcohol interlock scheme in the first five years of its operation? As I have stated, the figures from 2005-07 suggest that approximately 2,700 to 3,000 offences are committed per year that meet the criteria for drivers to enter the proposed mandatory alcohol interlock scheme. A similar number is expected during the first years of the operation of the scheme, although it is to be hoped that the amendments will themselves have some deterrent effect.

It is important to note that there will be a delay before the first participants start on the mandatory interlock scheme (MIS), first, to allow for the court process (one to three months) and, secondly, because the participants must first serve their disqualification. The minimum disqualification period for a serious drink driving offence is 12 months.

The Hon. Mr Wade asked whether the Road Safety Advisory Council recommended the voluntary alcohol interlock scheme be discontinued. In 2006, the Road Safety Advisory Council recommended that the alcohol interlock scheme be made mandatory for higher level drink driving offences; however, the implications of this decision on the existing voluntary scheme were not discussed.

The Hon. Mr Wade asked: given that the scheme is only mandatory for certain classes of serious repeat offenders, why did the government decide to discontinue the voluntary scheme? The voluntary scheme has had a relatively low take-up rate, with about 130 participants at any one time. Eligibility for the mandatory scheme includes all drink driving offences where the period of disqualification is 12 months or more, but it excludes category 1 BAC offences and first category 2 BAC offences.

Eligibility for the voluntary scheme is slightly wider, being all drink driving offences where the court orders a disqualification period of six months or more. The only offences covered by the voluntary scheme, and not covered by the mandatory scheme, are third category 1 BAC and first category 2 BAC offences. The number of drivers who have opted to participate in the voluntary scheme who fall into these two categories is approximately 30 at any one time, although the total number of offenders in these groups is much larger.

The voluntary scheme has been operating since 2001 and there is no reason to suppose that more of the drivers in the larger pool would choose to participate in the voluntary scheme in the future. This small number of additional people does not justify the costs for both the alcohol interlock service providers and the Department for Transport, Energy and Infrastructure in handling the different administrative and reporting arrangements. No other jurisdiction operates a voluntary scheme alongside a mandatory one.

It should also be noted that the bill includes a provision requiring the Registrar of Motor Vehicles to direct a person who expiates or is convicted of three category 1 BAC offences or two category 1 BAC offences and one category 2 BAC offence to undertake a dependency assessment. Where the offender is assessed as alcohol dependent, the Registrar of Motor Vehicles may only issue a licence that is subject to alcohol interlock conditions. This ensures that lower level drink driving offenders are still being held accountable for their behaviour.

Through transitional provisions in the bill, those already participating in the voluntary scheme will be able to continue to do so. Drivers who committed offences before the commencement of the amendments and who may have anticipated being able to use the voluntary scheme will be able to do so for up to five years. However, anyone on the voluntary scheme who surrenders their licence or ceases to hold one for another reason (for example, disqualification) will not be able to go back on to the voluntary scheme and will have to serve out the remainder of their disqualification.

The Hon. Mr Wade asked whether the government is confident that there will be enough devices available to meet projected demand. The response is yes; the government has held

preliminary discussions on the introduction of a mandatory alcohol interlock scheme with both the interlock service providers currently operating in South Australia. Both interlock providers have been informed of the expected number of participants under a mandatory alcohol interlock scheme here in South Australia and are confident they can meet this demand. Victoria has had a mandatory alcohol interlock scheme operating since 2002 and has had over 10,500 interlocks fitted since inception of the scheme.

My understanding is that Victoria has never experienced any issues with an insufficient number of devices being available for participants. The Hon. Mr Wade asked: what will occur if insufficient devices are available to meet the needs of drivers subject to the mandatory alcohol interlock scheme? I have been advised that the supply of alcohol interlock devices for South Australian participants will not be an issue. The Hon. Mr Wade expressed concern about the subsidy element of the mandatory scheme and opined that people should not be penalised in proportion to their income. The cost of the device is not proportionate to the participant's income. There will be a one cost structure for those holding one of a range of concession cards and one cost structure for those who do not.

The cost structures will depend on how many people are subject to the mandatory interlock conditions, how long they will be on the scheme and how many are concession and non-concession holders. The Victorian scheme has a concession component as well for concession cardholders. The Hon. Mr Wade asked whether the Participant Financial Contribution Scheme will be promulgated by regulation. The response is no. The costs of participating in the mandatory alcohol interlock scheme is a matter between the interlock provider and the participant. The devices are leased by the participant from the provider and the fees are invoiced on a monthly basis. This is consistent with the current voluntary scheme, with the exclusion of its subsidy arrangements under which eligibility entry is determined by the courts.

The yearly administration fee of $180 payable to the Department for Transport, Energy and Infrastructure will be promulgated by regulation. The Hon. Mr Wade asked about the anticipated costs for each participant. Preliminary advice suggests that the approximate cost for alcohol interlock participants under the proposed mandatory scheme, with a 35 per cent concession for eligible cardholders, may be around $2,200 for non-concession participants and $1,400 for concession participants. We should note that market forces will determine the actual participant fees as happens here currently with a voluntary scheme and also in Victoria.

The government will monitor the level of fees charged by the providers pursuant to the agreement for the procurement of services. An administration fee of $180 per annum payable to the Department for Transport, Energy and Infrastructure will also apply. The Hon. Mr Wade asked: how will the contribution of each participant be calculated and what is the minimum and maximum contribution that participants might face? As is currently the case, all costs are paid by participants in the program on a user-pays basis. The actual costs will be a matter between the interlock provider and the participant.

The fees for each participant will vary depending on the period of interlock driving, the company chosen by the participant, the type of car they drive and whether or not they are eligible for a concession. Fees will be invoiced monthly. As stated earlier, preliminary advice suggests that the approximate cost for alcohol interlock participants under the proposed mandatory scheme, with a 35 per cent concession for eligible cardholders, may be around $2,200 for non-concession participants and $1,400 for concession participants per year. This equates to about $4 or $6 respectively per day or around the price of one standard drink. The Hon. Mr Wade asked whether the financial contribution will be a debt to the provider of the device or a debt to the state. The debt will be to the provider. The devices are leased by the participant from the provider on a monthly basis.

I now respond to the comments of the Hon. Mr Hood, who noted that the discount to the licence disqualification period available under the voluntary scheme is not par for the mandatory scheme proposed in the bill. The government decided to introduce the mandatory alcohol interlock scheme because high levels of alcohol continue to figure in the crash data, and the numbers are increasing. The government wants to establish a strong deterrent to drink driving by requiring people to serve the full disqualification period imposed by the court and then making the new licence subject to the mandatory scheme conditions. Allowing people to get their licence back early risks encouraging a belief that the severe penalties for drink driving can be avoided. This, of course, erodes the deterrent factor and detracts from road safety messages. The mandatory

interlock scheme is designed to ensure that, when they get back on the road after disqualification, drink drivers will be forced to separate the two behaviours.

It must be remembered that the offences included in the mandatory scheme are high level or repeat drink-driving offences. Under both the Victorian and Northern Territory mandatory alcohol interlock schemes, the drink-driving offender must serve the full disqualification period before being eligible to be issued with an alcohol interlock licence. The Hon. Mr Hood is concerned that the imposition of the scheme could lead to a high incidence of driving whilst disqualified. The government has anticipated this, and it is the reason why the bill introduces a specific offence of driving after the disqualification period has ended but before having completed the required period on the interlock scheme. The penalty for this offence will be equal to a repeat offence of driving whilst disqualified when never having held a licence in the first place. That is a maximum fine of $5,000 or imprisonment for one year.

The Hon. Mr Hood suggested that the mandatory interlock scheme will not be required for truck drivers. This is not the case. All licence holders will be required to have an interlock device installed after having served a period of disqualification for a serious drink driving offence. It is possible to install the devices in trucks, as well as on motorbikes.

The Hon. Mr Hood asked about the rollout of the scheme in country areas. It will be a factor in the procurement process and a condition of the government's agreement to approve interlock providers that they will have an adequate number and spread of approved service points around the state. Various options have been, and will be, considered by the providers, for example, appointing auto-electricians in regional centres as the approved service point.

I now turn to the contribution of the Hon. John Darley, who proposes a series of amendments that would have the effect of extending to 10 years the period within which previous drink and drug driving operating offences are counted when calculating whether another offence is a second or subsequent offence. The period is to be uniform across the Road Traffic Act, the Motor Vehicles Act and the Harbors and Navigation Act. The honourable member's reason is so that a court can look at an offender's history over a longer time.

The Department for Transport, Energy and Infrastructure has provided the following information on the practice in other jurisdictions. In New South Wales it is five years. In Queensland it is five years. In Victoria it is 10 years. Western Australia has no limit, but under spent conviction legislation people can have previous offences removed from their records after 10 years. The Northern Territory has no limit but is considering a review to decide whether to impose some limit. Tasmania, again, has no limit but under null conviction legislation people can have previous offences removed from their records after 10 years.

This variation in interstate practice does not provide a strong argument for change from the current position in South Australia. My advice is that there is no need for alignment with the 10 years specified in the proposed nationally consistent spent conviction legislation. The purpose of that legislation is to set a maximum period that applies generally to minor criminal offences so that a person is not dogged for their whole life by a criminal record that may have resulted from an error of judgment made long ago in their youth. It does not preclude specific offences being treated differently, for example, by setting a shorter period.

The penalty levels for first, second and subsequent offences have been set on the basis that if a driver commits several offences in a five year period he or she is showing a wilful disregard for the law that justifies the progressively higher fines and disqualification times. If the repeat offending is spread over 10 years, there is not the same level of disregard and the penalties for repeat offences could be considered disproportionately high. Mr Darley's amendments do not take this into consideration.

It should also be noted that the period for category 1 BAC offences is three years, not five years, and an increase in the period to 10 years would not be appropriate for this offence, which is not considered as serious as other offences and is therefore expiable.

The government indicated in 2007 that it was prepared to support an extension to 10 years in the context of a bill tabled by the Hon. Nick Xenophon to remove the limitation on the period of time. However, the situation today is different because of the measures proposed in this bill. Extending the period as the Hon. Mr Darley proposes is not necessary in the context of introducing the mandatory alcohol interlock scheme and the requirement for dependency assessment for drivers who commit a second serious drink driving offence, three category one or two category one,

and one category two offence or two prescribed drug offences. The bill will require serious drink drivers to serve their disqualification and then, for an equal period, have an interlock installed.

The bill will also require repeat offenders, even of less serious drink and drug driving offences, to be assessed for dependency. If assessed as dependent, these drivers will not be able to regain their licence until they are no longer dependent or, if they are dependent on alcohol, unless they go on to the alcohol interlock scheme. This is an alternative way of dealing with the drink and drug drivers that the Hon. Mr Darley also seeks to control. The government is of the view that the bill will provide sufficient deterrence at this time without the addition of the Hon. Mr Darley's proposals.

Finally, I will outline the government's position on the Hon. Ann Bressington's amendments. The Hon. Ms Bressington's amendments are to section 43 of the Road Traffic Act which requires a driver involved in an accident where a person is killed or injured to present himself or herself to the police at the scene or at a police station within 90 minutes of the accident occurring and to submit to any test for alcohol or drugs in blood or oral fluid that the police may require.

The main purpose of this provision of the bill is to ensure that drivers involved in a crash serious enough to injure or kill someone identify themselves to police and do so soon enough to enable police to require whatever alcohol and drug tests they decide are necessary to determine whether the driver should be prosecuted for an offence. The effect of the amendment would be to mandate the testing for drugs and alcohol of every driver presenting at the scene of a crash or at a police station regardless of the circumstances. This would remove the police discretion to assess a situation and act in a way the officer considers appropriate. This discretion is essential for effective policing and the best use of available and appropriately trained resources. Police already have, and use, the power to require a driver involved in a crash, regardless of whether death or injury is involved, to submit to a drug or alcohol test.

Drug testing of drivers has expanded since 1 July 2008. The government provided $11.1 million over four years for this expansion. This expansion has enabled the training of officers in drug testing, purchase of equipment and test kits and analysis of samples. Testing has been expanded from a centralised to a regional model covering the whole state, and over 40,000 tests will be undertaken this financial year.

SA Police currently test all drivers at a serious vehicle collision for both alcohol and drugs. This includes crashes where there is death or serious injury or allegation of driving under the influence of alcohol or drugs, dangerous driving or a defective vehicle which is perceived to have contributed to the crash. SAPOL officers operate under general orders which direct officers in how to undertake their duties. Failure to follow these procedures can result in disciplinary action.

As a result of the Magee case, SAPOL reviewed its general orders to improve procedures for testing for drugs and alcohol. It is preferable to further review the general orders to ensure drug testing is undertaken at a wider range of crashes than to mandate this in the legislation as the Hon. Ann Bressington proposes.

During the 2008 calendar year, 6,241 injury crashes were recorded by SAPOL, with 2,028 of those being reported at a police station. No fatal cashes were reported at a police station in 2008. As most crashes involve two or more vehicles, the number of drivers potentially to be drug tested could be in the vicinity of 12,000. However, the actual number would depend on factors such as how many drivers were themselves injured, as opposed to injuries to passengers, and in a position to report the crash to a police station within the required time.

The Hon. Ann Bressington's amendment would mean that every police station would have to carry breath analysis and oral fluid analysis equipment and, in addition, have an officer trained in its use on duty and available at all times to administer the tests. SAPOL has identified significant practical issues with the proposal, including drug testing facilities not currently being available in many areas across the state, and the provision of specialised equipment, which in many cases would be rarely used, very costly and an inefficient use of resources. Not all police officers are trained or qualified to conduct drug screening tests; mandatory drug screening would require all operational police to be trained generally; and while every general duties police officer has the capacity to screen for alcohol, the specialist breath analysis equipment is not available at all locations.

Again, this would be very costly and an inefficient use of resources, particularly in country areas where it would be rarely used. Non-sworn police personnel working in police stations can currently receive a report of a crash. They are unable to perform alcohol or drug tests. Therefore,

any compulsory testing would require a police officer to be available at all times in the police station. This would be an impost on operational policing resources.

The government opposes this amendment, principally because the advice is that it is unnecessary. It unnecessarily restricts police discretion and is unlikely to have the intended impact, since police officers can require a driver to submit to a drug test at a crash and to do so when they think it is necessary and appropriate. Again, I thank honourable members for their contributions to this debate and their indicated support for this bill.

Bill read a second time.

In committee.

Clauses 1 to 5 passed.

Clause 6.

The Hon. J.A. DARLEY: I move:

Page 6, after line 28—Insert:

(4) Section 70(4)—Delete '5 years' and substitute:

10 years

This amendment and all the other amendments I have placed on file seek to extend the time limit for consideration of previous drink and drug driving offences from five to 10 years. This will give the courts the flexibility to consider a person's drink and/or drug driving history over a longer period of time and potentially impose a much higher penalty, which will hopefully have a deterrent effect and send a message to repeat offenders that repeatedly breaking drink driving laws over a reasonable period of time will result in very serious consequences.

I note that a 10 year time limit for consideration of previous convictions is already contained in sections 11 and 12 of the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007. This amendment is simply bringing drink and drug driving laws into line with what the government has already proposed in regard to its hoon driving legislation.

The Hon. CARMEL ZOLLO: As I indicated in concluding the second reading debate, the government will not support the amendment. We believe there is no need for the alignment with the 10 years specified in the proposed nationally consistent spent conviction legislation. As I explained previously, the purpose of that legislation is to set a maximum period that applies generally to minor criminal offences so a person is not dogged for their whole life by a criminal record that may have resulted from an error of judgment made long ago in their youth. It does not preclude specific offences being treated differently, for example, by setting a shorter period.

As I also indicated in my second reading summing up, the amendment of the Hon. Mr Darley does not take into account category 1 offences, which are expiable as well. I appreciate what the Hon. Mr Darley is saying, namely, that in 2007 we supported an extension to 10 years in relation to the limitation of that period, but the situation is different because of the measures we are proposing in this bill and we believe that extending the period is not necessary in the context of this very strong piece of legislation, in particular, the requirement for dependency assessment for drivers who commit the offences specified in the legislation.

It is important that we give this legislation a go, for lack of a better expression, and if there are any concerns after a period we may have to revisit this. It is a strong piece of legislation in the way it has been drafted and we believe there is no need to have both the honourable member's amendment and the proposed legislation sitting side by side. The government is of the view that the bill will provide sufficient deterrence without the additions proposed by the Hon. Mr Darley.

The Hon. S.G. WADE: I have a couple of questions on the same clause. The minister in her second reading summing up commenting on Mr Darley's amendment, I understand, suggested that Queensland has a five-year limit, New South Wales five years and Victoria 10 years. Are they into analogous categories 2 and 3 offences and, if so, what do those states do in relation to category 1 offences?

The Hon. CARMEL ZOLLO: We will have to take that question on notice as we do not have the information as to whether they apply to all offences, including category 1 offences.

The Hon. S.G. WADE: I am somewhat attracted to the minister's assertion that two offences in 10 years does not necessarily show the same level of disregard for the law as two

offences in three or five years. However, the government's position is severely undermined by the fact that it saw the wisdom of this a mere couple of years ago and suddenly it has lost appeal. The minister asserts that the coming of wisdom for the government was because it discovered the mandatory interlock scheme, which is a deterrence device. I understand that this time limit for consideration of previous convictions is a judgment of this parliament and how, in an objective sense, society will decide whether somebody is a repeat offender. Whether deterrence is there or not, it would seem that the objective standard should not have changed.

The Hon. CARMEL ZOLLO: As I indicated previously, we need to check whether it is for the same range of offences.

The Hon. S.G. WADE: They were two different issues, one being about interstate practice, which I am happy to put aside. My second issue was more on the government's change of heart from 2007, when Mr Darley indicated that the government was previously attracted to this measure of the increase of the time limit from five years to 10 years. I understand that parliament is putting in this clause as a proxy for saying, 'How much disregard is there for the law?', and the government is asserting that two offences over 10 years, particularly if it is years 1 and 10, does not show the same level of disregard as two offences in three or five years. The presence of the deterrence effect of the mandatory interlock scheme does not, to me, affect the basic objectivity of the test, and I ask the minister to explain why the government has changed its view.

The Hon. CARMEL ZOLLO: As I have indicated, we believe the circumstances have changed in so far as the proposed legislation introduced by the Hon. Nick Xenophon was a one-issue bill. Tonight in this legislation we are dealing with at least two issues—the alcohol interlock but also the dependency on drugs and alcohol. We believe this bill is stronger in the way it has been crafted and drafted than it will be if we adopt the amendments of the Hon. Mr Darley.

The Hon. S.G. WADE: The opposition is inclined to support maintaining the current time limits. The fact that the government was positive toward it two years ago and is not now is another example of the government's deciding how to manage its relationship with the Independents rather than how to develop good legislation.

The Hon. D.G.E. HOOD: I indicate Family First support for the amendment. We believe that 10 years, whilst in one sense a long time, in another sense is not a long time. If somebody commits a serious drink-driving offence in that period, certainly they should have learnt their lesson once and for all. We are attracted to the Hon. Mr Darley's amendment, and for that reason we will support it.

The Hon. CARMEL ZOLLO: I understand the good intentions of the Hon. Mr Darley, but let us be quite honest about this. If someone commits two offences in five years, that really does indicate that they have a bigger problem than someone who commits two offences in 10 years, and we believe this legislation really does deal with that very effectively. It is a stronger piece of legislation.

Amendment negatived; clause passed.

Clauses 7 to 11 passed.

Clause 12.

The Hon. CARMEL ZOLLO: I move:

Page 27—

Line 23 [clause 12(8)]—Delete:

'—after the definition of *prescribed conditions* insert and substitute:

, definition of *prescribed conditions*—Delete the definition and substitute:

Prescribed conditions means learner's permit conditions, probationary licence conditions or provisional licence conditions;

After line 26—Insert:

(9a) Section 5(1), definition of unconditional licence, (a)—after 'not subject to' insert:

alcohol interlock scheme conditions or

These amendments are a package, and they are required to satisfy the policy position that a breach of the mandatory interlock scheme conditions should attract only a fine and not also a disqualification. The new offence of breach of mandatory alcohol interlock conditions attracts a

maximum fine of $2,500 (new section 81H) and no disqualification. However, there is an existing offence for probationary or provisional licence or learner's permit holders breaching a prescribed condition, with a penalty of six months' disqualification.

'Prescribed condition' includes alcohol interlock conditions. People on the alcohol interlock scheme will be either probationary or provisional licence holders, and the two offences together mean that the breach of an alcohol interlock condition will result in a six month disqualification and a maximum fine of $2,500. This was unintended, and to remedy it an amendment to the definition of 'prescribed conditions' to remove the reference to the alcohol interlock conditions is necessary.

Disqualification for a breach of licence condition would result in a person coming off the MIS for a period and then going back on, which would occasion further costs and inconvenience for participants. As I have mentioned, this was never the intention. The second amendment is required for the same reasons I have outlined in relation to the first amendment.

The Hon. A. BRESSINGTON: So, the original wording of the bill, on which we were given a briefing, was in error, that is, the six month disqualification and the $2,000 fine was unintended?

The Hon. CARMEL ZOLLO: I am not sure whether the honourable member was briefed, but these amendments were filed on the first day of sitting this session. So, it may well be that that is the case. What I have just outlined does stand.

The Hon. S.G. WADE: By way of clarification, I think the Hon. Ms Bressington might have been asking whether the primary offence has changed. As I understand it, the primary offence has not changed; it is just that the government has observed that, inadvertently, a second offence would also have been created, incurred, or whatever, and that was not the intention of the government. The opposition supports the government's intention to let it be only one offence and not two.

The Hon. CARMEL ZOLLO: The honourable member is correct; we believe that that disqualification is not required again.

Amendments carried; clause as amended passed.

Clauses 13 to 15 passed.

Clause 16.

The Hon. S.G. WADE: I want to pick up the phrase in proposed section 79(4), as follows:

...if the registrar is satisfied, on the basis of the report of the superintendent of an assessment clinic, that the applicant is dependent on alcohol..'

Is that a term that is legally defined or defined in the statute? What does it actually mean?

The Hon. CARMEL ZOLLO: My advice is that it is dependent on the superintendent of the clinic where the persons are being assessed, insofar as an international standard is used for both physical and psychological testing.

The Hon. S.G. WADE: So, would it be fair to say that that term would be generally understood in a medical or scientific context but not necessarily in a legal context?

The Hon. CARMEL ZOLLO: My advice is yes; it is medically, not legally, defined.

The Hon. S.G. WADE: I am concerned about the impact on country people. It has been raised with me that country people have found it difficult to get alcohol assessments under the current arrangements, and this makes it even more important that they get those assessments. What assurance can the government give that under this regime people will be able to get access to the assessments they need?

The Hon. CARMEL ZOLLO: I am advised that we have only two clinics: a public one in Adelaide and a private one that was introduced several years ago to assist with demand at the time. If there is a need in the future, it is something the government could consider, but at this time there is no likelihood of that being considered outside of Adelaide.

Clause passed.

Clauses 17 to 23 passed.

Clause 24.

The Hon. S.G. WADE: Proposed section 81E(4) provides:

If the applicant satisfies the registrar, on such evidence as the registrar may require, that prescribed circumstances exist in the particular case…

I take it that those prescribed circumstances would be specified by regulation.

The Hon. CARMEL ZOLLO: My advice is that subsection (4), as mentioned in clause 24, would allow an applicant for licence to satisfy the Registrar of Motor Vehicles that the licence should not be subject to the mandatory alcohol interlock scheme conditions, because prescribed circumstances exist in regulations. So the response is yes; it will be in regulation. It is possible that some unforeseen situation may arise that could prevent a person from participating in the scheme for medical reasons or perhaps because of living in a very remote area that an interlock provider is not able to access or service on a regular basis. The bill provides for the development of regulations to deal with these situations should they arise.

The Hon. S.G. WADE: Still within clause 24, I now refer to proposed section 81H(2), which provides:

A person must not assist the holder of a licence subject to the mandatory alcohol interlock scheme conditions to operate a motor vehicle, or interfere with an alcohol interlock, in contravention of any of the conditions.

Could the minister explain whether this clause would apply to a person who was assisting a person subject to mandatory alcohol interlock scheme conditions to drive a vehicle other than the vehicle fitted with an alcohol interlock device, and whether a person might inadvertently commit this offence? You might well assist the holder of a licence subject to the conditions to drive a vehicle unaware that they are subject to those conditions and not intending to in any way undermine the scheme.

The Hon. CARMEL ZOLLO: I am advised that that certainly would not apply to anyone else assisting: it would apply only to the person on an alcohol interlock who was participating in the scheme. Of course, it would be a breach of their conditions because they are allowed to drive only their own car with the interlock system on it.

The Hon. S.G. WADE: I find it difficult to read the provision that way because, as I understand what the minister is saying, 'a person' (at the beginning of that subsection) should be read to mean 'a person subject to the interlock schemes must not assist the holder of another holder of a licence subject to the conditions to drive a vehicle'. I cannot see why you should read it that way. It just seems to me that 'a person' is any person.

The Hon. CARMEL ZOLLO: My advice is that this particular clause targets those who help somebody to start their own car when they have an interlock system installed. As I understand it, if you read further down, it refers to helping them to interfere. I think they need to be read together.

The Hon. S.G. WADE: I can certainly appreciate the intent of the government in drawing up the clause. My only concern is that it has been drawn too widely. No matter what subsection (3) and others might state, on the face it 81H(2) says, to me, that if a third party assists a person subject to a licence with conditions to operate a motor vehicle they commit an offence, and that could be as simple as giving a set of car keys to a person at a social engagement, and that is assisting them.

The Hon. CARMEL ZOLLO: My advice is that it is currently in the voluntary scheme; it is expressed in the same manner. I will clarify that the intent of the section is to stop a person assisting the participant to start their own car or interfering with the interlock system in the participant's own car. My advice, from several sources, is that it is not too wide; it is reasonably specific when you look at the two provisions together.

The Hon. S.G. WADE: I wonder whether it might assist to clarify the intent of the bill, which we fully support, to insert the words 'the vehicle' or 'a vehicle fitted with the device'. In fact, is there not a provision to specify a motor vehicle? Why not say 'to operate the specified motor vehicle'? What I am suggesting is to delete the word 'a' before 'motor vehicle' and insert the words 'the specified'.

The Hon. CARMEL ZOLLO: In the interests of cooperation in this chamber we can live with that. As I said, we do not think it is too wide and we think it is clear, but we can certainly live with that. The only words we could insert in there would be 'the nominated vehicle'. I will obtain some advice. Parliamentary counsel has confirmed that it can be done between the two houses.

The CHAIRMAN: To make things easier in the committee stage of bills, if people have these sorts of questions that then turn into amendments on various clauses, it would be a lot easier if they tabled amendments in the first place.

The Hon. S.G. WADE: With all due respect, Mr Chairman, I did not know that an amendment was necessary until I was able to unpack the clause.

The CHAIRMAN: With all due respect, the time goes on and now we have ended up with an amendment that must be made somewhere else.

Clause passed.

Clauses 25 to 28 passed.

Clause 29.

The Hon. A. BRESSINGTON: This amendment sought to ensure that, where an uninjured driver is involved in an accident that causes hospitalisation to another, the driver will be tested for the presence of both alcohol and illicit drugs in accordance with the established protocols in the Road Traffic Act.

At present, section 43 of the act does not mandate such a test but compels a driver to comply if a test is requested by the attending SAPOL officer. Information provided to my office by members of the police force suggested that rarely, if ever, is a drug test undertaken in this situation and, while the breath analysis for the presence of alcohol is conducted routinely, in some cases this is overlooked, as was demonstrated in the case of Eugene McGee, although there were mitigating circumstances, and I acknowledge that the minister has stated that protocols have changed since that case.

Section 43 must be contrasted with section 47I of the Road Traffic Act, appropriately entitled 'Compulsory blood tests' which ensures that all people hospitalised as a result of a car accident undergo a blood test for the presence of alcohol and illicit drugs. This creates what many in the community see as an absurd situation where an intoxicated driver who injures another but is fortunate enough to escape injury themselves would also escape penalty for, in the least, driving under the influence but, more seriously, for culpability for causing the accident. But if that driver was injured in the accident, they would be detected by the compulsory blood test under section 47I and prosecuted accordingly.

I am not going to proceed with this amendment because I have spoken with members of the police force and they have explained that this is a process that is gradually rolling out and progressing and that there would be issues with every officer carrying around at the minute the kind of drug tests that we are using, the number of police officers that are trained to conduct those drug tests and that, logistically and resource-wise, it would just be an impossibility at this point in time. The police are very keen to get the processes and procedures right and, therefore, they do not want to roll it out too quickly and find in hindsight that they have made errors.

I want to put on the record that I have had well over 200 parents contact my office since the roadside drug testing regime started, whose kids are driving under the influence of illicit drugs, have been involved in car accidents and have not been screened for drugs in their system. I know that we are all doing our best here to get a handle on this but I am just not quite sure whether we in this place appreciate the fact that, when that roadside drug testing was rolled out, for many parents this was actually a light at the end of the tunnel, if you like. They are sitting at home every night expecting that phone call informing them that their child either has been killed in a car accident or has killed somebody else, because it is a daily event that they are driving under the influence.

Now we are seeing these drivers who are not being detected. Parents are getting desperate, and that is why this amendment was drafted in the first place. I am not proceeding with it because, as I said, I have spoken with police and they have explained the logistics of this, and I fully appreciate that. However, I believe that it is necessary—and I will not try to tell the police how to do their job—for the community to be educated on the long-term intention of this bill so that parents do not become frustrated and angry, that the perception out there that this is all smoke and mirrors can be avoided and that their kids are not going to be intervened on.

I thank the police for taking the time to explain it so well. I wanted to put those comments on the record because this is a growing concern among parents in the community. They are desperately seeking a government to support them to intervene before their children are fatally injured or fatally injure somebody else.

The Hon. CARMEL ZOLLO: I thank the honourable member for not proceeding with her amendment and for having taken the further briefing from SAPOL. I am very pleased that she has undertaken to do that. I assert that the drug driving regime is not smoke and mirrors. As a parent myself, I appreciate that it is every parent's worry that they will get that knock on the door.

The government has generously resourced this program. As I said in my second reading summation, a further $11.1 million over four years has been provided across all the agencies, but mostly SAPOL, to see the expansion of drug testing throughout our state. I have met the officers in charge and I can attest to their commitment, the commitment of the Commissioner and all those involved in road safety. As a government we can only continue, as the honourable member has said, to educate the public and also to continue with our campaigns. The Motor Accident Commission has more than doubled its advertising in relation to road safety.

The honourable member may be familiar with some of the drug-driving messages that we constantly try to give to the community. Ultimately and regrettably it is that particular age group of people. However, that is not necessarily the case; some of our research indicates that it is also older people. Regrettably, people are still taking drugs and then getting behind the wheel. Of course, the message we try to give is that, with increased funding, the likelihood is that you will be caught. It is important to continue to resource our police to ensure that a strong message does get out. Again, I place on record my appreciation to the honourable member for not proceeding with her amendment. I move:

Page 43, after line 28—Insert:

(1) Section 47(3)(da)—Delete paragraph (da)

This amendment is required to delete the reference in the Road Traffic Act to the voluntary interlock scheme and the provisions dealing with driving under the influence and driving with a prescribed concentration of alcohol. These provisions deal with the court making an order allowing a person to apply for a licence subject to the voluntary scheme conditions. The references are now redundant because the voluntary scheme within the Road Traffic Act will no longer exist and the transitional voluntary interlock scheme within the Motor Vehicles Act will apply without the need for action by the court.

Amendment carried; clause as amended passed.

Clause 30.

The Hon. S.G. WADE: Could the minister explain why the government thought it was necessary to increase the time limit from two or three hours to eight hours?

The Hon. CARMEL ZOLLO: My advice is that it provides uniformity of testing in prescribed circumstances and random circumstances.

Clause passed.

Clause 31.

The Hon. CARMEL ZOLLO: I move:

Page 44, after line 10—Insert:

(4a) Section 47B(3)(da)—Delete paragraph (da)

Again, this is the same as the previous amendment I moved. It is a tidy-up in relation to the reference to the voluntary interlock scheme which no longer will be required.

Amendment carried; clause as amended passed.

Clause 32 passed.

Clause 33.

The Hon. CARMEL ZOLLO: I move:

Page 45, after line 10—Insert:

(1) Section 47E(6)(da)—Delete paragraph (da)

I move this amendment for the reasons I just outlined in my previous two amendments, namely, that the voluntary interlock scheme will no longer be required. My reasons for moving this amendment are the same as the two previous explanations.

Amendment carried; clause as amended passed.

Clause 34 passed.

Clause 35.

The Hon. CARMEL ZOLLO: I move:

Page 46, after line 12—Insert:

(2a) Section 471(14a)(da)—Delete paragraph (da)

The reason for moving this amendment is the same as I have just placed on record.

Amendment carried; clause as amended passed.

Clauses 36 to 39 passed.

Clause 40.

The Hon. S.G. WADE: Could the minister explain the time periods for police officers in terms of initiating offences in relation to results for either drugs or alcohol?

The Hon. CARMEL ZOLLO: My advice is that it is two years for most of them and six months for expiable offences.

The Hon. S.G. WADE: This issue has been raised with me. As I understand it, there would be a sample held by the police and a sample held by the driver and, in situations where the police take quite some time to raise an issue in relation to the sample and the driver has not retained their sample, they are therefore not able to get it tested. In terms of police practice, what is an appropriate length of time before investigations are initiated?

The Hon. CARMEL ZOLLO: We are obtaining some further advice, but my current advice is that Forensic Science has to destroy the sample after two years. I understand that two samples are taken and the driver then is given 12 months to pick up that blood sample for testing and take it to whomever they choose to take it to. We are getting some further advice from SAPOL.

As I previously indicated, two samples are retained and SAPOL has a requirement under the legislation to take samples to Forensic Science as soon as possible. Then, of course, as to be expected, SAPOL is clearly in the hands of Forensic Science in terms of how long it takes to analyse but, on average, I understand that it takes about two weeks.

Clause passed.

Title passed.

Bill reported with amendments.

Bill read a third time and passed.

ARCHITECTURAL PRACTICE BILL

Adjourned debate on second reading.

(Continued from 26 November 2008. Page 916.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (21:21): I rise on behalf of the opposition to speak to the Architectural Practice Bill and indicate that we support this legislation. The essence of the bill is to govern the architectural profession in line with contemporary consumer protection legislation. Such governance of this important profession becomes more necessary as we attempt to encourage new and innovative developments within South Australia.

The current act requires substantial amendments to take account of developments in the profession and to align it with legislation in other states, particularly as it relates to issues such as disciplinary hearings, compulsory professional development, professional indemnity assurance and the code of professional conduct.

One of the qualifications to be satisfied for registration as an architect in South Australia is the passing of the architectural practice examination. These examinations are conducted half yearly, normally in April and September, and the examiners are appointed from a panel of registered architects who have been appointed to that panel by the Architects Board.

As at November 2008, there were nearly 800 registered architects in South Australia and some 96 registered architecture companies. Following the 1995 COAG endorsement of the

National Competition Policy agreements, the state review panel was appointed in order to implement the obligations within the agreements. The competition principles, created in partnerships with the agreement, included a review of the legislation which restricts competition. Subsequently, a recommendation of the panel was an overhaul of the 1939 Architects Act. As we can see, the act originally came into place in 1939, so that was some 70 years ago.

In the opinion of the panel, sufficient consumer protection was provided by the Trade Practices Act and the Fair Trading Act. Subsequently, it was decided that further restrictions relating to the purpose, ownership and control of architecture firms found within the South Australian Architects Act were not appropriate.

In summary, the bill removes the anti-competitive provisions through the following:

1. Cancelling the by-laws relating to the endorsement of the current code of professional conduct by the Architects Board. The code restricts the form and amount of remuneration paid for architectural services as well as the amount of free work which can be performed for a client in order to demonstrate their skills.

2. Removing restrictions on advertising. As stated, the panel was of the view that adequate consumer protection is provided by the Trade Practices Act and the Fair Trading Act.

3. Removing restrictions on companies practising in partnership. The act will impose a new requirement to replace the outgoing restrictions: in order for a body corporate to be registered as an architectural firm, at least half the membership of the governing body must be registered architects. If the membership is an odd number, a majority of the members must be registered. This requirement is such for partners practising within a partnership arrangement.

As a further quality control measure, the state review panel recommended that the Architects Board include a consumer representative in order that the board be refocused on protecting the public interest rather than that of the profession. The remaining membership would be comprised of three registered architects, who would be elected; one lawyer, nominated by the minister; one with accounting qualifications or experience, nominated by the minister; and one with regional planning or building surveying or structural qualifications or experience, also nominated by the minister.

The minister would appoint the presiding member, with the Governor determining the remuneration, allowances and expenses of the board. The board's accounts would be audited annually by an auditor approved by the Auditor-General, and an annual report would be prepared and tabled in parliament. Although not appointed as Public Service employees, the board could make arrangements with the minister to utilise the skills and/or staff of the Public Service.

Other main components of the bill include a register of architects and architecture businesses to be kept by the registrar. The bill includes provisions for the process of application, registration, removal and reinstatement of individuals, bodies corporate and partnerships as well as the requirement for annual fees to be paid to the board. Restrictions on the provision of architectural services include penalties for falsely representing oneself as a registered architect.

Provisions for disciplinary proceedings of the board include causes for disciplinary action; powers of inspectors in investigations; obligations to report unprofessional conduct, including penalties for noncompliance; and the ability of the board to fine for unprofessional conduct or impose conditions, suspensions, cancellations or disqualifications on registrations.

There are also changes to the appeals process on decisions made by the board. Previously, an appellant had to appeal to the Supreme Court. This was expensive and created an unnecessary workload for the court. The panel recommended a right of appeal to the Administrative and Disciplinary Division of the District Court.

On 11 February this year I contacted Mr Andrew Davies, the Chairperson of the Architects Board of South Australia. He indicated that the board had engaged in numerous discussions with the minister since the draft bill was released in 2006. In collaboration with the Association of Consulting Architects and the Australian Institute of Architects, the board made a joint submission on the draft bill, with suggested changes to provisions relating to company registration.

Subsequent to my discussions with Mr Davies, the board is satisfied with the resulting bill. It is of the view that the bill reflects the general template used for professional standards within other professions. I indicate that the opposition looks forward to the benefits of greater competition

within the profession, and I look forward to reviewing the reports of the board after the first year of operation under this new legislation.

The minister and I as shadow minister for urban planning are often at end of year functions where new registrations of architects are made public and they are welcomed into the profession. On several occasions the minister has indicated his promise to the profession to bring forward this review bill. He made that promise again late last year, and we see it before us, so he has kept his promise. In light of the fact that the Architects Board does seem happy and comfortable with the bill and the discussions it has had with the minister, I indicate that the opposition will support the bill.

The Hon. M. PARNELL (21:29): The Greens support the second reading of this bill. I want to address my remarks in relation to the bill to the particular issue of energy efficient standards for buildings and, in particular, the star rating system. Members might recall that in parliament last year I asked the Minister for Urban Development and Planning a question about the star rating system, and the thrust of my question was whether or not we could do better than the current five star rating. In asking that question I drew attention to a resolution of the Campbelltown City Council where it called on the South Australian government to show leadership through the introduction of a six star minimum energy efficiency standard for thermal performance in residential buildings.

It also pointed out that the developments at Lochiel Park, which is often held up as a case study in energy efficiency, are around the 7½ star mark. The minister's response to my question was sympathetic to the points I was making, but the minister drew our attention to the obvious fact that we have a national system in relation to the building code, that the requirements in different climatic conditions vary and that the relevant ministers who get together on a national basis were talking about it but had not quite achieved a national standard. I wanted to take the opportunity afforded by this bill to raise the issue again, because in South Australia we can play a leadership role.

The Royal Australian Institute of Architects has weighed into this debate as well. In fact, almost a year ago exactly in February 2008, the Royal Australian Institute of Architects put out a press release basically calling for the government to drive a 10 star program for housing and commercial buildings. The institute made the point that the five star rating we have at present is very much only a starting point. The Institute of Architects points out that every household in Australia produces around 14 tonnes of carbon emissions a year. The Institute of Architects believes that the national climate change building code should override and replace the various fragmented state government approaches to ensure consumers, builders, architects and government officials were singing from the same hymn sheet. That is what the architects say.

One architect who weighed into this debate very recently, on 2 February this year, is South Australia's own John Maitland from the firm Energy Architecture. Speaking with Carole Whitelock, Mr Maitland said:

> The trouble is that five star energy efficiency is actually not energy efficient at all. It's a very low level. What you're talking about and what we desperately need is a huge improvement beyond five star. I have people in my office who live in homes that were designed within that five star bracket and they are suffering terribly. Their airconditioning is unable to bring their second storey into a temperature that is liveable at all with it on.

That was in the context of the recent heatwave, but the pattern this material shows is that what seemed at the time to be cutting edge and a high standard of achievement, namely, five star energy efficiency, is now regarded as a very low standard indeed.

Most recently we have the federal government's $42 billion stimulus package which, as members would recall, includes insulation of existing homes as one of its key planks. The Senate conducted a very brief inquiry into that package, and one of the experts who gave evidence to the Senate committee was Mr Alan Pears. His call was that the 20,000 new homes proposed to be built under the $42 billion package needed to be built to a seven star standard. He described it as absolutely feasible and pointed out that, especially in relation to public housing, tenants typically spend a lot more of their time at home, and that having higher energy efficient standards for those dwellings would both improve the comfort of those people and reduce their bills, as well as reducing peak energy demand. Professor Alan Pears (at Melbourne's RMIT University and a co-director of the consultancy firm Sustainable Solutions) also suggested that the bonus payments proposed under the stimulus package take the form of vouchers that could be used for the purchase of energy efficient goods and services.

The purpose of my raising these issues now, as we debate the Architectural Practice Bill, is to reinforce that this profession we are regulating has to play a key role in the future design of residential buildings. They will have a key role to play in the design of new buildings and also in retrofitting old buildings. If as a state we are serious about giving our citizens every opportunity to reduce their personal greenhouse gas emissions, we need to provide people with housing that will enable them to reduce their energy demand. Only so much can be done by encouragement and education, and at the end of the day we need to regulate for standards, and a good starting point would be for South Australia to lead the nation in the compulsory raising of the standard from five star to at least seven star, and to put in place steps that encourage people to retrofit existing houses so as to reduce their energy demand. In saying that, the Greens are happy to support the second reading of the bill.

Debate adjourned on motion of Hon. B.V. Finnigan.

CRIMINAL INVESTIGATION (COVERT OPERATIONS) BILL

Adjourned debate on second reading.

(Continued from 5 February 2009. Page 1219.)

The Hon. M. PARNELL (21:37): I have received only one submission from the public in relation to this bill, but it is an important submission because it is critical of some aspects of it and suggests some changes that might be beneficial. The submission is from the Law Society of South Australia and it describes this bill, in particular the provisions dealing with the protection of the identity of witnesses, as being of concern.

When we debate law and order bills in this place, one feature that we have talked about a fair bit is the concept of criminal intelligence—the idea that a person can have used against them evidence of which they are not made aware, that is, they are not told what the evidence is or who it is from and, effectively, they have no way of challenging it. The type of evidence referred to in this bill is not exactly of that class, but it does involve keeping information from defendants in criminal cases that they would normally be entitled to access.

The provisions of this bill relate to evidence particularly in relation to the ability of the court to hide the identity and address of informants. Those types of provisions are not unique—most jurisdictions have some arrangement where that can take place—but it is important for us to remember that the basic principle of criminal justice we should be striving for is that a defendant in a criminal trial has the right to be confronted by his or her accusers and to be able to cross-examine them and to challenge their evidence. That principle is at the heart of our legal system and many others, and it goes back to ancient Rome. It is regarded as a basic right in any civilised nation in connection with a fair trial, and that right includes not just knowing the evidence against you but also the true identity of a witness, particularly where issues of credibility are raised.

However, having said that, I agree with the Law Society when it states that the question is whether this legislation goes too far in hiding the identity of some witnesses or whether it actually achieves the correct balance. At the conclusion of the second reading, I would like the government to address the principal concerns of the Law Society as they relate to clause 33(1)(k) and also clause 40(3)(a). The Law Society points out that it thinks we have not quite got it right in relation to those two clauses, and it has proposed an alternative way forward, and I am very interested to hear what the government has to say about that.

The Law Society states that clause 33(1) is unduly restricted to the information known to the person giving the certificate, and these are the certificates that allow for the identity of witnesses to be suppressed. The Law Society does not believe that clause 40(3) is as good as other options; in particular, it refers to the model based on the New Zealand legislation. So, before we get to the detailed consideration of the bill, I put both those matters on the record and invite the government to respond to the Law Society's objections.

Debate adjourned on motion of Hon. B.V. Finnigan.

FAIR TRADING (TELEMARKETING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 November 2008. Page 999.)

The Hon. J.M.A. LENSINK (21:43): One could say that this is a fairly innocuous bill; it is certainly controversial and will probably provide quite a lot of relief to people at home who do not

enjoy receiving phone calls from people pushing their products. It is a bill of some 11 clauses and, in essence, it seeks to extend the existing provisions in terms of cooling off periods for contracts relating to unsolicited door-to-door trading and to those contracts which are made by telephone. It is based on the belief that a number of people at home may be elderly or frail and may be susceptible to telemarketing sales techniques. It is a useful piece of consumer legislation which will assist people who find themselves in those circumstances.

I note the previous federal government's Do Not Call Register initiative, which at one stage was unable to keep up with demand because of the number of people trying to get themselves registered on it, and I think that demonstrates the need for this sort of thing.

A number of us have probably been caught at home by people who have been very well trained in sales tactics. They want to offer you new credit cards or phone contracts, and when you say, 'It's alright; I've already got one', they already have their line worked out to try to con you into it. I think a number of us have to resort to being rude and either hang up or become very abrupt; however, there are those in our community who have been brought up in a different generation who are perhaps not quite as assertive. There are also people from other cultures who may find themselves being taken advantage of because they happen to be rather polite. So, the Liberal Party will support this bill without any amendments. I commend the bill to the council.

Debate adjourned on motion of Hon. B.V. Finnigan.

At 21:47 the council adjourned until Wednesday 18 February 2009 at 14:15.