LEGISLATIVE COUNCIL

Wednesday 21 February 2007

The PRESIDENT (Hon. R.K. Sneath) took the chair at 2.19 p.m. and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the 19th report of the committee for 2006-07.

Report received.

MURRAY-DARLING BASIN

The Hon. P. HOLLOWAY (Minister for Police): I table a ministerial statement regarding the management of the Murray-Darling Basin made by the Premier.

MOBILE PHONES

The PRESIDENT: There is a housekeeping matter I would like to address before we go on to question time. There has been an increasing abuse of the use of mobile phones in the chamber. In most parliaments in Australia, mobile phones are banned from the chamber. People have chamber phones, which other people can use, and honourable members also have staff in their office. So, I implore honourable members to show some courtesy to people on their feet by refraining from using their mobile phones. People leaving the chamber have not turned off their mobile phones and they have rung whilst people have been on their feet speaking. We ask people in the gallery to be quiet and listen to the debate and to refrain from using their mobile phones and various other things, so I think honourable members can show the same courtesy to those people who come into this place to listen to the debate.

QUESTION TIME

WALKER CORPORATION

The Hon. R.I. LUCAS (Leader of the Opposition): My questions, which are directed to the Leader of the Government and also in his capacity representing the Premier, are as follows:

1. Did the minister or any of his officers meet with Mr Lang Walker, or any representative of the Walker Corporation, in the 12-month period prior to the 2006 state election and, if so, where was the meeting conducted, what was the occasion, and what was the purpose of any such meeting?

2. This is a referred question to the Premier: did the Premier or any of his officers meet with Mr Lang Walker, or any representative of the Walker Corporation, in the 12-month period prior to the 2006 state election and, if so, where was the meeting conducted, what was the occasion, and what was the purpose of any such meeting?

The Hon. P. HOLLOWAY (Minister for Police): I do not have any recollection of meeting Mr Walker prior to the 2006 election. I think the first time I met Mr Walker was late last year, certainly well after the election. In relation to the question to the Premier, I will refer that on.

BRANCHED BROOMRAPE

The Hon. D.W. RIDGWAY: My question is to the Minister for Environment and Conservation. Why has the minister not met with the Branched Broomerape Ministerial Advisory Committee for the past 12 months?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I am quite confident that the committee meets when it needs to. Whenever it addresses matters it needs to draw to my attention, it knows it has timely and ready access to me. If there are any matters it does need to bring to my attention, if there are any issues of concern it needs to draw to my attention, it knows that it has, as I said, direct and ready access to me. It is a competent committee and I expect it to get on and do the job.

PORT LINCOLN, CRIME

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Police questions about crime in Port Lincoln.

Leave granted.

The Hon. T.J. STEPHENS: I recently received a letter from a resident in the Shelley Beach/Power Terrace area of Port Lincoln who is experiencing incredibly rowdy and unsociable behaviour in the area on a regular basis, particularly during most weekends. Smashed bottles, noise, rubbish and damage to people's property seems to be an ongoing problem, according to the resident. The resident advised me that police are regularly called and that if they attend it is not always in a timely manner. The resident stated that police advised her that there is often only one police patrol car available for the whole of the Port Lincoln area. Residents are seeking more patrols and a much greater police presence and have requested that I ask the minister whether he would support the establishment of a dry zone in Port Lincoln. My questions to the minister are:

1. Is the Port Lincoln police station regularly understaffed?

2. Can the minister confirm that, often, only one patrol car is available in the entire Port Lincoln area?

3. Will the government consider working with the council to see whether a dry zone could be the right option to quell the unsociable behaviour that has been reported?

The Hon. P. HOLLOWAY (Minister for Police): I was in Port Lincoln for our community cabinet meeting when the Premier and the Police Commissioner opened the new police station at Port Lincoln, which, of course, has significantly increased facilities in that area. I think that shows the commitment that this government has to policing not just in Port Lincoln but in all rural areas, because we have opened other police and/or court facilities in Port Pirie, Berri, Mount Barker, Gawler, and Victor Harbor. This government is endeavouring to give police the resources—and also human resources, of course—in terms of increasing police numbers. In relation to the number of patrols available at any particular time, that, of course, will depend on the time of day, what officers are doing, what tasks they have been assigned to, and so on. I will seek to get that information, but they are really operational matters for the Commissioner.

In relation to the dry zone, I think that is really more a matter for one of my colleagues. It comes under the Liquor Licensing Act, and either the Attorney or the Minister for Consumer Affairs may have that jurisdiction. I am certainly happy to pass on any information that the honourable member

can provide in relation to those issues. We have dry zones in other parts of the state where a need is perceived and where it is considered that that is a reasonable proposition given other alternatives that might be available and the nature of the problems.

I am not sure to which part of Port Lincoln the honourable member's constituent refers, but a significant amount of money (including money through my department) has been put into improving and beautifying the foreshore of Port Lincoln. I think the construction of the new hotel will really greatly improve the amenity of the foreshore at Port Lincoln and, obviously, we would not want that affected in any way by antisocial behaviour. Many issues were raised with us by councils during our community cabinet in Port Lincoln. I do not believe anyone raised issues in relation to that particular matter, but, again, if the honourable member can provide any evidence or provide me with the letter I would be happy to have it looked at. However, I would have thought that, if this had been an issue, it would have been raised with us when we were there just a week ago.

The Hon. T.J. STEPHENS: I have a supplementary question. Was the issue of under-resourcing in terms of staff raised with you by senior police at the opening of the Port Lincoln police station?

The Hon. P. HOLLOWAY: Whenever I visit we always talk about police resources. It is no secret that it is becoming more and more difficult to get police officers into the more remote areas of the state. There are a number of reasons for that. As recently as this morning, I had discussions with the Police Commissioner in relation to how we might look at this issue. I would have thought that Port Lincoln was one of the more desirable places for recruiting police officers, but obviously in the more remote parts of the state it is becoming difficult to recruit officers.

At least the situation is not as bad as it is in Western Australia where we hear anecdotal evidence of police officers moving into some of the mining areas but, because of the higher salaries being paid by some of those industries, those officers leave within a few months to take up better paid jobs. All these factors are impacting on policing in other states. I do not believe that we have reached that point yet, but certainly recruiting police is an issue. We have been very successful so far and, of course, we have recruited police from the UK to help with that. It is an issue. I am not aware of any particular problem in the Port Lincoln area, but I will raise it with the Commissioner.

The Hon. NICK XENOPHON: I have a supplementary question. Have the police in the Port Lincoln area made any applications to the Liquor and Gambling Commissioner under section 106 of the Liquor Licensing Act about venues that may be the source of any undue offence, annoyance or disturbance; and what are the criteria for such an application to be made by the police? What are the triggers?

The Hon. P. HOLLOWAY: I am not aware of any, but I assume that, if any applications are made, they are made to the Liquor Licensing Commissioner and they would probably be made through another department.

The Hon. Nick Xenophon: The police have separate powers, too.

The Hon. P. HOLLOWAY: I will take the question on notice.

POLICE, RECRUITMENT

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Police a question about South Australia Police UK recruits.

Leave granted.

The Hon. B.V. FINNIGAN: The recruiting of officers from the United Kingdom to South Australia Police—

The Hon. R.I. Lucas interjecting:

The Hon. B.V. FINNIGAN: I heard the minister mention UK recruits, so I thought it was an apposite question to ask to find out more information. The recruiting of United Kingdom officers to South Australia Police has been a great success, with a further group graduating today from the Fort Largs Police Academy. Will the minister provide an update on the number of former UK officers now serving with South Australia Police?

The Hon. P. HOLLOWAY (Minister for Police): I thank the honourable member for his question. It underlines the fact that this government has put increasing police numbers right at the top of the agenda. I am delighted to inform all members of the chamber that a further 35 police officers graduated today from the police academy at Fort Largs, and I was pleased that the shadow minister for police was present as well to meet and greet those new officers. Of the 35 graduating officers today, two are from interstate and the other 33 are former United Kingdom bobbies. The recruits commenced training last December and they bring to 217 the number of UK officers recruited so far by South Australia Police. They are welcome additions to what is now the largest police force in the state's history.

Their graduation is further evidence of the government's investment in community safety, which has delivered the highest number of police officers South Australia has ever seen. I think it indicates that we are on track to deliver on our promise of 400 extra police during the term of this government and, as we get those extra numbers, that will enable us to provide police officers to locations such as the West Coast regions about which the previous member was asking questions. That is in contrast to what happened previously when police numbers in this state were allowed to drop to alarmingly low levels.

The 33 former UK officers graduating today were selected last year from 190 applicants. The fact that there were 190 applications of which we selected 33 shows how fortunate we are to be able to select officers of this calibre. They have a wide range of skills and experience, with ranks ranging from constable to sergeant, and some have more than 22 years of policing experience in the United Kingdom.

As further United Kingdom recruits graduate into the ranks of our police force, SAPOL continues to receive a steady stream of inquiries from serving United Kingdom police officers considering a move to South Australia. I am told that, almost without exception, officers inquiring about a move to South Australia include quality of life and the weather among their reasons. So far, SAPOL's United Kingdom recruits have adjusted well to work and life in South Australia, and the feedback we have been receiving indicates they are highly competent, professional and friendly. As skilled police officers, the UK recruits continue to bring a wealth of policing skills, knowledge and experience to communities throughout South Australia.

While SAPOL's UK recruiting efforts have been a great success, a small percentage of the former UK officers have decided to terminate their service. Of the 217 UK officers

recruited by SAPOL so far, 22 have terminated their service, including five who decided to leave while training at the Fort Largs Police Academy. Importantly, SAPOL has in place a range of welfare and feedback mechanisms to provide support to the former UK police officers.

This latest group of 33 United Kingdom recruits will complement the estimated 180 local applicants SAPOL is expected to recruit this financial year to cover retirement as well as the government's commitment to recruit 100 extra police per year during this term. Recruiting has been, and will remain, a priority. However, with South Australia's current low unemployment rate and a competitive labour market, it is important that we continue to recruit from the UK as a supplement to our local recruiting. On a per capita basis South Australia continues to have the highest rate of sworn police officers of any Australian state, and more police lead to safer streets and neighbourhoods. So, thanks to the efforts of our dedicated police force, South Australia is now a much safer place than ever before.

The Hon. R.I. LUCAS (Leader of the Opposition): I have a supplementary question arising out of the answer. Can the minister confirm that the attrition rate, if I can use that term, of more than 10 per cent of UK officers in the first two years of training is more than double the attrition rate of locally recruited officers in the South Australian police force and, if so, what does he and the Commissioner intend to do in terms of reducing what is clearly, potentially, a waste of recruitment resources?

The Hon. P. HOLLOWAY: I am told that the attrition rate over the first two years of recruitment is generally about 6 per cent, or thereabouts. As I said, of the 217, something like 22 have gone, so that is roughly a 10 per cent attrition rate. I think in the circumstances that is a relatively low rate, given that these officers have come half way across the world. Some of them obviously will have family problems and other issues, but I think the fact that we have so far retained about 90 per cent is a very good outcome, particularly since these officers have such a high level of experience.

These officers who are recruited from the UK are probably better equipped to handle many of the situations than the locally trained recruits because of their extra experience as police officers. I think we are very fortunate to be able to replace the retiring police officers. We are losing experience in many areas of our government, given that the baby boomer generation is now approaching retirement age. Right across government we will lose a lot of skills in the next few years because the average age of employees in many professions is very high. So I think we are very fortunate that we can replace, at least in the police force, some of the skills with these officers from the UK. Also, the benefit is that these officers bring their families, as we saw today at the graduation ceremony, where there was a large number of children and families of the police officers. In some cases, even the parents of these police officers have decided to migrate to this country with their children. So, I think it is a very good outcome for this state.

The other point that needs to be made is that, in moving to South Australia, these officers pay their own way—they are not subsidised in terms of their travel to South Australia. I think that we get a very good deal. Obviously, as I indicated in answer to the earlier question from the Hon. Terry Stephens, it will be attractive for some of these officers to work in other industries; and, obviously, that is something we will need to keep an eye on, but that problem is faced not only by the police but also by a number of other areas of the workforce in this state. Of course, I am sure that we would rather have problems of trying to retain staff rather than not being able to provide jobs for people.

The Hon. T.J. STEPHENS: As a supplementary question, what percentage of the UK recruits have put up their hand to do any country service?

The Hon. P. HOLLOWAY: I do not have that figure. However, of the 33 officers graduating today, at least one was assigned to the Far North region and others have been assigned to areas around the state. Any police officer can expect to be assigned anywhere in the state, but I would have to get the information in respect of the actual numbers. What I can say is that it is satisfactory. When I visited last year, a former UK serving officer was working in the APY lands. I believe that those recruits do serve right throughout the state.

TOBACCO LAW ENFORCEMENT

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about tobacco law enforcement.

Leave granted.

The Hon. A.L. EVANS: The South Australian Tobacco Control Strategy 2005-10 comprises seven strategy areas, two of which are: smoke-free legislation, regulations and policies; and regulations to minimise commercial conduct that promotes tobacco products, advertising/promotion, product toxicity, active surveillance and enforcement. A review of previous state budgets under this government since 2002 indicates that, leading up to 2004-05, complaints lodged under the act number roughly 30 per year. In that reporting year there was an unbudgeted increase of 100 prosecutions followed by 119 complaints laid in 2005-06.

No target is set for 2006-07 due to the 'difficulties to estimate the number of complaints likely to be received'. According to the government, enclosed areas in all licensed hospitality venues, including pubs, clubs and the Skycity Casino, will become completely smoke free by 30 October 2007. I note that the 2006-07 budget indicates that compliance figures for all venues are budgeted at 90 per cent. My questions relate to the real extent to which enforcement of tobacco laws figure in the government's 2005-10 Tobacco Control Strategy. My questions to the minister are:

1. How many prosecutions for breaches of the Tobacco Products Regulation Act has she commenced and secured convictions for from 2002-03 to date?
2. How many more prosecutions and expiations are anticipated for the remaining years covered by the 2005-10 strategy?
3. How many staff or FTEs are there to police breaches of tobacco laws?
4. How many extra staff or FTEs will the minister deploy to police the new laws for licensed hospitality venues commencing 31 October 2007?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for his important questions. We know how important it is to reduce tobacco smoking in South Australia, because we are all well aware of the tremendous adverse effects of smoking not only on the health of South Australians but also our health system, as well as the effects of poor health amongst those people who suffer smoking-related illnesses.

This government has been very forceful and active in introducing a wide range of measures to decrease the number of people who smoke in this state. In fact, I believe some of the tough measures that we have put in place are having a very powerful effect. We have put in place a wide range of legislative changes, including the banning of smoking in pubs and clubs. We plan to increase the merchant's fee and we also plan to increase the number of expiable offences. We have been very tough on smoking in terms of banning. We stepped in straight away and banned split packet cigarettes and we were also very quick to act on fruit flavoured cigarettes, obvious marketing strategies designed to attract and lure young people into smoking. We acted very quickly there, and we are also looking at banning smoking in cars, but I am not allowed to raise that matter at present because there is a bill before this chamber.

In terms of the actual number of prosecuted offences, I do not have those details in front of me today, but I am happy to take that matter on notice and bring back a reply. I point out to the member that we have put into action a number of strategies that will help increase compliance, especially by people who choose to flout our laws and breach regulations and legislation. For instance, we plan to increase the tobacco merchant's fee, and we are in the throes of doing that at the moment. We plan to introduce a variation to the tobacco products regulation act of 2004 to raise the retail tobacco merchant's licence fee from $12.90 to $200 per annum as at 1 January, and we plan to use the revenue gained from this to increase compliance. This will enable there to be more inspectors on the ground to make more visits and improve compliance.

We also plan to increase the number of offences that can be covered by expiation notices under this provision. This means that we will be able to more readily and easily prosecute those offences. We think this is a very important and powerful measure in terms of increasing compliance, because people who breach the regulations are more likely to be fined. We are well under way towards putting a number of strategies in place designed not only to decrease smoking per se but also to improve compliance with our current legislation and regulations. As I said, the proof is in the pudding. We have been able to achieve a decrease in smoking amongst our younger population. Those figures are very encouraging, and we hope to ensure that the strategies that we have put in place and will continue to roll out will continue to improve those figures.

The Hon. A.M. BRESSINGTON: I have a supplementary question. Can the minister explain why, during the last sitting week when she was asked if her policy on tobacco was one of zero tolerance and prohibition why that has worked for tobacco and not for illegal drugs, she said it was not a zero tolerance approach when in her answer today she has used the word 'banned' at least five times?

The Hon. G.E. GAGO: I am happy to take the time of this chamber to explain that again to members. This government has taken very strident actions to roll out a wide range of strategies to reduce smoking. Some of those strategies include the banning of cigarette smoking in clubs and pubs, and we are looking at banning cigarette smoking in cars and a range of other strategies. I have talked about how aggressive we have been on banning fruit flavoured cigarettes and split packets of cigarettes.

Again, I point out that they were specific marketing strategies which were targeted towards young people and which we believe encouraged young people to smoke. So, we were very fast off the mark there and put those bans in place. We are also looking at retail display restrictions in outlets, we have looked at increasing the merchant licence fees significantly and we have increased the number of expiatable offences that would apply there. I have just explained at great length the link between those measures and being able to improve compliance amongst those retailers or groups that might seek to flout this legislation.

The Hon. A.M. Bressington interjecting:

The PRESIDENT: Order! The Hon. Ms Bressington will stop interjecting in the background and listen to the answer.

The Hon. G.E. GAGO: As I explained last time in relation to the total banning of cigarette smoking, currently tobacco is a legal product and cigarette smoking is a legal activity. As I explained last time, we have received advice from some of the most significant lobby groups such as the cancer foundation and many others who have indicated to us their opposition to the complete banning of tobacco products. As I have explained here before and I am happy to explain again, the rationale these organisations give is that it tends to romanticise the concept of smoking by giving it a sense of excitement; if it is illicit it is likely to incite young people's curiosity. The advice I have had from these organisations is that it is likely to end up having the adverse effect of increasing smoking amongst young people.

The proof is in the pudding. We have been very active and aggressive in the strategies we have rolled out. The proof is in the pudding. We have actually been able to deliver a decrease in the smoking rates amongst our young people. That is a very important finding, because we know that the earlier we are able to affect the decision of young people to smoke the more effective that is in the long run. The statistics show us that the younger a person takes up smoking the more difficult it is for them to give up and also that the longer a person smokes the harder it is to give up. This government has particularly targeted youth smoking, and we have been successful in reducing the rates of smoking amongst young people. Again, we are not resting on our laurels; we are continuing to roll out anti-smoking strategies regularly. I make no apologies for our very aggressive and assertive policy structure; it is working, and we are very pleased that those numbers are coming down.

The Hon. A.M. BRESSINGTON: As a further supplementary question: the minister mentioned in her answer that a total ban of tobacco products would do nothing more than glamorise and encourage young people to test it all out, yet in the very next breath she stated that the government totally banned fruit flavoured cigarettes that were targeted at young people. Is she listening to ASH or isn't she?

The PRESIDENT: The minister can answer if she wants.

The Hon. G.E. GAGO: Again, I am very happy to answer this question. Fruit-flavoured and split packets of cigarettes were specifically targeted towards glamorising and making more accessible cigarette smoking. The banning of these products did not result in a total ban of tobacco products. This strategy was particularly targeted towards young people, and we were very successful in stopping these products from infiltrating the marketplace.

The Hon. A.M. Bressington interjecting:

The Hon. G.E. GAGO: Again, I can only go on the advice we have received—

The Hon. A.M. Bressington interjecting:

The PRESIDENT: Order! The Hon. Ms Bressington might like to listen to the minister—she would then hear the minister's answer—instead of interjecting all the time.

The Hon. A.M. Bressington interjecting:

The PRESIDENT: If the honourable member is not interested in listening to the answer to her question, it would be best that she not ask the question in the first place.

The Hon. G.E. GAGO: Thank you, Mr President; I would then not have to repeat the same answer, because I think this is either the third or fourth time I have answered this question. I am quite happy to answer the question as many times as it is asked, but I believe we could make better use of the chamber's time. As I have said, these specific products of fruit-flavoured cigarettes and split packets were particularly targeted towards young people. Those products had not infiltrated the marketplace in any significant way, and we were able to prevent that from occurring.

I am bemused, because I would have thought that honourable members would be congratulating this government for taking such prompt and assertive action, but it does not appear that they are supportive of the government's actions. All they do is sit there and knock the actions of this government. As I have said, the proof is in the pudding. We have been able to bring down the rate of smoking amongst young South Australians, which is saving lives. I would have thought that it would be more appropriate for honourable members to congratulate the government on these actions rather than produce these churlish, begrudging questions.

As I have said, I am always very pleased to talk about our policy and actions in relation to cigarette smoking, because they have been very effective in bringing down the rate of smoking amongst young people. At every opportunity I am afforded, I am happy to get up in this chamber and again talk about how successful our anti-smoking strategies have been.

The Hon. R.I. LUCAS (Leader of the Opposition): I have a supplementary question. If the government's anti-smoking strategies have been so successful, why is it that the Cancer Council now estimates that 19 000 deaths were caused by cigarette smoking, whereas 25 years ago the number was 16 000: an increase of 3 000 in the past 25 years?

The Hon. G.E. GAGO: I do not have the figures in front of me to confirm whether or not that is so, but I am happy to look into that and provide whatever explanation there is.

SOUTHERN SUBURBS, CRIME

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Police a question about crime in the southern suburbs.

Leave granted.

The Hon. S.G. WADE: On 24 January 2007, the *Southern Times* Messenger reported that serious assaults in the south coast local service area have increased by 20.9 per cent. Commenting on these figures, south coast Detective Chief Inspector Paul Greathead is quoted as saying:

> We now live in a society where some people have lost patience and their communication skills are very limited—it's the primitive way of resorting to violence. It needs people to be better informed on the other ways of settling disputes.

My question is: given significant increases in serious assaults in the south and the government's decision to cut funding for local crime prevention programs when it came to office, what is the government doing to ensure that people are better informed of the ways of settling disputes?

The Hon. P. HOLLOWAY (Minister for Police): This government has massively increased police resources in this state. Let me remind the chamber that back in the mid-1990s, under the former government, police numbers dropped to just over 3 400. There are now more than 4 000 police officers in this state—and their number increased by a further 35 this morning.

The police in this state have unprecedented resources provided by this government, and overall crime rates in this state have been falling. They fell by 5.8 per cent in 2005-06, following similar falls of 7.2 per cent in 2003-04, and 6 per cent in 2004-05. Obviously, if one has rapidly-growing areas statistically it is more likely that you will inevitably get increases in those areas relative to the rest of the state. We know that a lot of new development has taken place within the southern suburbs but, of course, this government has built the new Aldinga police station and we have also increased the number of police resources in that area. However, there will always be hot spots in crime.

Although the overall crime rates fall across the state there will be, inevitably, some areas where crime will go up. As I have explained to this council in the past, the police have a very good computer statistical system and every month all the crime statistics are analysed by local service areas. Any trends are followed and the police respond to any increases or outbreak of crime. I must also say that there has been a fair bit of misinformation in the media in relation to resources within the southern area, including a report, several weeks ago, that the Christies Beach police station was not open after hours, and some other quite mischievous information being spread through the media.

What I can say is that the police resources in this state are unprecedented under this government. The police budget grew by something more than 8 per cent in the last budget, so no-one can say that the Rann government is not providing the police with the resources that they need to tackle crime. In relation to society breakdown and the reasons for crime, there are many reasons why there is more violence in our society. You can trace it to many factors at the end of the day—

An honourable member interjecting:

The Hon. P. HOLLOWAY: That is nonsense. How are we going to solve crime? If we think governments somehow or other are responsible for breakdowns in families, breakdowns in behaviour, then we are not going to get anywhere. The only way we will get anywhere in terms of addressing crime in this state, whatever its source, is if we do it at the source. We are certainly providing the police with the resources.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Families SA? This is the sort of rubbish that we have to deal with—gimmicks. There is one way we can solve crime within this state, one way that we can address it, and that is by going to the source of the problems. Blaming government agencies that are tackling it will not do anything at all to help. What we need to do is address it at the source. This sort of rubbish that we are hearing really is going nowhere. I do not think anybody really believes opposition members. They had their chance and they totally fluffed it. If they keep peddling rubbish like that, they really will not go anywhere at all.

DRIVER FATIGUE

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Road Safety a question regarding driver fatigue.

Leave granted.

The Hon. R.P. WORTLEY: Driver fatigue, or tiredness, contributes to hundreds of deaths and injuries on Australian roads each year and can be just as deadly as drink-driving or excessive speed. Will the Minister for Road Safety explain what the government is doing to combat driver fatigue?

The Hon. CARMEL ZOLLO (Minister for Road Safety): I thank the honourable member for his very important question. Fatigue is a silent killer. If a driver has a four-second microsleep while travelling at 100 km/h, the car will travel over 100 metres completely uncontrolled.

The Hon. A.M. Bressington interjecting:

The Hon. CARMEL ZOLLO: I am pleased that you saw the ad and that it has obviously stuck in your mind. As our Dr Karl ads show, this can have catastrophic consequences as a car can deviate off the side of the road or into the path of another vehicle. From national studies some estimates suggest that driver fatigue is a factor in up to 30 per cent of fatal crashes and up to 15 per cent of serious injury crashes. However, fatigue and its contribution to road crashes is very difficult to measure and is rarely recorded as the cause of a crash. Perhaps that is one reason why so many drivers push on and ignore feelings of tiredness or signs of fatigue in order to reach their destination earlier.

Apart from the recent TV advertisements focusing on fatigue, the state government has introduced a range of initiatives in order to promote the dangers of driver fatigue. A comprehensive guide to the state's roadside rest areas can be downloaded from the Stop.Think website. As well as detailed maps and facts about fatigue, the guide offers helpful hints, including getting a good night's rest, sharing the driving, getting plenty of fresh air, and not driving too far in one-day. In addition, signage has been installed along many roads across the state warning motorists of the dangers of fatigue. Signs leading up to towns have also been installed illustrating facilities available within the town. These include rest areas, which are located both within towns and between towns across the state.

At the COAG meeting in February last year, it was agreed that an audit of rest areas be completed by July 2007 as well as the development of strategies for improved rest area provision on significant freight routes. As a result of these requirements, a project manager from within the Department for Transport, Energy and Infrastructure (DTEI) has been appointed to provide input into the audit and work on the development of a rest area strategy. The allocation of $60 000 has been allowed for this work in the department's policy and planning division. The work, which will be undertaken this financial year, will include identification of needs and consultation with the freight transport industries and the consequent cost implications.

Also, this financial year $220 000 will be spent on improving nine rest areas on the Lincoln Highway and the Flinders Highway. These improvements will include sealing of the entrances and exits to these rest areas and the provision of tables with seating and shelters. There are currently more than 290 rest areas along the AusLink network and state arterial roads in South Australia. These are stand-alone facilities between towns that are maintained by the regional offices of DTEI. There are also about 110 rest areas within townships that are maintained by local government. Most rest areas have firm all-weather parking services, picnic seats and rubbish bins, and they provide a place to take a break, get out of the car and have something to eat or drink. Yawning, drowsiness, head nodding and boredom are all signs of driver fatigue. For the sake of all road users, these signs should never be ignored.

The Hon. J.S.L. DAWKINS: I have a supplementary question. What action has the government taken to introduce audio tactile line markers in the centre of major highways as a means of combating driver fatigue?

The Hon. CARMEL ZOLLO: The initiative mentioned by the honourable member is one of the means by which we combat driver fatigue, and it is always part of the mix whenever we are looking at budgetary constraints, if you like, or issues, and it is certainly well recognised that it is one of the means of combating driver fatigue.

The Hon. J.S.L. DAWKINS: I have a further supplementary question. Will the minister confirm that she is actually talking about audio tactile line markers in the centre of roads rather than what currently exists in South Australia on the edges of the roads? I am seeking an answer in relation to putting them down the middle line.

The Hon. CARMEL ZOLLO: I actually did think the honourable member meant the ones on the side of the road, which, like shoulder sealing, help when a car is veering off if somebody is suffering fatigue. As I said, I will investigate what the member seeks and bring back a response.

GAMING MACHINES

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Gambling, questions in relation to the impact of poker machines on provincial cities.

Leave granted.

The Hon. NICK XENOPHON: On 8 February 2007, I received a copy of an independent report prepared by the SA Centre for Economic Studies and commissioned by the Provincial Cities Association of South Australia on the impact of the government's legislation to reduce the number of poker machines by 3 000, a copy of which has been provided to the Independent Gambling Authority and also to the Minister for Gambling. The report made a number of findings.

I refer directly to correspondence from the Provincial Cities Association, which says that the policy adopted by the parliament to reduce poker machines has not worked and has had little or no impact on the disproportionate concentration of machines in the provincial cities; that the number of problem gamblers has increased since 1998-99 from 3 825 people to 4 610 in 2002-03, with a prevalence rate in the provincial cities of 3.8 per cent of the adult population compared with 2.8 per cent in the metropolitan area and 1.6 per cent for other rural areas; and that net gambling revenue for the provincial cities as a group has gone up 4.9 per cent, despite a decline of 7.7 per cent in the number of machines. The report also recommends the introduction of smartcard technologies. My questions are:

1. What is the minister's response to the report and the concerns expressed by the Provincial Cities Association?

2. What proportion of the GRF (Gamblers Rehabilitation Fund) and other resources dedicated to address problem gambling is allocated to the provincial cities and how does this compare on a per capita basis in terms of support in the Adelaide metropolitan area?

3. Does the government concede that the provincial cities are feeling the impact of problem gambling disproportionately and proportionately receive less in assistance than the metropolitan area?

4. How many of the provincial cities have face-to-face gambling services and what is the waiting time, including the average waiting times in the past 12 months, for a person seeking such services?

5. Will the minister indicate his position on the implementation of smartcard technology as recommended in the report and by the Independent Gambling Authority?

6. How often has the minister's Responsible Gambling Working Party met since its inception last year and when will its recommendations be released?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his questions in relation to the impact of poker machines on provincial cities. I will refer his questions to the Minister for Gambling in another place and bring back a response for the honourable member.

COURTS ADMINISTRATION AUTHORITY

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before directing a question to the Minister for Road Safety.

Leave granted.

The Hon. B.V. Finnigan: Where's Michelle today? Running for Senate preselection!

The Hon. R.D. LAWSON: What? For the Labor Party, for Linda's spot which you shafted her on? The annual report of the Courts Administration Authority records the fact that the authority claims to be seriously underfunded. In the report, the Chief Justice writes as follows:

> Had the council [the Courts Administration Council] not been permitted to draw on funds provided to it in connection with the delayed road safety programs, the council would not have been able to operate within its appropriation. I acknowledge that the government permitted the council to draw on this money. But it remains unsatisfactory that the council was unable to persuade the government to approve an appropriation that would cover the cost pressures that have been identified to the government.

Reference is made elsewhere to the deferred road safety programs. My questions are:

1. Does the deferral of funding for road safety initiatives to prop up the underfunded Courts Administration Authority reflect the priority which this government places on road safety?

2. If not, how can the government justify delaying the implementation of road safety initiatives designed to make our roads safer to prop up government departments?

The Hon. CARMEL ZOLLO (Minister for Road Safety): I do not have a copy of the report from which the honourable member is reading. I assume it is the Courts Administration Authority annual report.

The Hon. R.D. Lawson: It is the latest one tabled in this parliament on 22 November 2006.

The Hon. CARMEL ZOLLO: I will undertake to get some advice and bring back a response for the honourable member, but the results in terms of road safety in this state—I think with the cooperation of so very many partners—speak for themselves. We saw 30 people fewer killed on our roads last year. Obviously, the 117 fatalities is never good news, but the focus on road safety and the cooperation and assistance of the many people involved—whether it be in the transport department, the police force, the Motor Accident Commission, the education department, in fact, everyone involved in delivering road safety in South Australia—really should be congratulated in the light of last year's results. However, we know that we can never rest on our laurels; there is always a great deal to do. Nonetheless, in relation to the matter the honourable member has raised, as I said, I will get some advice and bring back a response for him.

The Hon. R.D. LAWSON: Will the minister indicate whether she, as road safety minister, was consulted in relation to the delay of road safety programs and the fact that the funds for those programs were allocated to the Courts Administration Authority?

The Hon. CARMEL ZOLLO: As I said, I will get some advice and bring back a response for the honourable member.

OLYMPIC DAM, DESALINATION PLANT

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

Leave granted.

The Hon. M. PARNELL: On 8 February 2007 Mike Rann told Tony Jones on ABC Television's *Lateline*:

> . . . we have committed as a state government to jointly fund the proposed desalination plant for the Roxby Downs expansion with BHP Billiton. What we're negotiating for is to get a one-third, one-third, one-third share and for the commonwealth to show good endeavours by making that commitment.

When asked to confirm whether the one-third sharing of costs was true, the Premier's office released a statement saying:

> The South Australian government's proposal is for the planned Upper Spencer Gulf desalination plant to be funded via a three-way split between the SA government, the commonwealth and BHP Billiton.

On Monday, Kevin Rudd announced on the Leon Byner show:

> I've committed publicly today to provide South Australia with $160 million as a 50 per cent contribution to the desalination plant for Upper Spencer Gulf.

On the same day, the Premier declared in a media statement:

> . . . the state government has already committed a share of $160 million to the proposed plant.

Yet, in another place yesterday, the Treasurer contradicted that statement by stating in reply to a question about how much the state government is chipping in:

> The final cost has not yet been determined because BHP is still working through the scope of the project, as are we.

My questions to the minister are:

1. Who is telling the truth about the exact state government commitment? Have the funding figures been finalised and is the Treasurer reluctant to share them with the South Australian people, or has the Premier committed $160 million of taxpayers' funds without a firm matching commitment from the plant's builder about its own financial contribution to its own plant and before the scale of the project has been finalised? Which is it?

2. What exactly does a 'three-way split' of costs between the commonwealth and state governments and BHP Billiton actually mean?

3. Why has his government already publicly committed $160 million of taxpayers' funds when its own Treasurer has admitted that the government is still working through the scope of the project and does not even know how much the plant will cost?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I would have thought that everyone would understand that BHP Billiton is looking at its water requirements in relation to Olympic Dam. The ultimate scale of the mine will depend on many factors. There are many variables in relation to that. Obviously, they know in the initial planning approximately how much water they are likely to need but, clearly, the mine plan will become more detailed.

It is a huge exercise. There are hundreds of people involved every day. Many engineers from all around the world are here in Adelaide working on this project and looking at its scale, feasibility and so on. The actual draw that it will require, and other details, obviously will come out of that. You do not wake up one morning and think, 'I'd like a desalination plant. It will use X amount of water. It will cost $Y, etc.' When one plans these major projects, these major exercises—

Members interjecting:

The Hon. P. HOLLOWAY: Why do members think we have feasibility studies for major projects? We do that to scope these projects and to find out exactly what the costs and issues are likely to be. Certainly, you begin with some initial planning, and then, as you go through, it is an iterative process; and, from time to time, these projects inevitably will change. As information comes up you will realise something about one particular technology, or there might be one particular problem, and so you go back and do it all over again. It is an iterative process and it happens with every project. That has been the case since the year dot and it will happen into the future.

What amazes me is that people, such as the honourable member who asks the question and members opposite, seem to be bemused by this. How do they think that major projects evolve? BHP is looking to scope this. What the state government does know is the consumption of water—the SA Water component, if you like—that occurs now in the state through the Morgan-Whyalla pipeline; and essentially that will be its path. I have made it clear, and members of the government have made it clear, that this water desal plant is BHP's cost. It is BHP's project and it will fund its share of it.

It has been made clear that what we will do is to piggyback that project so that we will get the additional water that is necessary for the Spencer Gulf region. Of course, we will be saving water that is drawn from the River Murray—water that is now taken out of the Morgan-Whyalla pipeline and pumped all the way at significant cost. It costs a lot of money. A lot of electricity is used to pump water from Morgan all the way to Whyalla. Now, if you have a desal plant at that site, you will save that electricity. You can actually use the electricity there in Whyalla, Port Bonython or wherever the site might be; and that in itself, obviously, must be decided.

As the honourable member correctly pointed out yesterday, a proper EIS must be done to look at all the impacts on different sites. All that must be part of a proper study. The point is that you will save significant electricity costs in pumping water those hundreds of kilometres. If you use that as the electricity in the desalination plant, it makes it much more economic than the opposition's proposal, which is to put a desal plant here in Adelaide. In that situation you are not saving the water costs, but we are still saving River Murray water. Anything up to 20 plus gigalitres, which would otherwise be withdrawn from the River Murray at Morgan, will flow down the river. It will be useful for environmental purposes, or it can, of course, be used to supply Adelaide.

The $160 million from the commonwealth and state governments is what the state government is looking at in terms of its component of this desalination plant. Of course, BHP Billiton will have to provide its cost in relation to that plant. The important point is that, if you have one plant, we are fortunate to be able to piggyback that project to provide water to this state. It is a very sensible and economic project. It will take a long time to complete all the necessary feasibility and environmental studies before this project goes ahead as, indeed, it does for every single project. There is nothing surprising at all about that.

MATTERS OF INTEREST

HOWARD GOVERNMENT

The Hon. J. GAZZOLA: Public pressure has been mounting on the Howard government to address the errors and serious concerns over Iraq, global warning, the protracted and bungled David Hicks' situation and its IR laws among many others. The Prime Minister has been anxious—as was apparent in his recent response to the Hicks' case—through a recent cabinet reshuffle and in his recent Damascus conversion on global warning (to name but some initiatives) of the need to establish credibility in the public eye and the threat that its lack poses at the next election. The Prime Minister has been astutely calling the tune until recently, buoyed as he has been for some considerable time by a conservative media and a loose collection of right wing supporters, but the dire consequences of these festering concerns expose the government's casual regard, denial and political opportunism.

I would like to reflect on the contribution of my opposition colleague, the Hon. Terry Stephens, in his Liberal manifesto matter of interest. When an opposition member works on reassuring us that everything is hunky dory under the stewardship of this federal government, we know he is feeling genuine electoral jitters, or perhaps he is seeking senate preselection, given the outstanding success of men winning Liberal senate preselection.

The recent policy pronouncements by the Prime Minister, calculated as they are, show how wobbly the government has become. Throwing taxpayers' money at policy holes is a trademark of this government during election time, where anxiety and opportunism drive piecemeal policy at the expense of thorough debate. We can name them: the water debate, the nuclear debate, the education and values debate, the Australian Wheat Board scandal, and so on. The issues are real but they need to be dealt with comprehensively and properly.

The problem for the government is that the public is becoming wary and scornful of scare tactics, cover-ups and

jettisoning of core promises, the one-sided nature and dumbing down of debate, the lack of fair play and ordinary compassion, and our subservience to powerful friends. There is too much sticking to this government and it is now not washing with the public. The strident voices of the Prime Minister and his cabinet colleagues are being heard for what they are, and the public notes the growing gap between honesty and pretence. The Prime Minister is desperately searching for another Tampa-strength wedge issue, as we saw with his calculated foray into US domestic politics and his play over water.

The Hon. Terry Stephens talks up fundamental areas like the economy, steadfast leadership and health, yet a little analysis leaves us less certain of his claims. Federal Labor's leadership squabbles of the past should not give detractors too much comfort. Ask the federal Treasurer. The Liberal veneer is holding, but it is thin. As for health, and its health, the honourable member needs to get hold of the *Hansard* debates and the commonwealth committee reports over the rolling of Medicare if he wants to get to the truth. He points out that the economy is the result of the Howard Liberal vision and leadership, though he does not mention monetary policy reform under the Keating government, the minerals boom or the GST bonanza, let alone the Prime Minister's promises on interest rates. I am sure that the member opposite would say they are minor points.

The Hon. Terry Stephens also talks of recent federal measures of addressing skills in the workforce. After 10 years we can be comforted by this call to action as we suffer the high prices and shortages of past years of neglect. Federal assistance for public education also gets a gong. I would have liked to see some reference to the huge inequities between the richer private schools and the poorer schools, the less well-off public and private schools, the lack of accountability in grant structure and the unfair and confusing mess that is the funding formula.

While we are on education, we just need to ask the universities what they really think of government policies. 'Vandalism' is the word most coined as this federal conservative coalition government hypocritically attacks accountability and appraisal by institutions which it falsely portrays as bastions of elitism. In closing, I point out that a race is starting: a race between the truth as to what this federal government actually is and what it claims to be. The mood of the public suggests that the federal government is losing its own race.

TOXIC WASTE DUMP

The Hon. J.S.L. DAWKINS: On the morning of 9 January this year, I briefly inspected the site of the proposed toxic waste dump at Nowingi in north-western Victoria. Shortly after, I arrived at the nearby Hattah store and it was at that point that I discovered that the Victorian Labor government had just announced its intention to not proceed with the dump at Nowingi. To say that the small group of local residents who had gathered at the store was elated would be a severe understatement. Their sense of immense relief was undeniable. It was purely by chance that I was at Nowingi when the announcement was made. I had long been aware of the work of so many people in the Sunraysia region to resist the Victorian government's attempt to install this dump in a sensitive area which is almost as far away from Melbourne as is possible within the Victorian state boundaries.

I first became aware of the proposed site for this dump in 2004. It was apparent that the decision to establish the dump 14 kilometres from the River Murray, in between two national parks and in close proximity to much of Australia's prime horticultural areas, was strongly opposed.

The initial role of the Mildura Rural City Council and Sunraysia Citrus Growers resulted in the establishment of the Save the Food Bowl Alliance. Given the potential for the dump to impact on the Riverland, I assisted in arranging a meeting between the South Australian shadow cabinet and representatives of the Mildura Rural City Council at Renmark in November 2004. The Mildura delegation outlined the practical and perceived threats to both the Sunraysia and Riverland regions. On this side of the border, concern mounted about the lack of consultation between the Victorian government, its South Australian counterpart and the Riverland community. The then Liberal leader, the Hon. Rob Kerin, wrote to Victorian Premier Steve Bracks appealing directly for the site to be abandoned. In comparison, Premier Rann refused to answer when questioned about whether he had spoken to Mr Bracks about the dump.

The Renmark branch of the Liberal Party raised the issue in mid 2005, and this was strongly taken up by Anna Baric, the then Liberal candidate for Chaffey. Supported by Kat Dolheguy and the SA Last group, Anna coordinated many submissions from Riverland residents to the Victorian planning panel that was established to consider the dump proposal. In November 2005 she convened a public meeting to emphasise the concerns of Riverland residents about the dump and the lack of action by the South Australian government to oppose it. The River Murray minister and member for Chaffey, the Hon. Karlene Maywald, joined in community efforts against the dump only when she recognised the strength of opposition in the Riverland.

On 30 November 2005 this chamber overwhelmingly supported a motion I moved to express strong concern about the lack of action by the government and the minister to oppose the dump and to inform the Victorian government that the siting of the dump was unacceptable. In moving the motion I had emphasised the fact that minister Maywald and the then environment minister, the Hon. John Hill, failed to place the toxic dump issue on the agenda of the Murray-Darling Ministerial Council in September of that year. Following that motion a petition opposing the dump with almost 3 500 signatures was presented to the House of Assembly. Mrs Baric, Ms Dolheguy and I all attended the Directions Hearing for Panels Victoria early last year. Subsequently I gave evidence to the panel, as they and many other Riverland residents did. Interestingly, the minister did not attend the directions hearings and was not initially listed to give evidence.

I was delighted that the Victorian government decided to scrap the planned dump at Nowingi 27 days after receiving the report of the panel. This result was a wonderful outcome for the communities that make up the Sunraysia on both sides of the Murray and for the community of the Riverland, which strongly supported them. I pay tribute to all involved in the battle, including Peter Crisp, who chaired the Save the Food Bowl Alliance, and successive Mildura mayors, Peter Byrne, Eddie Warhurst and John Arnold. Peter Crisp is now the National Party member for Mildura in the Victorian parliament. I also recognise the support provided by the Murray and Mallee Local Government Association, the Riverland Local Government Forum, the Riverland Development Corporation and the Riverland Horticultural Council. Their

efforts stand in stark contrast to the position of the state government, which was belatedly big on words about its opposition but very short on action. It failed to bluntly get the message to its Victorian counterpart. If it had done so, this matter may have been concluded much earlier.

Time expired.

EXTREME WEATHER

The Hon. R.P. WORTLEY: I would like to discuss the recent extreme weather that has been affecting our state, particularly the Riverland. In recent times we have seen erratic weather conditions throughout South Australia. Already we have seen the effects of drought, fire, floods and storms. This weather has had a very serious impact on communities, particularly in regional South Australia. One area which has been greatly affected is the Riverland. As it is one of Australia's major horticulture areas relying on irrigation, the drought has had a major impact on the Riverland community.

For several months we have seen record low inflows into the Murray-Darling system and with it reduced water allocations and incomes for many irrigators. Another effect of the dry conditions has been the increased risk of large bushfires. This was realised late last year when a huge fire burnt north of Waikerie. An article in the *River News* of 6 December 2006 reported that CFS Mid-Murray Group Officer Michael Arnold had told the paper that he 'hadn't seen a bigger fire in this district in more than 40 years as a CFS member'. The same article mentioned that the fire had destroyed more than 115 000 hectares of scrub and pastoral land.

Extreme weather also caused damage in Renmark in early January this year when a powerful storm caused significant damage to properties and crops in the area. According to an ABC report of 8 January 2006, winds exceeding 90 kilometres an hour had blown through Renmark with massive damage to fruit and 'dozens' of homes. The force of the winds during the storm was dramatically outlined in a report in *The Murray Pioneer* of 12 January 2007. This article described the experience of local apricot grower Peter Hale who had been drying fruit in the sun when the storm hit. In this report, Mr Hale said he recalled standing in his shed with the roof lifting off watching as stacks of trays of his fruit were being flicked off one by one by the winds. This highlights the extreme and damaging nature of the storm.

Of particular concern was the damage to grape crops. In an ABC report of 7 January 2007, Mr Clinton Tippet from a rural services company said that many growers had been 'living on nothing' and were relying on the coming crop. This had left some growers facing a dire financial situation. I am pleased to say that, in this situation, significant efforts have been made to help the region recover. In the wake of this storm, the region has been assisted by many volunteers, in addition to all levels of government. This effort has significantly reduced the impact of the storm, and I heartily commend the efforts of all involved in the recovery effort. I hope the people of Renmark will continue to find support from surrounding communities and the wider South Australian public.

As important as it is that our state continues to respond effectively when extreme weather occurs, we should also consider the impact we are having on our environment and the preventative action we can take. Higher global temperatures, reduced rainfall and frequent bushfires impact on our society and highlight the demand for appropriate environmental policy. South Australia has been seen as a world leader in sustainable environmental policy. Our significant wind and solar energy infrastructure puts this state at the forefront of the nation in the use of renewable energy.

In addition, in December last year, this government introduced a bill that aims to make South Australia the first jurisdiction in Australia to legislate for reduced greenhouse emission targets. I hope that South Australia can continue to be a leader in sustainable environmental use by taking action to prevent climate change and environmental damage. Recent events have shown the direct impact that extreme weather is having on many communities, families and industries in South Australia. I commend the efforts already made to assist those affected, and I urge this state to continue to be proactive in minimising the effects of extreme weather conditions.

DEVELOPMENT ASSESSMENT PANELS

The Hon. M. PARNELL: I rise today to raise some concerns about the code of conduct for development assessment panel members, which is expected to be gazetted on Monday. It is timely to raise this matter now, because there are only a few days left for the government to see reason in relation to the wording of this code of conduct.

The purpose of this code is to ensure proper decision-making processes on the part of members of development assessment panels, which mostly operate under the banner of local government but also include the Development Assessment Commission, which operates at a state level. The need for a code of conduct comes from the Development Assessment Panels Bill we passed last year. The purpose of this code is to lead to improved decision-making, but the code is quite onerous in its provisions, and a breach of the code can give rise to a member's being excluded from a panel.

The part that most concerns me is the part that relates to the conduct of elected members and, in particular, the access they have to information about developments that are before them. The code of conduct provides:

> You must not. . . engage in consultation with any party on a proposed development application.

It goes on to provide:

> You must not. . . attend public meetings. . . where the purpose of the meeting is to discuss. . . a proposed development or a development application. . .

Those provisions might seem to make sense in terms of preventing behind the scenes lobbying of development panel members, but I think those words go too far.

It seems to me that a member of a council Development Assessment Panel, who is doing his or her job properly, will want to go and look at the site of a proposed development. If they take their job seriously and read the planning scheme for their area—which might say, for example, that they should have regard to the visual impact of a proposed development (in particular, the visual impact from adjoining premises)—that panel member will need to attend on the site. But, according to this code of conduct, they must do so in secret, if you like, and are not allowed to talk to any person who might have an interest in it. They are not allowed to talk to the proponent; they are not allowed to talk to the neighbours. They can perhaps go and visit the scene of the proposed development in the dead of night in order to remove any opportunity they might have to talk to any person about it.

It seems to me that a better way to improve transparency, openness and accountability is not to try to artificially gag

members of Development Assessment Panels or force them to keep their ears and eyes closed and only accept the information presented to them by council or Planning SA bureaucrats but to say that, if these panel members do discuss a proposed development with either a proponent or an objector, they must declare that as part of the decision-making process.

Let us not pretend that these elected members are working in a vacuum. One of the reasons we passed that bill in this place was to provide a balance on these panels between technocrats and Democrats, if you like. In other words, we have a balance between elected members and technical experts. To pretend that elected members are going to be completely separate from their communities and will not discuss with other elected members, or with anyone in their communities, the nature of development and the shape that their cities and towns should take, I think is naive in the extreme. To have a consequence of such consultation being that you get thrown off the panel is a very drastic step. I urge the government to revise those words before next Monday when these codes of conduct are expected to be gazetted.

Whilst I have a few seconds left, I would like to acknowledge today those honourable members of this parliament who attended the launch of the Parliament House Bicycle Users' Group, in particular Vini Ciccarello and Leon Bignell from another place, and a number of members of the library staff and the finance staff. It was very good to see the level of enthusiasm there. I would like to place on the record my thanks to all those people and to wish the Parliament House Bicycle Users' Group well in its future endeavours.

Time expired.

DROUGHT, ASSISTANCE

The Hon. CAROLINE SCHAEFER: The February issue of ABARE's Australian Crop Report indicates that the summer crops of Australia are the lowest they have been for some 20 years. Depletion of soil moisture profiles and the lowest water storage levels on record have contributed to irrigated crops being cut back by half; less than half the sorghum from the previous year has been produced this year; 90 per cent less rice will be grown in Australia this year; and 58 per cent less cotton. Added to that, wheat production has been estimated to have fallen by 61 per cent over the last harvest, down by 9.8 million tonnes; barley production fell by 62 per cent; and canola by 64 per cent.

All this adds up to a very strong message that we have probably the worst economic conditions ever in rural South Australia. The federal government has now committed in the vicinity of $2 billion over the past five years in drought relief. We then see what the South Australian government has done. According to this document, which was published in December 2006, on a list of assistance offered across Australia by various states, South Australia contributes to business drought assistance, a drought hotline, drought information workshops, EC application assistance, EC interest rates subsidy—in fact, both of those are funded by the federal government—farm family assistance, financial counsellors, irrigators' financial relief, mental health services, a deadline of payment postponement, and stamp duty relief.

In comparison, other states also contribute to apprenticeship retention bonuses, carry-on finance, crisis care services, drought proofing, drought recovery schemes, electricity tariff relief, farm business cost reduction, feed-link, municipal rates and charges discount, and transport subsidies. Some of these have been addressed in the government's latest package whereby, with much fanfare in Port Lincoln, an additional package was announced by this government, by the minister. The latest effort by this government brings the total amount of drought relief offered in South Australia to the stunning amount of $33 million, compared with the federal government's $2 billion, Victoria's $130 million, and New South Wales with in excess of $200 million.

As well as that, the latest stunning effort by this government requires of farmers or those eligible that, if they are to access the latest $5 000 grant, they first of all have to prepare a business plan, and they have to demonstrate that they can match it with a cash contribution. So, in order to get $5 000 they have to have $5 000 of their own in their back pocket, which for those of you who have ever experienced hard times will know is not possible. In the throes of a drought, where people do not have enough money to pay their debts, do not have enough money to pay for their children's schooling, do not have enough money to know how they will pay their next electricity bill, they are now being asked to prepare a business plan, and they will get a grant to do so.

I think this shows just how out of touch this government is in respect of the reality of the crisis that we currently face, and how arrogant it is that it can reannounce that it has put in $8.7 million, but in amongst that the government has included the federal government's EC financial funding. Once again, this is smoke and mirrors, and the pea is well and truly hidden amongst many thimbles.

GRANDPARENTS FOR GRANDCHILDREN

The Hon. I.K. HUNTER: Last Wednesday it was my great pleasure to officially open the new Grandparents for Grandchildren office in Victoria Square on behalf of the Hon. Jay Weatherill, Minister for Families and Communities, and Minister for the Ageing. Grandparents for Grandchildren was formed nearly three years ago as a lobby group for grandparents who for one reason or another find themselves raising their grandchildren. On the day, I told them of the special interest I have in this area, having been raised by my grandparents from the age of nine. My grandparents never spoke to me about the strain that raising their grandchild put on them financially and in other ways, but it must have been enormous. I now know that these were difficult times for my nanna and grandad.

My grandfather worked as a security guard during the day and got a job as a cleaner at night in order to pay the bills and make sure that I could stay at school and make something of myself. My grandmother has devoted her life to my welfare and education, and it is not too much to say, as I did in my first speech in this place, that I owe her everything. Opening the Grandparents for Grandchildren office was a reminder that this scenario is being played out all over Australia—grandparents struggling to do the best for their grandkids, largely ignored by governments at a time when they should be planning for their retirement or reaping the rewards of a lifetime of work.

It is estimated that more than 35 000 children in Australia are being cared for by their grandparents. At a time when most of their friends are retiring and putting the pressures of raising children behind them, they are starting again. They do it, of course, because they want to do the very best for someone who is their own flesh and blood. Grandparents most often do not have formal caring arrangements, which can add to the difficulties, and sometimes they are at the same

time also dealing with the problems of their own sons and daughters.

That is why the work of Grandparents for Grandchildren is so important, and I took great pleasure in reassuring them that the state government recognises their work and supports them. Grandparents for Grandchildren do not call themselves a support group; they are a group of individuals who are committed to representing the range of issues that carer grandparents struggle with in their everyday lives. Over the past few years, they have become a source of knowledge about issues such as access to government information, legal status and financial support. Many grandparents do not know where to turn to for information about their legal and financial rights and responsibilities, and many also want guidance in terms of practical day-to-day living with children. Some grandparents use the service for ongoing support or to get information about the Family Court and custody arrangements.

The issue of access to child support payments from absent parents is an enormous problem for many. Some grandparents simply want to make contact with other people who are in the same boat for mutual support. While they do not call themselves a support group, Grandparents for Grandchildren are becoming a vital source of support for grandparents across South Australia. Their very existence reminds people that they are not alone and that there others who are struggling with the same issues. As I said, the state government has been very happy to work with and support Grandparents for Grandchildren to help them do that work. I was happy to tell those attending the opening that the state government has provided a grant of $50 000 to help establish the new office in Victoria Square, and that the state government is providing a further $50 000 from the community care innovation fund to help create a publication which will provide important information on supports and services across the state for grandparents.

On top of this financial support, Families SA is committed to working closely with Grandparents for Grandchildren to help them provide better information to other grandparents. The state government support for Grandparents for Grandchildren is an acknowledgment of the diversity of family life and a recognition that governments must address and support this diversity. I am aware that the minister is taking up this issue with other governments around the country—and for this he should be congratulated. I told those at the opening that I only wish that they had been around to help my grandparents when they took on the onerous task of raising me but that I am pleased that they are active today to assist the many families who need their expertise and support.

AFL, PLAYERS GAMBLING

The Hon. NICK XENOPHON: I rise today to speak about the AFL betting scandal and to reflect on the broader issue of the potential for our sporting codes to be tainted and corrupted by gambling, particularly by players. It appears that the AFL is undertaking a thorough investigation in terms of a number of players who have been accused of betting on games. There is no suggestion that they are betting on their games, but it is a very worrying development.

It is a worrying development for a number of reasons. There is a concern that players betting on any games within their code essentially have insider knowledge—inside knowledge is akin to insider trading—and that they have an advantage that others would not have. There is also a concern that, if a player with a gambling problem suffers significant financial losses, they may be tempted to be the subject of offers relating to match fixing—and in a moment I will reflect on the Hansie Cronje scandal a number of years ago in that regard.

I believe that it is only a matter of time, unless we take immediate and dramatic action to legislate to have effective enforcement of appropriate laws, that one of our sporting codes will be the subject of a match fixing scandal sooner rather than later. We should reflect on what occurred in 2000 when it was unravelled that Hansie Cronje, the South African cricketer, accepted bribes for match fixing. It was tied up with gambling syndicates and his own personal problems and, as a result, matches between South Africa and India were fixed. There was also an extensive investigation. The International Cricket Council appointed a special investigator, Sir Paul Condon (now Lord Condon), to look at this matter. A number of players were the subject of investigation, including claims against Mark Waugh. Of course, there was also Shane Warne's weather forecast for cricket pitch scandal a number of years ago.

I had the privilege of meeting the then Sir Paul Condon in London in 2001, and clearly the ICC took the issue seriously. Clearly, it was concerned about the potential impact players betting on their games and taking bribes and inducements would have on corrupting that great game. So, my concern is that we need a legislative approach, one that will deal with it. I believe the AFL has a fundamental conflict of interest by virtue of the fact that it has a significant commercial arrangement with UK betting giant Betfair. I know that this government has come out against Betfair, but I have yet to see its support for my legislation in this place in relation to making Betfair illegal, as the Western Australian government has done. My concern is that, with Betfair, as distinct from other forms of sports betting that are available, you can bet on the side that loses. It is much more extensive. It is a ball by ball type of betting and you can bet on the team that is losing. The potential for match fixing and match tampering is therefore much greater.

I wish to raise one final issue as reported by Michelangelo Rucci in yesterday's *Advertiser*, and that is that the South Australian TAB will not hand over accounts in relation to player betting details because it does not have an agreement with the AFL in relation to privacy concerns, as distinct from other totalisator agencies in other states. I can indicate that I have today written to the Independent Gambling Authority requesting that it use its powers to direct under section 33 of the Authorised Betting Operations Act that that anomaly be rectified, because I think it is in the public interest and in the interest of sporting fans in this country to get to the bottom of this issue. I hope that this particular incident is a wake-up call for parliaments around Australia to deal comprehensively with player betting and the potential it has to corrupt our great sporting codes.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

The Hon. J. GAZZOLA: I move:

That the annual report of the committee for 2005-06 be noted.

This is the third annual report of the Aboriginal Lands Parliamentary Standing Committee. It provides a summary of the committee's activities for the financial year ending

30 June 2006. The committee, which was established in 2003, has six statutory functions:

1. To review the operation of the Aboriginal Lands Trust Act 1996, the Maralinga Tjarutja Land Rights Act 1984 and the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981;

2. To inquire into matters affecting the interests of the traditional owners of the lands;

3. To inquire into the manner in which the lands are being managed, used and controlled;

4. To inquire into matters concerning the health, housing, education, economic development, employment or training of Aboriginal people, or any other matter concerning the welfare of Aboriginal people;

5. To consider any other matter referred to the committee by the minister; and

6. To perform any other functions imposed on the committee under this or any other act, or by resolution of both houses of parliament.

Over the past three years, the committee has, as a matter of priority, consulted with Aboriginal people in their home communities and engaged with their elected representatives and leaders. These consultations have helped to deepen the committee's understanding of the way services and programs are delivered to Aboriginal people.

The bulk of this report summarises the activities undertaken by the committee as it was constituted prior to the 2006 state election. Those activities included visits to Aboriginal communities at Oak Valley, Raukkan and Gerard, as well as discussions with a broad range of organisations based in the Riverland.

During the reporting period, the committee heard evidence from 54 witnesses. Many of those witnesses were traditional owners from the APY lands who travelled to Adelaide in August 2005 because they wanted to make sure members of parliament understood their views, concerns and aspirations. I am pleased to report that the current committee is building on the work of its predecessor, particularly in its commitment to take the time to meet with Aboriginal people on their lands. The current committee has already visited Aboriginal communities at Koonibba, Yalata, Oak Valley, Mimili, Fregon, Umuwa and Umoona. Next week it is due to travel north to Port Augusta where it will meet with the Aboriginal community of Davenport.

I am confident that Aboriginal people will be better served by this parliament as a consequence of the knowledge and insights that members of the standing committee are able to contribute to our debates and deliberations. I am thankful to all the members of the committee (past and present) for their dedication and hard work. I especially want to pay tribute to the late Hon. Terry Roberts MLC, former minister for aboriginal affairs and reconciliation and inaugural presiding member of this committee. In September 2004, in the committee's first report to parliament, the Hon. Terry Roberts observed:

> The enduring challenge for this committee and for the parliament as a whole is to ensure that Aboriginal people have access to the same opportunities and services other South Australians enjoy, and continue to take pride in their heritage and culture whilst protecting, managing and enjoying connections to their traditional lands.

It is an honour to echo his words and, through the continuing work of the committee, expand his legacy.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

FAMILIES SA

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

1. That a select committee be established into Families SA and any predecessor entity to examine and report on—

(a) The policies and procedures of Families SA in dealing with children, and in particular:

(i) where reports of suspected substance abuse by the parents or carers of children have been made;

(ii) where reports of suspected substance abuse of a child by the parents or carers of children have been made;

(iii) where reports of suspected abuse and neglect of children have been made;

(iv) the circumstances in which children are removed from the parents or carers of children and the criteria, assessment and follow-up of the persons designated to subsequently care for those children at risk (and the priority with which the natural parent, grandparents or other family members are considered as the primary carers of choice for those children);

(v) the medical and psychological evaluations undertaken of the parents or carers of children where allegations of abuse or neglect have been made, including appropriate assessment of the levels of addiction that may exist and the support provided by the department to rehabilitate and reunite the family;

(vi) the models, methods and processes used to preserve the family unit prior to removal of children;

(vii) the procedures used by the department to prove allegations made against parents or carers through psychological evaluation of parties concerned and other investigative processes;

(viii) the frequency of implementation, monitoring and evaluation of Family Preservation Plans, the effectiveness of such plans and the means and time frame of implementation; and

(ix) the obligation of the department and any of its predecessors to abide by orders of the court for ongoing assessment and supervised visitation and reunification.

(b) The compliance of individual staff with the practices, policies and procedures of Families SA and any predecessor entity.

(c) The involvement and/or intervention of Families SA as a part in any Family or Youth Court matters.

(d) The substance, content and spirit of submissions made by Families SA and any predecessor entity to any authority, court or tribunal in relation to its duty of care.

(e) The level of influence of the department on independent professional assessors.

(f) The obligations and duty of care of the department in making decisions affecting the welfare of children and, in particular, to provide evidence (and the standard of that evidence) to any entity, including any court.

2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.

3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

Although I know that, over the past three weeks, a lot has been reported in the media relating to Families SA, in actual fact this issue has been raised through the media over and over again—probably for the past 18 months. I am also very much aware that these issues are not confined to South Australia. Every state is experiencing difficulties in managing the number of notifications, as well as the shortage of staff and the pressures on staff that some of us could not possibly imagine, and the difficulty in dealing with those problems.

However, that cannot be an excuse for what is happening on a daily basis: that is, our children are still being abused. I find a number of aspects of this confounding, confusing and inconsistent, and I honestly do not know why this is happening. I believe that this inquiry could assist the government to identify some changes that may be necessary, as well as the introduction of policies that may help to build better foundations for best practice. I mention best practice because I was a CEO of a non-government organisation for 11 years and, for the past three years, I was required to meet a service excellence framework (SEF).

That organisation has been gone through with a fine toothcomb to ensure that the staff within my organisation and I continued to develop professionally, to abide by policies that supported the ethos of the organisation and to address the administrative processes to ensure the flow of communication. As I understand it, we have been put through this because legally we have a duty of care to our clients. Also, I recall going to the first SEF meeting and being told by members of the Department of Human Services that, at that time, that department had not been required to meet any of those standards at all.

If we are not monitoring ourselves, not reflecting on what we do, not measuring outcomes and not looking to strive to move forward to meet the needs of our client base, we cannot possibly claim to be striving for best practice. There are four major areas of concern. First, the claims and reports to the department of parents abusing and neglecting their children have not been followed up and, as a result, children have been exposed to some of the most horrendous injuries.

I was going to give another example in this place today, but I have been told that legally it is not recommended, so I will not. However, I will hold up this picture of young Daniel Valerio, a young boy from Victoria (aged two years and four months), who was reported on a number of occasions to the welfare agency. In fact, 21 professionals were well aware of Daniel and the reports relating to him. This little boy was exposed to injuries that eventually killed him: 104 broken bones, concussion and the internal injuries that eventually killed him. The coroner made the comment that he would have thought that this baby had been involved in a high speed crash. There was a game that was played in Daniel's home called the star game, where Daniel was required to lie on the floor and spread his legs. He would then be kicked in the groin over and over again until he passed out. These injuries were perpetrated by his stepfather while his mother watched.

We cannot pretend that this is not happening. It is happening on an ever-increasing scale. I have been told by a member of the legal profession that the number of reports to Families SA has almost trebled, while the number of cases that are actually being investigated has almost halved. I do not know whether that is accurate, but I do not see any reason why this member of the legal profession would have any reason to feed me misinformation.

I believe that we lack process and that staff within Families SA lack training. Professor Freda Briggs has brought this up on many occasions. Social workers are trained in social policy; they are not trained as counsellors. They are not trained as child abuse experts and they certainly are not trained as early childhood development professionals. This is not the fault of the social workers. As is the case in substance abuse, I believe that staff must be tiered and should not be expected to work above their limitations. I would imagine that social workers are exposed to this kind of trauma day in and day out and, as a result, may possibly develop post traumatic stress disorder—and that is a very difficult disorder to recognise and diagnose when you are in a department that receives over 22 000 calls a year relating to child abuse and child neglect. If the government gets cold, hard evidence in the course of this inquiry, it needs to improve the standards and procedures in these areas to look after not only the clients who contact this agency but also their staff, because they are in a very vulnerable situation.

The other area of concern is parents who have been wrongly accused. In the past three weeks, I have had many calls from many parents who can provide evidence that the original claim made against them was unsubstantiated. This evidence is by way of both medical tests and assessments of the children, and also favourable psychological evaluation of the parents. However, these children have already been removed from their home and, even though the parents have been cleared of the claim, they still do not get their babies back. Then the parents are expected to jump through a number of hoops, even though the claim has not been proven (and has actually been disproved) in reports. Yet the social worker's report remains unaltered or unamended, and that is the report that is then handed to either the Family Court or the Youth Court. Recommendations are made based on those reports, which the judge reads. So they are behind the eight-ball already. Before they even start, they are way behind, because the minister himself does not have access to the reports that show that the original claims have never been substantiated.

There are some disturbing things in this, and quite a few people have come to me and alleged that, if the focus has started on an abuse claim made against a couple by a relative and that claim is unsubstantiated, there seems to be a pattern where a case will then be built and the bar raised. One case was of a father who was accused of shaking his baby. The baby stayed in hospital for four days and underwent all the tests possible, and it was proven that there was no sign of shaken baby syndrome with this child. They also had a two year old boy who was not even in the original claim of abuse and who had a bruise the size of a 20 cent piece on his face, but witnesses saw him twirling around in the lounge room—as two year olds do—and fall and clip his face on the corner of a coffee table. A report was made where a professional said he could not say that this bruise was not caused by a punch in the face. The bar was moved again, and they had to go through their parenting courses and whatever else. Then it was that their home was unsafe, then it was that their home was unsuitable.

This couple were evicted from the home because it did need renovations, and they were in the process of moving out, but at no stage during any of this was this couple put into contact with housing support to try to find them a place to live that was suitable. At no time were they offered assistance in any way to rectify the problem of having nowhere to live, and their children were removed eight months ago. They have never perpetrated abuse against their children, but now they are looking at signing a 12 month order where, on my legal advice, it will take them 2½ to three years to get their babies back. In the meantime they have been placed in the care of someone who has been proven to be unreliable and who has a problem with being addicted to painkillers, while the other grandmother has been involved in the department as a foster carer for 19 years. There is no dispute between her and the parents, but the child was not allowed to go and stay with the grandmother with 19 years of experience in foster care.

Instead, now these two children have been isolated from their parents for eight months.

It appears, from documents that I have seen and from statements I have taken, that some social workers within FAYS and on this case have actually breached court orders for visitation and supervised visits and that dates and arrangements are changed. I stress that some of these parents are from a low socioeconomic background, but that is not a crime. I listen to these cases and I believe that sometimes it could be a case of the definition of the 'average reasonable citizen' versus the definition of the government's 'model citizen', because the bar continues to be raised. Without duty of care within the department and without a very clear definition of the best interests of the child, a lot of responsibility is left on the shoulders of social workers to determine what exactly their role is, without training in the signs they should be looking for in child abuse.

In relation to young Daniel, 21 professionals were aware that this child was being beaten. A report, quoting one of the professionals who were involved in this, states:

> Associate professor Chris Goddard, the director of Monash University's child abuse and family violence research unit, says the Daniel Valerio case illustrates society's deep denial of the very existence of child abuse. When Daniel was taken to one doctor, with bruising around the eye, forehead and scalp, the doctor 'ignored the obvious', Dr Goddard says, and ordered blood tests to check if he had some rare blood disorder. Even after the wide publicity surrounding Daniel Valerio's death, not everyone could be convinced that abuse [actually] happens, even when they were told to their face by a young victim. This was the scenario in 1997—

and little has changed. It is an ugly fact of life. I know that social workers in this area face critical decisions and critical choices every day they go to work. However, without the proper assessments and systems in place, we will not improve our record in this regard.

The other scenario relates to grandparents who have been awarded guardianship of their grandchildren by the court—not necessarily on a long-term order but via the court system—and who have had these children in their care for between three and five years. It is claimed that there has been no assistance from Families SA to help them in receiving family payments. So, the parents are not looking after the children but they are still receiving the family payment.

As the Hon. Ian Hunter recognised, these grandparents are struggling, so they call Families SA and ask for assistance. They are basically made to feel they are wrong in seeking support, and those children are removed from their care and, in a number of cases, returned to the parents who are known to be abusive and neglectful rather than the children being left with their grandparents. I know we have a shortage of foster parents, and I know that it is difficult but, as I said earlier, we cannot continue to make excuses for this. We need to develop systems, processes, guidelines and legislation to protect the workers, the department and the people who access Families SA.

The other group is grandparents who have made complaints about their own children using drugs and abusing their grandchildren. Again, nothing is done. Having worked in the drug and alcohol area for over 11 years, I saw this happen over and over again. Dr John Hepworth, who is a child development expert, has stated that, where a parent is addicted to drugs and the child is forced to compete with that addiction, the child will lose every time. We need to take seriously the fact that drugs do play a part in this. I am not saying that people who have a cone every three months or whatever are necessarily the problem.

The problem is that we have lost sight of the definition of addiction—addiction comes from the Greek word which means 'enslavement'—and the fact that addiction exists. There are some people who cannot control their drug use. For some people drug use does becomes problematic, and this needs to be recognised. Mr Tucci, from the Department of Human Services, says:

> Over the years, the system has 'moved closer to responding to parents' needs rather than responding to children's needs and supporting kids'. As a result, the perceived risk to children has, in some cases, been seriously under-estimated. What happens then is that you have a system that gives parents lots of chances to care for kids in situations 'where risk is quite high,' he says.

I am not raising issues here that are not known and are not experienced nationally. As we hear over and over again, South Australia has had so many firsts. We were the first to introduce testing for ecstasy on the roads, and we have been the first for this and that—and I commend the government on those initiatives. Let us be the first to find a reform that will be long lasting and will sustain the protection and safety of our most vulnerable: our babies.

I move the motion to set up this inquiry in good faith. This is not a declaration of war against the minister. This is the offer of an opportunity for him to make his mark in South Australia and to cooperate with the evidence that comes about and to actually consult with the experts we have in this country, such as Emeritus Professor Freda Briggs, John Hepworth, and even Michael Carr-Gregg from Victoria. There are a number of experts who could give the department and the minister absolutely invaluable advice and move this away from a social policy issue to a 'rights of the child' issue. If we do not do that, in 10 years we will be having another Mullighan inquiry into the children who are being abused in care now—and we cannot do that every 10 or 15 years in an effort to catch up. This should be the year where we absolutely make a resolution to put a stop to this, regardless of the cost. These children are our future.

I urge all members to prepare their responses to this motion by the next Wednesday of sitting, when I want this motion to be put to a vote, and I want it to move forward and progress. I want to be able to hand the minister a report that will assist him to do his job well. I commend the motion to the chamber.

There being a disturbance in the gallery:

The PRESIDENT: Order! I will have to ask security to remove you if you are not silent.

The Hon. NICK XENOPHON: I rise to support the motion of the Hon. Ann Bressington. I believe that only good will come from this inquiry. We need to look at the causes of child abuse, and we need to note that there is something like 22 000 reports of child neglect. The system is overloaded. Let us look at some of the systemic issues. One of the issues is the causes of child neglect, one of which is substance abuse. In consultation with the Hon. Ann Bressington, who, in her former life, was CEO of Drug Beat, I moved amendments to the Children's Protection Amendment Bill in 2005 to require that, where the Chief Executive suspected on reasonable grounds that a child was being neglected as a result of substance abuse, there ought to be mandatory drug testing and, following that testing, mandatory treatment. Unfortunately, that was watered down and a compromise amendment was moved which was not my choice and not what I supported. My concern is that there was an opportunity lost at that

time to actually grapple with one of the significant causes of child neglect in this state.

I believe that this inquiry will be valuable in a number of regards. It will look at processes, it will look at systems and it will hear from parents and family members who are concerned that incidents of child neglect have not been adequately followed up. It will also look at parents who consider that they have been unfairly accused, so that it can see whether there is a consistent thread or theme relating to issues of the investigation of any systemic problems that relate to the system. The terms of reference are quite comprehensive in that regard. I also believe that the views of experts such as Emeritus Professor Freda Briggs ought not be ignored. As I understand it, Emeritus Professor Briggs for many years has been at the forefront of dealing with this issue, and we know her as the co-author of the report into the former governor-general Peter Hollingworth and her findings when he was a church leader.

This inquiry, I believe, will have a positive effect in finding solutions and attacking the causes of child neglect in this state. I believe it is unambiguously good in the sense that it will provide direction, information and details that have not been provided to the government in relation to the way the system works at a grassroots level. I believe that, as a consequence of that information and as a consequence of this inquiry, we will see fewer children being abused and fewer children being neglected and that we will minimise the risk of cases such as the Daniel Valerio case—that terrible and tragic case which occurred in Victoria—occurring in this state. I think it is important that this parliament supports this inquiry and the committee does its work to provide, as expeditiously as possible, a comprehensive report, so that this parliament and the minister can consider it seriously and reduce the incidence of child neglect and abuse in this state.

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

FISHERIES MANAGEMENT BILL

In committee.

Clause 1.

The Hon. CAROLINE SCHAEFER: I wish to comment on the procedure that has taken place in the formation of this bill. As I said in my second reading speech, this bill has had a gestation period longer than an elephant's and I understood until about a week ago it had proceeded with extreme goodwill. I had certainly done my best to accommodate industry and what I believed to be the will of the minister. Since that time, I have heard via the grapevine that I have been mischievous, that I have held up the legislation, that I do not know what I am talking about, that I have had some fabulous ideas by myself—none of which is true. What I did was table a series of amendments at the request of people in the industry, because they did not believe the legislation, as it passed through the lower house, was as they wanted it. As well as that, in my second reading speech I asked some 20-odd questions. The tradition of this council is that any questions asked are answered in the minister's summary before the bill goes into committee.

I am not, at any stage, blaming this minister, because she would do what any other minister would do in this case and that is to sum up with the information provided by that department. The department, or whoever wrote the minister's speech, managed to answer the questions of those who made their second reading speeches yesterday and to thank them for their contributions. However, the only mention of me was that they were not going to support my amendments. There was no attempt made to answer any of my questions. The department has said (I do not believe that in this case it was the minister) that it will not support any of my amendments. However, what it has done is rewrite a set of amendments which accommodate all my amendments, and, in most cases, use my words. To say that this is petty and arrogant in the extreme is to actually understate the behaviour that I think has gone on. I am personally and professionally insulted by the behaviour that has taken place, and I want that put on record.

However, I genuinely want this to be a good bill that will see the fisheries industry and the fisheries of South Australia sustainable into the medium to long-term future. As such, the industry leaders that I have spoken to and I are happy with the government's amendments and, in the spirit of hoping that this legislation can pass, I will be withdrawing most of my amendments. I will proceed with two: one I believe is quite important and the other is a minor amendment to the wording of the minister's belated amendments today. It has been minimised and trivialised that I did not need to put any amendments on file, but if this was such a wonderful piece of legislation why has the government needed to submit two lots of amendments since it came to this council? To say that I have been disappointed by the behaviour that has taken place is not to understate my position. As I said, I think that I have been professionally and personally insulted. Having got that of my chest, let us proceed with the legislation.

The Hon. CARMEL ZOLLO: First of all I apologise to the Hon. Caroline Schaefer, because I think it was a given that I thanked everyone else, and she having made a speech on behalf of the opposition I missed out her name, so I personally apologise for that. We have had a quick look through the questions that the honourable member asked, and I will endeavour to respond to them now. I also have a couple of responses for questions asked yesterday by two other members. The honourable member asked a question about commercial opportunities applying to Aboriginal interests and how they would be obtained, whether they would be obtained by compulsorily acquiring other commercial fishing licences, and under what scheme this would happen. The response to that is, I understand, no. That is the first one. The principle is that, if there is to be commercial access for native title claimants, no new commercial fishing access will be created; therefore, an existing licence would be bought and not acquired.

The next question that the honourable member asked relates to possession limits. I can advise the honourable member that, with the new power to impose possession limits, it may well be that we do away with either or both bag and boat limits. This is part of the policy review that will be undertaken when developing possession limits. All of these options will be canvassed through the public consultation process. The next question relates to management costs. I can advise the honourable member that, currently, the recreational rock lobster fishery contributes funds through pot registrations to the cost of management. The Lakes and Coorong recreational net fishery also pays net registration fees. However, no other recreational fishing activity attracts fees; therefore, the government must contribute all other recreational management costs.

The next question asked by the honourable member was in relation to public consultation and the process management

plan, and this is covered in our amendments. The honourable member asked whether it removed the ability to disallow. The answer to that is that it is correct; there is no disallowance. The honourable member asked whether the purpose of writing down the commercial value of the licence was to dissuade new entries into the industry and to reduce the size of industry without compensation. I can advise that it is first of all to diminish the value of the licence that has accrued a large number of points and/or to discourage the purchase of that licence by anyone other than a fully compliant fisher. A compliant fisher may not have any concerns about buying a licence without existing points as they would not expect to accrue any more points.

The next question that the honourable member asked was whether, if the government compulsorily acquires, it has to do so at commercial value and whether it has the right to on-sell the licence. The government's response is that it will be acquired in accordance with the requirements established in regulation and that, yes, it has the right to on-sell. The next question was whether, if that was the case, it would be with or without demerits. The response is that it would be without demerits.

The honourable member also asked how this would affect a multiple licence holder who might acquire multiple demerits on, say, their whiting licence but still holds a snapper licence and a crab licence or whatever, and whether the government could then deregister their boat without compensation. I can advise the honourable member that points apply to a person or company that commits an offence. They may also apply to their licence, depending on the offence. As long as the holder does not personally accrue 200 points and therefore be disqualified, they can continue to hold other licences.

Again I apologise that I did not personally thank the honourable member who, as she has said, over the past five years or so has been fairly heavily involved in this legislation. Of course, as shadow minister for agriculture, food and fisheries and then as minister for a while, I acknowledge her very strong interest and cooperation in seeing this bill come to fruition and come before this parliament.

Several other questions were also asked yesterday during members' contributions. The Hon. Sandra Kanck asked: what role will the NRM boards play in overseeing the environmental sustainability of our commercial fisheries? In response to that I can say that the NRM boards do not have a different management responsibility for the management of fisheries. This responsibility, under the current and proposed new fisheries legislation, lies with the Minister for Agriculture, Food and Fisheries and the new fisheries council. However, the NRM boards are involved in managing possible terrestrial impacts on freshwater marine environments, and their management plans and investment strategies will contribute to improvements in water quality for all aquatic ecosystems to identify and mitigate potential impacts.

The Hon. Nick Xenophon also asked questions. His questions were: how many spot checks or inspections of recreational fishers are conducted by fisheries inspectors each year? How many convictions are there each year in relation to commercial fishers? What is the level of enforcement? How many people get checked each year? I am able to advise the honourable member that for 2005-06 there were 15 328 inspections of non-commercial fishers (meaning unlicensed or recreational fishers). In addition to these checks, there were 8 585 education and awareness contacts by the 100 community fish care volunteers whose role is to assist fisheries in educating the public about fishing sustainability and adhering to bag, boat and minimum size limits. There were also 2 418 inspections of commercial fishers in 2005-06 and 3 248 awareness contacts.

In relation to convictions, fisheries initiated a total of 55 prosecutions in 2005-06, of which 25 were commercial and 30 non-commercial. Two matters were withdrawn and 26 resulted in successful prosecutions in that financial year, while others continue through court processes. There were also 314 expiation notices for a range of offences issued in 2005-06.

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. CARMEL ZOLLO: I move:

Page 8, after line 41—Insert:
entitlement under a fishery authority means—
(a) a gear entitlement; or
(b) a quota entitlement; or
(c) an entitlement of a prescribed kind.

The definition of 'entitlement' is to be inserted in the definition section, as I have mentioned. This definition refers to the entitlements, which include things such as transferable rock lobster pot entitlements and quota entitlements, as well as any other entitlement that may be prescribed in the future. This definition is being inserted because entitlements are referred to in the proposed amendments to the regulation making powers which are then discussed below.

The Hon. CAROLINE SCHAEFER: The opposition supports this amendment. A number of amendments are included at the request of the shadow minister for primary industries in another place who asked for clearer definitions of a number of these things, including entitlements, gear entitlements, etc., so we will be supporting these amendments.

Amendment carried.

The Hon. CARMEL ZOLLO: I move:

Page 9, after line 36—Insert:
gear entitlement under a fishery authority means the maximum number of devices of a particular kind that the holder of the authority may lawfully use at any one time for the purpose of taking fish pursuant to the authority;

This amendment really is a definition of 'gear entitlement' and is also to be inserted in the definition section. This term is referred to within the definition of 'entitlement' and is defined in the same way that the term is currently defined in fisheries regulations.

The Hon. CAROLINE SCHAEFER: The opposition supports the amendment.

Amendment carried; clause as amended passed.

Clauses 4 to 6 passed.

Clause 7.

The Hon. M. PARNELL: I have a couple of questions of the minister. This clause relates to the objects of the act. I want to ask about the consistency of these objects with the commonwealth guidelines for the ecologically sustainable management of fisheries. The copy of the commonwealth guidelines that I have is from Environment Australia and dated 2001. Are these the current commonwealth guidelines to which state legislation should conform?

The Hon. CARMEL ZOLLO: I am advised that it is consistent with the Environment Protection Biodiversity Conservation Act provisions.

The Hon. M. PARNELL: We are talking about different documents, but I will proceed. The commonwealth guidelines

require of state fisheries management agencies that they prepare management regimes, which would include the type of management regimes we have for fisheries under this bill. One of the requirements in the commonwealth guidelines states:

> The management regime must also comply with any relevant international or regional management regime to which Australia is a party.

My question to the minister is: which international treaties, conventions or arrangements were taken into consideration in the formulation of this legislation?

The Hon. CARMEL ZOLLO: I am advised that there is a number of UN international agreements, and they straddle stocks agreements, compliance agreements and international plans of action for recovery of species. So they straddle quite a few.

The Hon. M. PARNELL: In clause 7, the objects of the legislation, the subject matter, if you like, of the objectives is this phrase which talks about the 'aquatic resources of the state'. 'Aquatic resources' is defined in clause 3 as 'fish or aquatic plants'. My question is: does the minister believe that that definition is broad enough to accommodate the alternative concept of 'marine ecosystem' which, to my mind, would incorporate not just fish and plants but all aspects of the marine environment? The commonwealth guidelines talk about ecosystems, yet the thrust of this act is the aquatic resources of the state. So my question is: are those two concepts interchangeable? Do they, in fact, mean the same thing?

The Hon. CARMEL ZOLLO: My advice is that it includes all aquatic marine and plant life. They are all included. Ecosystems-based fishery management is the goal.

The Hon. M. PARNELL: The marine ecosystem would include the non-living resources. My question is: which aspect of clause 7, the objects clause, protects the non-living resources on which the living resources depend?

The Hon. CARMEL ZOLLO: I am advised that this legislation is not there to manage the physical ecosystem—it is not in this bill, at any rate—except for things such as shells and cuttlefish bones, but we are about to get some further explanation. My advice is that it is under clause 7, objects of the act, subclause (1)(c), which states: 'aquatic habitats are to be protected and conserved, and aquatic ecosystems and genetic diversity are to be maintained and enhanced.'

Clause passed.

Clauses 8 to 10 passed.

Clause 11.

The Hon. CAROLINE SCHAEFER: I move:

> Page 16, lines 11 to 13 (inclusive)—Delete subclauses (2) and (3) and substitute:
>
> (2) Subject to subsection (3), the Council consists of—
>
> (a) the Director (*ex officio*); and
>
> (b) at least 9 other members appointed by the Governor on the nomination of the Minister, being persons chosen from a list of persons submitted by a selection committee (the *Ministerial Selection Committee*).
>
> (3) A member of the Ministerial Selection Committee cannot be chosen or nominated as a member of the Council.

My amendments 1 to 4 are consequential on each other. I move the first in this series of amendments because I am concerned at the process which will take place for the appointment of the fisheries council. The fisheries council will supersede all the fisheries management councils that are currently in place. Those fisheries management councils were set up for the specific fisheries sectors—for instance, the marine scale fishery, the prawn fishery, etc.—to have input directly to the minister.

This expertise-based council will take the place of all those FMCs. As I see it under the current structure in the bill, the council will consist of not fewer than 10 members. The Director of Fisheries will be an ex officio member, and each of the members must have expertise in fisheries management, etc., but it seems to me that there is no input from the actual sector into who takes their position on the fisheries council, which will be a powerful, overriding body.

What I have endeavoured to do is to introduce a ministerial selection committee, which would not, in my view, lessen the power of the minister. In fact, if I were minister I would appreciate what would be, in fact, a filtering process. My proposal is that the positions be advertised for expressions of interest (as they currently would be) and that the selection panel would short list a number of people for appointment by the minister. Not only that, I have further protected the minister, because my amendment No. 4 spells out that five members would be appointed to that selection committee, and the industry would have input into three.

One person would be taken from three persons nominated by a body that, in the minister's opinion, represents the interests of the seafood industry; one must be a person selected from a panel of three persons nominated by a body that, in the minister's opinion, represents the interests of the commercial fishing sector; and one must be a person selected from a panel of three persons nominated by a body that, in the minister's opinion, represents the interests of the recreational fishing sector. So, even then, the minister would have the right of veto over those three people, and he would appoint two in his own right.

Those five people would then short list a group of people and, again, the minister would have the right of veto and the final say as to who makes up the Fisheries Council. The chair of that council would be appointed by the minister. So, in no way am I seeking to minimise the minister's power. I want the people who are most affected by this bill—the people who will really care about who is on the council—to have some input into who that membership might be at the earliest stage. This is not groundbreaking legislation. This legislation is modelled on, for instance, the Phylloxera Board, which has worked very well under this system for a number of years.

Also, as I understand it, it is modelled on most of the federal government boards that are ministerially appointed. What it does is to give the key stakeholders some input into who will be short listed, but it leaves the minister with the power of veto. As I have said, the minister would still appoint his chair; and not only would he still appoint the majority of the people onto the selection panel but also he would then have the right of veto over the composition of the council. As I have said, I have spoken now to that suite of the first four amendments.

The Hon. CARMEL ZOLLO: The government will not be supporting the amendments of the honourable member, Nos 1 to 4. In response to the honourable member, my advice is that the Fisheries Council is an expert-based board, not an interest-based board. Constraining membership of the selection committee to two commercial representatives and one recreational representative is inappropriate and does not recognise a change to an expert-based council, which will consider all stakeholder interests, including Aboriginal and broader community interests.

The bill already requires that there be a public call for nominations to the Fisheries Council. It is likely that the

minister will have a selection committee, but this matter and its membership need not be in the bill; and, certainly, its terms of reference should not be dictated in the bill, which, I understand, is not to say that the selection committee will not have people on it who have an interest in the industry.

The Hon. CAROLINE SCHAEFER: With due respect, when anyone says that I always think that it is an indication that there isn't any. With due respect, I think that the minister has misunderstood my aim. I have no desire to change the establishment of the council, who is on it and that it is expertise based. I am endeavouring to put in a process whereby industry has some input into the selection process, not the final process. I assume that the government of the day will draw up the requirements for anyone who registers an expression of interest after advertising. I am assuming all of that.

I am talking about those people who apply for positions because they have the expertise. I might add that the government itself says that they must have expertise in fisheries management, and at least one person must be a person with knowledge and expertise of Aboriginal traditional fishing. I have no desire to change any of that. I have no desire to change subclause (5), which provides:

> . . . in the minister's opinion, expertise in the following areas:
> (a) commercial fishing and processing of aquatic resources;
> (b) recreational fishing;
> (c) research and development. . .
> (d) conservation of aquatic resources;
> (e) socio-economics;
> (f) business;
> (g) law.

I have no desire to change any of that. All I am asking is that the people who actually fish and who will probably know these expertise-based people have the right, if you like, to short list—nothing more than that. I am not changing anything more than that. It has nothing to do with the eventual make-up of the council but rather who has a look at who has applied and who the minister has appointed. Frankly, I think it is a safety mechanism against later criticism of the minister.

The Hon. CARMEL ZOLLO: It is the government's view that one cannot have a sector-based selection committee for an expert-based council. The government believes that there cannot help but be a perceived conflict of interest by the stakeholder groups. As mentioned previously, the honourable member's list of appointments does not include everyone within the entire sector. We are talking about interest from the seafood industry, the commercial fishing sector and the recreational fishing sector, but it does not include, as was mentioned before, the Aboriginal community and the Charter Boats Association.

The Hon. CAROLINE SCHAEFER: Well, it could include whomever else the minister chose to make up the five who are part of the selection process. So, it could in fact, if the minister so wished, include those people. As I have said, this method has worked very well for the Phylloxera Board which, as would be well-known, is an expertise-based board. I am sure there are other examples, but I know the Phylloxera Board was set up like this because I looked it up before the amendment was prepared.

The Hon. CARMEL ZOLLO: It is the government's view that we would end up with different parts of the sector trading off against each other. So the government is unable to support the amendment.

The Hon. M. PARNELL: I share some of the Hon. Caroline Schaefer's concerns about how people end up on important statutory committees. Over many years in the conservation sector, I faced pieces of legislation where we tried to come up with a good mix of people to make important decisions. It is one of the most frustrating exercises to support an expert-based committee—and to have one of the areas of expertise relating to environment and conservation—only to find the positions being filled by people who do not really have those qualities.

Over the years, that has led me to think that, even looking at it from an intellectual perspective, we can see that expert-based is better than sectorial representatives. Sometimes we find ourselves saying, 'Well, we never get our people on expert-based committees, so let's go back to a sectorial committee, with people representing different sectors.' The Hon. Caroline Schaefer's amendments do not do that. She is not proposing to change the expert basis of the committee. She is proposing that the selection panel consist of some of these sectorial representatives. That may be one way of ensuring that appropriate people fill some of these expert categories that make up the Fisheries Council of South Australia.

I can understand where these amendments are coming from. They are borne out of frustration—different frustrations possibly on my part to that of the Hon. Caroline Schaefer's frustrations in terms of the people we think would be appropriate to be on these committees. My view is that the entire process of appointment to statutory boards and committees in this state needs to be overhauled.

I have some inside information in relation to other areas of government, in years gone by, where people eminently qualified to sit on boards and committees missed out because, in one instance, they shared a common surname with an opposition member of parliament. The minister and staff were not sure whether the person was related, but it was a possibility and it was not worth the risk, so the person missed out. We have a big problem in this state with jobs for the boys, with people filling often ostensibly expert-based positions when they really do not hold those expert qualifications at all.

Having said all that, and having got off my chest my grievances over the government's appointments to boards and committees, I am not satisfied that the Hon. Caroline Schaefer's amendments guarantee that the make-up of this expert committee will be better because, for example, three of the five members of that selection panel would have a direct vested interest—not just an interest but a vested interest—in the composition of that council. I do not think my position would change even if the Hon. Caroline Schaefer's amendments had included environmental experts as well, because I still think that it is a little bit of a fraught process. In some ways it is against my better judgment to say that, yet again, we will trust that the minister will put appropriate people on these boards and committees and that, when it says a person will have expertise in the conservation of aquatic resources, the person who fills that position will not be a prominent commercial fisher or a prominent recreational fishing advocate; that it will be someone who is genuinely a person with expertise in the conservation of aquatic resources.

My position is that, whilst I acknowledge where the Hon. Caroline Schaefer is coming from and I share some of the same concerns, I am not convinced that these amendments would of themselves improve the composition of the council.

The Hon. CAROLINE SCHAEFER: I just want to say that we may not always have the current minister. What I am attempting to do is put in a process which I believe, as I have said, will safeguard the reputation of the minister. Minister McEwen has indicated that he will retire at the next election. The definition of 'expertise' is entirely subjective to the will of the minister of the day. We may well find that the Hon. Mr Gazzola, who owns a boat, is considered to have fishing expertise. Given that there is not too much in the way of expertise as far as farming is concerned—and you, sir, have quite a comfortable position; I doubt whether you will want to be Minister for Agriculture and Fisheries—we may well have the Hon. Mr Gazzola or Mr Tom Koutsantonis, for instance. Heaven help us!

Would it not be a good idea for someone from within the industry to have a look at the people who might put up their names claiming to be experts but who know absolutely nothing about it? Would it not be a good idea to have some input from those people before the announcement of the council, rather than afterwards, when they beat a path to Mr Gazzola's door to tell him what a dreadful council he has selected?

The Hon. SANDRA KANCK: When I was told about Caroline Schaefer's amendments in my briefing by the department, I was a bit shocked at the concept of a council to select a council—which I guess is one way to look at it. However, it has subsequently been pointed out to me that the phylloxera board has a model of this nature, and there are certainly some other boards around town that are filled with mates, which does not thrill me very much (and I will not name them).

The Hon. R.I. Lucas: Name them. It hasn't stopped you before!

The Hon. SANDRA KANCK: I am feeling very polite today. When I worked at the Conservation Council some 15 years ago, one of my tasks was to provide names to the minister for the environment, in particular, and to others, for various bodies, groups, boards, or whatever, and they always insisted that I had to have at least three names. I could never understand why they wanted three, because it seemed to me that we were in the best position to know who would best represent the conservation movement. However, the minister always wanted the opportunity to pick and choose. It seemed to me that they were trying to find the person who possibly might be the most malleable.

The example that the Hon. Mr Parnell gave, where someone was not considered because their surname was similar to that of someone from the opposition, is an indication of the decision making that went on. I look at the EPA board as a further example of this, in that one of the representatives is supposed to represent the conservation movement. However, I know that that person happens to be Mike Elliott, my former colleague in this chamber. For all the good things that he did for the environment while he was here, he does not represent the conservation movement. There is no discussion; there is no two-way process between Mike Elliott and the conservation movement. He does not report back to it. He operates as a lone agent, and I think that was a clever thing for the government to do, under the circumstances.

It seems to me that the system we have, where the government is the final arbiter, does not necessarily give us the right outcome. I am prepared to give the Hon. Caroline Schaefer's amendment a go, because of the experience I have had in the environment movement, and even as a parliamentarian, observing how the government makes appointments to some of the committees.

The Hon. D.G.E. HOOD: I have a brief question for the Hon. Caroline Schaefer with respect to amendment No. 4. Does that mean that, under the proposed panel of five representatives, for example, the recreational fishers would be limited to one member?

The Hon. CAROLINE SCHAEFER: Yes—as would be the commercial fishers. I have only asked for three representatives out of five.

The Hon. NICK XENOPHON: I indicate my support for this amendment. This is an advisory committee. I believe that this amendment has merit. It provides a safety net for the minister. What is wrong with having representative bodies nominating three persons, and the minister having to select only one of those persons? I believe that it would be a more representative body. There is still scope there for experts to be appointed by the minister. I think it provides the necessary balance. For those reasons, I support this amendment.

The Hon. CARMEL ZOLLO: For the reasons which I outlined previously and which I will repeat, one cannot really have a sector-based selection committee for an expertise-based council, because then you cannot help having a perceived conflict of interest by the stakeholder groups. As has already been pointed out, the Hon. Caroline Schaefer's amendment does not include everyone. It also talks about a person being selected from the seafood industry and another person representing the interests of the commercial fishing sector. One might say that those two could be representing the same group of people. I urge members not to support this amendment. I indicate that we will divide on this amendment.

The Hon. M. PARNELL: I have indicated that I will not be supporting the amendment. However, I would seek to take some advice, perhaps from the clerk or elsewhere, to recommit, which I think is the process. If this clause is passed, I would seek to have it further amended to include on the ministerial selection panel a person who represents, in the minister's opinion, the interests of the conservation of aquatic resources. However, I will need to take some advice on how that is to happen, not having done it before.

The Hon. CAROLINE SCHAEFER: I would be willing to accommodate the Hon. Mr Parnell's addition. If we have another look at this, the minister decides whether these people, in his view, are suitable. However, I also think that he needs at least two people on that selection panel who are his nominees.

As to whether it may be someone from the commercial sector representing the seafood industry, it may well be. However, it also may well be a lawyer who works for them or, indeed, it could be a representative of the seafood processing industry, which is very often overlooked. If, in the minister's opinion, these people represent sector A, B or C, they are invited to put up three people and the minister selects them—and I am suggesting that he still should do so. If we need to move it to six, I will do so. He should still have the right to select two of his own nominations. I do not know how it can be done, but I would accommodate the Hon. Mr Parnell's addition. Whether or not that requires recommittal, I guess, depends on the result of the vote.

The committee divided on the amendment:

AYES (8)

Dawkins, J. S. L.	Kanck, S. M.
Lawson, R. D.	Lucas, R. I.
Ridgway, D. W.	Schaefer, C. V. (teller)
Wade, S. G.	Xenophon, N.

NOES (8)

Evans, A. L.	Finnigan, B. V.
Gago, G. E.	Gazzola, J. M.
Hood, D. G. E.	Holloway, P.
Parnell, M. C.	Zollo, C. (teller)

PAIR(S)

Stephens, T. J.	Wortley, R.
Lensink, J. M. A.	Hunter, I.

The CHAIRMAN: There being eight noes and eight ayes, I give my casting vote for the noes.

Amendment thus negatived.

The Hon. CAROLINE SCHAEFER: I move:

Page 16—

Line 28—Delete 'consider' and substitute 'submit'.

Line 29—After 'notice' insert:

to the Ministerial Selection Committee for its consideration

After line 29—Insert:

(7) The Ministerial Selection Committee consists of five members appointed by the minister of whom—

(a) One must be a person selected from a panel of three persons nominated by a body that, in the minister's opinion, represents the interests of the seafood industry; and

(b) One must be a person selected from a panel of three persons nominated by a body that, in the minister's opinion, represents the interests of the commercial fishing sector; and

(c) One must be a person selected from a panel of three persons nominated by a body that, in the minister's opinion, represents the interests of the recreational fishing sector.

(8) The Ministerial Selection Committee must submit to the minister a list of persons considered by the committee to be suitable candidates for appointment as members of the council.

(9) The Ministerial Selection Committee must, in preparing the list—

(a) consider any expressions of interest for appointment to the council submitted by the minister under subsection (6); and

(b) have regard to the qualification requirements of subsections (4) and (5).

(10) Members of the Ministerial Selection Committee will hold office on terms and conditions determined by the minister.

As I have indicated, amendments Nos 2, 3 and 4 are consequential on amendment No. 1. We have had the debate on this. I think I now do have the numbers, so I only need to recommit amendment No. 1 at a later date.

The Hon. CARMEL ZOLLO: We have already had the debate on this. Again, I implore honourable members to understand the commonsense rationale behind having a sector-based selection committee for an expertise-based council. I am sure that everybody would perceive that they would have a conflict of interest. There is no other argument that I can put for something which, to me, is incredibly obvious.

The committee divided on the amendments:

AYES (9)

Bressington, A.	Dawkins, J. S. L.
Kanck, S. M.	Lawson, R. D.
Lucas, R. I.	Ridgway, D. W.
Schaefer, C. V. (teller)	Wade, S. G.
Xenophon, N.	

NOES (8

Evans, A. L.	Finnigan, B. V.
Gago, G. E.	Gazzola, J. M.
Holloway, P.	Hood, D.
Parnell, M.	Zollo, C. (teller)

PAIR(S)

Stephens, T. J.	Wortley, R.
Lensink, J. M. A.	Hunter, I.

Majority of 1 for the ayes.

Amendments thus carried; clause as amended passed.

Clauses 12 to 15 passed.

Clause 16.

The Hon. CARMEL ZOLLO: I move:

Page 17, line 24—Delete 'by the Minister' and substitute 'under this Act'.

The functions of the Fisheries Council are amended to reflect minor changes. The way the management plans may be made is discussed in the act; therefore, references to the minister are changed to 'under this Act'.

The Hon. CAROLINE SCHAEFER: The opposition supports this amendment. As I understand it, this amendment and the next two of the minister's amendments are drafting amendments.

Amendment carried; clause as amended passed.

Clauses 17 to 39 passed.

Clause 40.

The Hon. CARMEL ZOLLO: I move:

Page 25—

Line 27—Delete 'variation' and substitute 'amendment'.

Line 31—Delete 'a variation' and substitute 'an amendment'.

The terminology of both amendments has been changed from 'variation' to 'amendment' in relation to the management plans.

Amendments carried; clause as amended passed.

Clauses 41 and 42 passed.

Clause 43.

The Hon. CARMEL ZOLLO: I move:

Page 26, lines 34 to 37—Delete paragraph (h) and substitute:

(h) specify the share of aquatic resources to be allocated to each fishing sector under the plan; and

(i) prescribe a method, or establish an open and transparent process for determining the method, for adjusting allocations of aquatic resources between the different fishing sectors during the term of the plan; and

(j) provide that compensation will be paid to persons whose licences or licence entitlements are compulsorily acquired in order to reduce the share of aquatic resources allocated to the commercial fishing sector and increase the share allocated to another sector.

As mentioned earlier, one of the issues raised in the House of Assembly related to the provisions about allocation or access to aquatic resources and how that is dealt with in management.

The Hon. CAROLINE SCHAEFER: I rise on a point of order relating to process. I have an amendment to clause 43 (page 26, lines 34 to 37) which was tabled prior to the minister's. I would have thought, therefore, that it would be moved first. However, as a result of the machinations that took place prior to this bill being debated today, I will withdraw my amendment.

The Hon. CARMEL ZOLLO: I thank the Hon. Mrs Schaefer for her indication of support and also for withdrawing her amendment. For the information of other members of the committee, as I mentioned earlier, one of the issues that was raised in the House of Assembly related to the provisions about allocation of access to aquatic resources and how that is dealt with in the management plans.

The proposed amendment to clause 43 seeks to clarify that each management plan should not only specify the share of aquatic resources allocated to each sector and prescribe a method of process of adjusting allocations but also provide

that, if the proportional share of the commercial sector is reduced in favour of another fishing sector, compensation should be paid to commercial licence holders. To that end, the amendments will replace the existing paragraph 43(h) with three paragraphs: 43(h), (i) and (j). Again, I thank the Hon. Caroline Schaefer for her support and cooperation.

Amendment carried.

The Hon. CAROLINE SCHAEFER: I indicate that I will not proceed with my amendment to clause 43, page 26, before line 38. My amendment sought to encapsulate in legislation a formula under which the share for any sector would be determined. My desire has always been to see good legislation which represents the views and will of the industry. The industry has been convinced that the minister's amendment No. 7 covers what it requires, and that perhaps, rather than the formula being specified in the legislation, it would be more suitably attached to regulation. So, I withdraw my amendment.

The Hon. CARMEL ZOLLO: I thank the honourable member for her cooperation. I move:

Page 26, before line 38—
Insert:
(2a) In determining the share of aquatic resources to be allocated to a particular fishing sector under the first management plan for an existing fishery, the share of aquatic resources to which that fishing sector had access at the time the minister requested the council to prepare the plan (based on the most recent information available to the minister) must be taken into account.

This further amendment to clause 43 is required to enshrine the principle that existing shares of a resource should be taken into account in determining allocation of access in a management plan. This is proposed by inserting a new subclause 2(a). This proposed subclause also requires that the most recent information available be used.

Amendment carried.

The Hon. CARMEL ZOLLO: I move:

Page 26, after line 39—
Insert:
(4) In this section—
existing fishery means a fishery constituted under this act by virtue of clause 5 of schedule 1.

This is a consequential amendment required to define the term 'existing fishery', which is used in amendment No. 6.

The Hon. CAROLINE SCHAEFER: The opposition supports the amendment.

Amendment carried; clause as amended passed.

Clause 44.

The Hon. CARMEL ZOLLO: I move:

Page 28, line 9—Delete 'person' and substitute:
persons

This amends a typographical error.

Amendment carried.

The Hon. CARMEL ZOLLO: I move:

Page 28, lines 12 to 16—
Delete subclause (7) and substitute:
(7) The council must consult with and consider the advice of the persons and bodies referred to in subsection (3)(a) on—
(a) the provisions of the draft management plan; and
(b) all matters raised as a result of public consultation under this section; and
(c) any alterations that the council proposes should be made to the draft management plan.

Clause 44(7) of the bill contains grammatical problems. This amendment redrafts the provision to make it clear that public authorities must be consulted in relation to management plans.

The Hon. CAROLINE SCHAEFER: Which public authorities?

The Hon. CARMEL ZOLLO: My advice is that it would be any public authorities, whether it be the EPA, the NRM boards or other people. It is actually referred to in clause 44(3)(a)(iv) which provides:

any public authority whose area of responsibility is, in the opinion of the council, particularly affected by the plan.

It is any public authority with an interest in the marine or freshwater environment.

The Hon. CAROLINE SCHAEFER: I will be supporting this amendment because it does make clearer what was in the original bill about which I asked a question in my second reading contribution, but another one that was not answered. This now makes it clear that the council must consider that advice but, as I understand it, is not bound by that advice.

The Hon. CARMEL ZOLLO: My advice is that that is correct.

Amendment carried; clause as amended passed.

Clauses 45 and 46 passed.

Clause 47.

The Hon. CAROLINE SCHAEFER: I will not be proceeding with my amendment No. 7 because I think it has been superseded by the minister's amendment No. 12 and also her second amendment which was tabled today and which also relates to that clause. However, I will speak to it in that, as I understand it, this is probably the vital clause in the bill as far as professional fisheries are concerned. A great deal of concern has been expressed to me over a number of days and, indeed, months that the industry needs to be assured that it has security in management plans and that the minister is under an obligation to see that these management plans continue into the future and are not allowed to lapse.

The minister may extend a management plan, as I understand it, for a term of five years, which would then be a 10-year management plan, but he is now obliged, as I understand it—and I would like it clearly enunciated by the minister so that it goes into *Hansard* for the future—once the first management plan is in place, to retain a management plan into the future. Provided I am happy with the explanations, I am prepared to accommodate the minister's amendment No. 12 (emergency services—2) and, indeed, her amendment No. 1 (emergency services—3).

The Hon. CARMEL ZOLLO: I move:

Page 29—
Line 8—Delete 'Any' and substitute:
Subject to this section, any
After line 11—
Insert:
(3) If—
(a) a management plan is due to expire in 6 months or less; and
(b) a draft management plan to replace the existing plan—
(i) has not yet been prepared or become the subject of a report to the Minister under section 44(8); or
(ii) has not yet been adopted by the Minister under that section,
the Minister must, by notice in the Gazette published before the expiry of the plan, extend the term of the plan for a period specified in the notice (being a period of not less than 12 months and not more than 5 years).

(4) The Minister may not extend the term of a management plan under subsection (3) more than once.
(5) If the Minister has extended the term of an existing plan under subsection (3), the Minister must ensure that, during the extended term, he or she adopts a replacement management plan to come into effect on the expiry of the existing plan.

Amendments Nos 11 and 12 insert new subclauses in clause 47. They provide that, if a management plan is due to expire in six months or less and a new management plan has not yet been prepared, the minister must extend the existing plan for between one and five years. Only one such extension may be made, and this provides a mechanism to ensure that a management plan can continue, in effect, if the process for replacing or amending a plan has been delayed or frustrated. This is intended to preserve the allocation decisions contained in the plan while the public consultation process in clause 44 is being completed. Again, I thank the Hon. Caroline Schaefer for her cooperation.

[Sitting suspended from 5.54 to 7.47 p.m.]

The Hon. CARMEL ZOLLO: I seek leave to withdraw amendment No. 12 which I moved before dinner.

Leave granted; amendment withdrawn.

The Hon. CARMEL ZOLLO: I move:

Page 29, after line 11—Insert:
(3) If—
(a) a management plan is due to expire in six months or less; and
(b) a draft management plan to replace the existing plan has not yet been adopted by the minister under this part,
the minister must, by notice in the Gazette published before the expiry of the plan, extend the term of the plan for a period specified in the notice (being a period of not less than 12 months and not more than five years).
(4) The minister may not extend the term of a management plan under subsection (3) more than once.
(5) If the minister has extended the term of an existing plan under subsection (3), the minister must ensure that, during the extended term, he or she adopts a replacement management plan to come into effect on the expiry of the existing plan.

I thank the chamber for its indulgence prior to the dinner break. During the dinner break there has been some consultation, and it is my understanding that all parties have now agreed to the amendment that is before us. Obviously, it is self-explanatory as there was a fair bit of debate prior to the dinner adjournment.

The Hon. CAROLINE SCHAEFER: The opposition supports the new amendment. It clarifies the concerns that were held by industry. It compels a roll-over mechanism, so that a specific fishery cannot lapse into a stage where there is no management plan, as I understand it.

Amendment carried; clause as amended passed.

Clause 48 passed.

Clause 49.

The Hon. CAROLINE SCHAEFER: As the amendment standing in my name to this clause is covered by the government's amendments, I will not proceed with it.

The Hon. CARMEL ZOLLO: I move:

Page 29, line 24—Delete 'amended or replaced' and substitute 'amended, replaced or reinstated without amendment'.

Amendment carried.

The Hon. CARMEL ZOLLO: I move:

Page 29, after line 28—Insert:
(5) If a report under this section recommends that a management plan should be reinstated without amendment on its expiry, the plan may be so reinstated without following the procedures set out in section 44.
(6) If a plan is to be reinstated under this section, the minister must—
(a) adopt the plan; and
(b) cause notice of that fact to be published in the *Gazette*; and
(c) in the *Gazette* notice adopting the plan, fix a date on which the plan will take effect.

Both this amendment and the previous amendment to clause 49 insert provisions that allow a management plan to be reinstated upon expiry. This power to reinstate is triggered if the Fisheries Council has conducted a review process and recommended that no changes to the existing plan are necessary. In this situation the minister then rolls over a plan for another term. This, in effect, establishes an evergreening process for management plans and licences.

Amendment carried; clause as amended passed.

Clauses 50 to 55 passed.

Clause 56.

The Hon. CARMEL ZOLLO: I move:

Page 33, line 30—Delete paragraph (b) and substitute:
(b) —
(i) if it is in respect of a fishery for which there is a management plan—until the management plan expires or is revoked; or
(ii) in any other case—for a period (not exceeding 10 years) specified in the licence.

We amended this clause specifically to link the term of a fishery licence with the term of a management plan. The amendment clarifies that, if a management plan is in place for a fishery, licences will be issued for the life of that plan.

Amendment carried; clause as amended passed.

Clause 57 passed.

New clause 57A.

The Hon. CARMEL ZOLLO: I move:

Page 35, after line 25—Insert:
57A—Acquisition of licences etc. by minister—
(1) If under a management plan for a fishery, the share of aquatic resources allocated between different fishing sectors is adjusted so that the share allocated to holders of licences in respect of the fishery is reduced and the share allocated to persons who do not hold such licences is increased, the minister may, for the purpose of giving effect to the adjustment, acquire licences in respect of the fishery or entitlements under such licences.
(2) An acquisition under subsection (1) must be made in accordance with the regulations.
(3) Regulations made for the purposes of this section may—
(a) provide for a scheme of acquisition by the minister and include in the scheme provision for compulsory acquisition and the payment of compensation to persons whose licences or entitlements are compulsorily acquired; and
(b) prescribe the method of calculation of amounts payable for the acquisition of licences or entitlements or as compensation for their compulsory acquisition; and
(c) provide for a process of objection and appeal in relation to the payment of compensation under the regulations.

It is proposed that new section 57A be inserted to establish specific regulation-making powers authorising the making of regulations to give effect to the provisions in management plans about reallocation. In particular, it provides that, if a proportion or share of a fishery of the commercial sector is reduced in favour of another fishing sector, compensation should be paid to commercial licence holders. Regulations will therefore be required to any mechanism for compensa-

tion, and section 57A sets out the regulation-making powers for this purpose.

The Hon. CAROLINE SCHAEFER: We will support this amendment. I believe it clarifies resource sharing within the act. It will be the first time that that is clarified, and it allows for compensation, so we will support it.

New clause inserted.

Clause 58 passed.

Clauses 59 to 101 passed.

Clause 102.

The Hon. CARMEL ZOLLO: I move:

Page 64—
Line 5—After 'spouse' insert 'or domestic partner'
Line 7—After 'spouse' insert 'or domestic partner'
Line 12—After 'spouse' insert 'or domestic partner'
After line 17 insert:
'domestic partner' means a person who is a domestic partner within the meaning of the Family Relationships Act 1975, whether declared as such under that act or not;
Line 24—After 'spouse,' insert 'domestic partner,'
Lines 28 and 29—
Delete the definition of 'spouse' and substitute:
'Spouse'—a person is the spouse of another if they are legally married.

These amendments simply incorporate the new definitions of 'spouse' and 'domestic partner' established by the recent changes to the Family Relationships Act.

Amendments carried; clause as amended passed.

Clauses 103 to 126 passed.

Clause 127.

The Hon. CAROLINE SCHAEFER: I move:

Page 81, line 32—After 'fishery' insert:
(other than by way of adjustments in allocations of aquatic resources referred to in section 57A)

This amendment seeks to once again reassure the industry that, if a levy is to be struck for the purpose of restructuring the industry, that levy be struck for the purpose of internal restructuring rather than for any other purpose. So, it makes the minister's amendment a little clearer.

The Hon. CARMEL ZOLLO: I indicate government support for the amendment. I understand that the difference between section 57A (amendment No. 16) and clause 127(2)(b) (amendment No. 23) is that clause 127 relates to restructuring within the commercial section. Therefore, clause 127 includes regulation-making powers for the collection of levies to fund licence buy-outs. This power is not included in section 57A, which relates to acquiring licences for the reallocation of shares. In that case, levies and industry-funded buy-outs are not appropriate. I indicate government support for the amendment.

Amendment carried.

The Hon. CARMEL ZOLLO: I move:

Page 81, lines 34 to 44—
Delete subparagraphs (i) to (iv) (inclusive) and substitute:
(i) provide a scheme for the acquisition of licences or entitlements under licences by the minister and include in the scheme provision for compulsory acquisition and the payment of compensation to persons whose licences or entitlements are compulsorily acquired;
(ii) prescribe the method of calculation of amounts payable for the acquisition of licences or entitlements or as compensation for their compulsory acquisition;
(iii) provide for a process of objection and appeal in relation to the payment of compensation under the regulations;
(iv) provide for the imposition of levies for the purpose of funding the costs of acquiring licences or entitlements;

This amendment sets out regulation-making powers for restructuring or rationalising within a commercial fishery, which is different from adjustments between different sectors, such as the commercial and recreation sectors. It has become apparent since the bill passed through the lower house that the powers as they are currently drafted only provide the scope to acquire whole licences as part of a restructure scheme. They do not provide the scope to also acquire entitlements of a licence rather than the whole licence, so the amendment refines these provisions to include reference to entitlements.

The Hon. CAROLINE SCHAEFER: The opposition supports this amendment.

Amendment carried.

The Hon. CARMEL ZOLLO: I move:

Page 82, line 36—Delete 'for the management of a fishery or'

This amendment requires that the Governor may make regulations only for the management of a fishery or relating to Aboriginal traditional fishing on the recommendation of the minister. The amendment removes the reference to regulations for the management of a fishery as this is overly restrictive. This clause is intended to ensure that Aboriginal traditional fishing management plans are authorised by the minister, as the minister has the obligation of ensuring that such regulations are consistent with any existing indigenous land use agreement under native title legislation.

The Hon. CAROLINE SCHAEFER: Does this clause remove any regulatory power? For instance, my understanding is that management plans will be introduced by regulation. Does this mean that those management plans will not go before the normal process, which is the standing committee of the parliament? Does this remove the right for us to object or withdraw any regulation, or is this to do only with decisions with regard to Aboriginal fisheries?

The Hon. CARMEL ZOLLO: My advice is that this also has regulatory powers, so they will come before the parliament for disallowance or otherwise.

The Hon. CAROLINE SCHAEFER: I am sorry to labour the point, but I am not clear on this. Will they, under the normal process, go before the Legislative Review Committee, and is there then the opportunity for disallowance at that stage, as there is with most other legislation?

The Hon. CARMEL ZOLLO: I thought I had made that clear. The answer to that is yes.

Amendment carried.

The Hon. CARMEL ZOLLO: I move:

Page 82, lines 38 to 40—Delete subclause (4)

Subclause (4) currently provides that the minister may recommend the making of regulations for the management of a fishery if satisfied that the regulations are necessary or desirable to implement a management plan. However, there are some small fisheries that may not be managed under a management plan but directly by regulation; therefore, this clause is to be removed to maintain the flexibility to manage the small fisheries in the absence of a management plan.

Amendment carried; clause as amended passed.

Remaining clauses (128 to 130), schedules and title passed.

Bill recommitted.

Clause 11.

The Hon. CAROLINE SCHAEFER: I move:

Page 16, lines 11 to 13 (inclusive)—
Delete subclauses (2) and (3) and substitute:
(2) Subject to subsection (3), the council consists of—
(a) the director (ex officio); and

(b) at least nine other members appointed by the governor on the nomination of the minister, being persons chosen from a list of persons submitted by a selection committee (the Ministerial Selection Committee).

(3) A member of the Ministerial Selection Committee cannot be chosen or nominated as a member of the council.

We have previously had this debate, and we are going to have a long night.

The Hon. CARMEL ZOLLO: As we have heard, this is one that we have had a debate on. Obviously, the government does not support it because, again, we believe that a sector-based selection committee for an expertise-based council could well have a perceived conflict of interest by the stakeholder groups. Nonetheless, I think we realise we do not have the numbers because, as has been said, we have already had this debate.

Amendment carried.

The Hon. M. PARNELL: I move:

Subclause (7)—Delete 'five members' and substitute:
seven members

Again, I do not want to rehash the debate we have had. I agreed with the government in that I did not think we needed a sector-based selection committee for an expert-based council but, given that it is the will of the Legislative Council that we do have such a committee, I would like that committee to be slightly more balanced, if you like, than it is at present.

My amendment does two things, and I will use amendment No. 1 as a test for amendment No. 2. The package of measures is to increase the size of the selection panel from five members to seven, to have an additional two people on the committee, but with the qualification that one of those persons must be selected from a panel of three persons nominated by a body that, in the minister's opinion, represents the community interest in the conservation of aquatic resources, aquatic habitats and aquatic ecosystems. The purpose of that is so that, rather than having two ministerial nominations and three people coming from what might be seen as vested sectoral interests, the selection panel now has an additional person who comes from the conservation sector.

The Hon. CARMEL ZOLLO: Again, I think that we have already had this debate. Certainly, this is another sector-based person on this committee. We may well ask why some and not others. Nevertheless, as I said, we recognise that we do not have the numbers.

The Hon. CAROLINE SCHAEFER: We support this amendment. I point out that, under this amendment, not only does the minister have the right to decide who the sector-based people are but he now has the right to have three of his own nominees on the selection panel. That should therefore cater for the needs of those other people whom we appear to have left out. We support this amendment.

Amendment to amendment carried.

The Hon. M. PARNELL: I move:

Amendment to Amendment No.4—Clause 11(7)—After paragraph (c) insert:

(d) 1 must be a person selected from a panel of 3 persons nominated by a body that, in the minister's opinion, represents the community interest in the conservation of aquatic resources, aquatic habitats and aquatic ecosystems.

I do not propose to speak to my amendment; it goes to the same issue.

The Hon. CAROLINE SCHAEFER: The opposition supports the amendment.

The Hon. CARMEL ZOLLO: As I said, we have had this debate. I think we have already placed on record how the government feels about this but, again, we recognise that we do not have the numbers.

Amendment to amendment carried; amendment as amended carried; clause as amended passed.

Bill reported with amendments; committee's report adopted.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I move:

That this bill be now read a third time.

On behalf of the minister in another place, I think it appropriate that I place on record his and the government's thanks to the very many people who have brought this bill to this stage. We have heard several times in the debate that it has taken some five years, which, of course, is a very long time. Not only do I thank all those who have contributed to this important piece of legislation—the Hon. Mrs Schaefer, members in the other place, and all other honourable members who have also contributed in this council—but, in particular, I would like to thank the Seafood Council, our numerous subsidiary commercial sector bodies, the South Australian Fishing Industry Council, the South Australian Recreational Fishing Advisory Council, the Aboriginal Legal Rights Movement, the Conservation Council, the Fish Processors and Exporters Council, and the Boating Industry Association. I am certain that very many public servants have also worked hard to see this important piece of environmental marine resource legislation brought to this stage.

The Hon. CAROLINE SCHAEFER: I, too, would like to place on record my thanks, particularly to the industry sector which has spent a lot of time working through this legislation with me. As I said earlier, I think this is a fine example of why you need a Legislative Council, because we now have a piece of legislation which I think will probably be one of the better fisheries acts in Australia. This is legislation which certainly the industry and recreationals are now pleased with, so it has been worth the fairly arduous exercise to bring it to this stage.

Bill read a third time and passed.

COMMUNITY SERVICES SECTOR

The Hon. M. PARNELL: I move:

That the Legislative Council—

1. Notes the recently released communique on strengthening the non-government community services sector entitled 'Strong Community, Healthy State', prepared by the South Australian Council of Social Services (SACOSS), the Association of Major Community Organisations (AMCO), the Australian Services Union (ASU), and the Liquor, Hospitality and Miscellaneous Union (LHMU);

2. Recognises the enormously valuable work undertaken by the community services sector in South Australia, particularly with those members of our society who are most vulnerable;

3. Recognises that the community services sector is finding it increasingly difficult to attract and retain appropriately skilled workers;

4. Accepts the core principles outlined in the 'Strong Community, Healthy State' communique, including the need for contract stability and workforce development; and

5. Calls on the state government to help build and maintain a skilled and dynamic community services workforce through its

funding of state programs, by including a first tier wage increase for community services sector workers in the 2007-08 budget.

This motion is aimed at strengthening the very important non-government sector in South Australia. The communique from the South Australian Council of Social Services, the Association of Major Community Organisations, the Australian Services Union and the Liquor, Hospitality and Miscellaneous Union is based on a set of principles, which recognise that the ability of the non-government sector to offer secure employment to its workers creates a stronger and more cohesive sector and which, in turn, enhances the sector's ability to provide high quality services to disadvantaged and vulnerable South Australians.

These principles are worth putting on the record and I will do so. The first principle is that jobs must be decent jobs and come with fair wages and be offered on a permanent or long-term contract basis. Many of us would be familiar with the nature of work in this sector where a person's job depends on whether funding will be available in the next budget. Often people do not know from month to month or year to year whether the job is likely to be ongoing. The second principle is that it is important that we develop a workforce attraction and retention strategy for this sector. It can be difficult to attract workers and it can be even more difficult to retain them if conditions are not up to the standard of alternative options for employment.

The third principle is minimum guaranteed hours with upward flexibility and reasonable workloads. A great deal of this sector is based around casual work with irregular and uncertain hours. The fourth principle is that we need provision of structured career paths and development programs. Fifthly, we need to establish mechanisms for wage increases and improvements, and one of the driving forces behind this motion and the communique from the organisations is that the time is now right to put in place those wage increases. The sixth principle is that workers in the non-government sector should be able to develop career paths that recognise their skills and experience. Too often the structures do not allow any room for people to move.

The seventh principle is that we need to develop facilitative structures that allow mobility through the sector for workers. Many skills are transferable and we need mechanisms for them to be transferred within the sector. Eighth on this list is that we need to ensure that job classification structures match the work performed. Too often we see in the community sector that people are paid according to what the organisation can afford and it is not based on the actual work that is done. In other words, you match the person with the available funds, rather than properly recognising their skills and rewarding the person accordingly. The ninth principle is that we need to develop structures that distinguish differing modes of employment, and that would include working from home, which is a viable option for many parts of the non-government sector.

The tenth principle is that we need a well trained workforce because, at the end of the day, what we are trying to do is to maximise the quality of service to our clients. Why has SACOSS and its partners instigated this campaign? I think the main reason is that the non-government sector is at a crossroads, because we have an emerging workforce crisis in the sector that threatens its future capacity to deliver high quality services. There is a range of reasons why that is the case. One reason is that we have growth in better paid jobs in other industries and sectors. For example, the salaries of workers in the non-government sector have not kept up with workers performing equivalent duties in the public sector. Another reason is that the sector involves a number of challenging and stressful working conditions. Members can see by looking at the job advertisements in any weekend paper that there is a high turnover in these non-government, high stress jobs.

There is also the potential for Work Choices to have a negative impact on this sector again. I know that many people in the non-government sector are not great fans of Work Choices, and even what might seem to be helpful methods on the part of the state government to protect them because, unless it is matched with increased funding, it can actually create even greater burdens for the sector. One big factor is that many organisations are often unsure of whether their funding and therefore their employment will continue beyond the current grant period, and frequently they only find out weeks before the funding is due to expire whether it will or will not be renewed. It is in these types of circumstances that often workers will seek alternative more secure positions, rather than live with the uncertainty. I can say from personal experience, having spent 16 years working in the non-government sector, that very often we would not know from year to year whether our jobs would continue.

A number of government grant programs have moved on to three yearly cycles, and that certainly gives a great deal more security than annual cycles. In this place, I gave an example—in fact, I think it was during my first matter of interest speech in June of last year—when I talked about the children of prisoners and offenders' program and the fact that the uncertainty of funding was looking likely to lead to that particular social worker abandoning the project. As I understand it, that is exactly what happened. A consequence of all this is that we have experienced workers who are leaving the community services sector and moving to other areas where pay and conditions are better and more secure. Staff turnover in this sector tends to be higher than in other areas.

To put some statistics behind that claim, for example, the Queensland government in a recent report estimated that the cost of staffing turnover within the disability services sector is approximately 30 per cent of the annual salary for direct support and 50 per cent of the annual salary for managers. That is a huge additional cost, but that takes into account, with high staff turnover, the cost of interviewing, the cost of advertising, lost productivity during staff changeovers, the cost of induction, training, criminal record checks—all the things that the non-profit sector needs to do when staff leave and new staff are recruited.

On top of this, we have a number of other factors that are adversely impacting on the sector. One of them is the ageing workforce, and it is estimated that approximately 40 per cent of Australian health and community service workers are already over the age of 45 years. There is also increasing competition for skilled workers, and the non-profit sector is having trouble in that competitive environment. For example, the Australian Productivity Commission anticipates that labour force participation rates will increase from 63.5 per cent in 2003-04 to 56.3 per cent in 2044-45, so that is a very large change over a generation. This will lead to increasing competition between employers in the non-profit sector with those in the business and government sectors, and the competition will be to attract and retain skilled and qualified staff. All of this goes to threatening the sustainability of the sector.

The Greens strongly believe in the principle that the client group of this sector—that is, vulnerable adults, families and children at risk—deserve the best and most skilled staff. So, this campaign run by SACOSS and its partners is seeking additional state government funding to cover a graduated wage increase over a period of three years, and the first step should be a first year wage increase in the 2007-08 budget. The organisers of this campaign believe that an urgent injection of funds is required just to retain existing staff, let alone attract new staff. The state government has a crucial role to play because it supplies many of the grants that also stipulate pay levels for workers in this sector.

In conclusion, I call on all honourable members to find out more about the campaign which, as I said at the outset, is entitled Strong Community, Healthy State. We should all find out more about the campaign and get behind it, and I urge all honourable members to support this motion.

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

BAIL (PRESUMPTION AGAINST BAIL) AMENDMENT BILL

The Hon. R.D. LAWSON obtained leave and introduced a bill for an act to amend the Bail Act 1985. Read a first time.

The Hon. R.D. LAWSON: I move:

That this bill be now read a second time.

This bill represents the new policy of the Liberal Party in relation to community safety, and it is an important policy. It specifically addresses the fact that too many offences are being committed by persons on bail and that, all too often, public safety is compromised, sometimes with tragic consequences, as a result of the bail laws.

Currently, the Bail Act provides that a person in custody is entitled to apply to a bail authority to be released into the community. There is a presumption in favour of bail on the principle that a person charged with an offence is entitled to the presumption of innocence and until that person is found guilty of a crime the person should be entitled to their liberty. Section 10 of the current act provides that a bail authority should—and I emphasise 'should'—release the applicant on bail unless there are certain factors established by those opposing bail. Those factors are well-known and include the possibility of flight by the accused and the possibility of the accused interfering with witnesses or evidence.

However, the principle established in the Bail Act in South Australia is that the bail authority should release the applicant. In lawyer-speak, the onus lies on, as is usually the case, the police to satisfy the court that bail should not be granted. This bill introduced tonight changes that onus in relation to repeat offenders, to persons charged with certain serious offences, and to persons who are charged with offences committed whilst they are on bail.

This measure is one that I would like to claim is unique but, in fact, is not at all unique. It is already in the law of certain other Australian states, and it recognises the necessity to appropriately strike a balance between the liberty of the subject on the one hand and the safety of the community on the other hand, and we make no apology for striking that balance in this particular case, and in specific instances, in favour of the safety of the community.

The Liberal Party introduced a measure with similar principles in 2004 but the Rann government, despite its law and order rhetoric, refused to support it on grounds that I will return to a little later. There is no doubt that this government has presided over a serious deterioration in public confidence, not only in the general system of criminal law (the justice system) but also specifically in relation to the system relating to bail. There is a number of factors which have contributed to that deterioration in public confidence.

It is not only the rhetoric of the government, although that has clearly played a significant part. The public are quite entitled to be concerned about bail under this government. In the year ended 30 June 2001, there were 2 394 breaches of bail—about 2 400. The following year, when this government first came into office, there were 2 960, so the number went from 2 400 to almost 3 000. In 2003, the first full year of this government's operation, the number of breaches of bail reported to the police, according to the annual report of the Commissioner of Police, was 4 010; in 2004 it had gone up to 4 612—over 10 per cent. In 2005 it had gone from 4 600 to 5 724, and in the most recent figures given by the Commissioner of Police the number of breaches of bail has risen to 8 202 in that year.

So, here we have the case that this government came into office at a time when the number of breaches of bail per annum were just under 3 000 and it is now over 8 200, despite the fact that this government claims that it is putting more police on the beat and this government claims—quite falsely in our view—that it is tougher on law and order, yet here we see this explosion in the number of breaches of bail—people being granted bail and flouting the terms of that bail.

So there is no reason to be surprised that, when *The Advertiser* conducts a survey amongst the populace as to whether they believe that under this government's regime they are safer than they were previously, the overwhelming majority of them say they are not safer. Bail breaches under this government are rampant. The remand rates—that is, the number of people who are remanded in custody in South Australia—is high. It has traditionally been high.

The annual report of the Department for Correctional Services for the year ended 2001-02 was the last report delivered by Mr John Paget, who was an extremely effective chief executive of the Department for Correctional Services. He issued a report which described the issues within the department. He was not afraid to call a spade a spade and indicate where the department was experiencing difficulties—and undoubtedly there were difficulties. Unfortunately, I have to say that more recent reports from the Department for Correctional Services—certainly in the narrative commentary—tend to be rather more sanitised, and there is certainly nothing ever to embarrass the government.

On this occasion, in his last report, Mr Paget stated:

> Over past years there has been considerable attention directed at the high rate of remand in South Australia. In particular, in September 2001, the department drew attention to a 'spike' in remand numbers which has contributed to a remand rate which now runs—

and I will not quote the figures, but they are substantially over the national average. Mr Paget went on to state:

> This is in fact the second highest remand rate in the nation and its causes are proving as difficult to identify as its purpose difficult to define. Considerable justice portfolio research effort is directed at these issues. Currently the number of remand prisoners in the correctional system has exhausted all capacity at the Adelaide Remand Centre, and over 200 are now being held at Yatala Labour Prison, which is not designed or structured as a remand facility. In addition, 50 remand prisoners are held at Port Augusta prison, and 40 dual status remand and sentenced prisoners are accommodated at Mobilong. In addition to the high rate of remand and its attendant

costs, it is significant that 80 per cent of those who appear in the magistrates court. . . not sentenced to further imprisonment.

He mentions the fact that the remand rate affects particularly Aboriginal offenders who, as everybody knows, are disproportionately represented in our criminal justice system. So, that high rate of remand mentioned in the 2002 report still persists to this day.

This government, despite its rhetoric, has failed to address the issue of high remand rates. If one looks at the report of the Department for Correctional Services for the year ended 2005-06 (this is the report tabled in November last year), it appears that we still have the second highest rate of remand after the Northern Territory and we still have a significant number of remandees—that is, people who have not yet been dealt with by the system; they have not yet been found guilty—in our remand system. On page 64 the report states:

Yatala Labour Prison is South Australia's largest prison. Originally established in 1854, it is a multipurpose facility for high, medium and low security prisoners, including those in protective custody. It has the capacity to accommodate 407 prisoners and is the state's primary induction/reception prison for male sentenced prisoners. During 2005-06 a significant number of remandees were again accommodated in the prison. On 30 June 2006, 188 or 50 per cent of the 303 prisoners held at Yatala Labor Prison were remandees.

Let me repeat: half the people in Yatala are people who are on remand. One would ask the question why; we have the Adelaide Remand Centre, which is a specialist facility established within the square mile of Adelaide, close to the courts where the prisoners are to be dealt with. What is happening there? Well, in respect of that centre, the report states:

. . . it is the state's primary remand facility for male offenders. It has a capacity to accommodate 247 offenders and is a high-security facility. . . Due to continued high remand rates the Adelaide Remand Centre operated at maximum capacity throughout the year.

Here we have the situation where there is a large number of remandees in our system, and that means that it is difficult for magistrates and bail authorities to refuse bail because of the necessity to accommodate them within the system. That is not a new problem. It has been a problem that this government—which claimed to the people of South Australia that it was interested in law and order and community safety—simply has not addressed. There is one very good reason amongst a number for this high rate of remand, that is, that the South Australian criminal courts are the slowest in Australia.

If one looks at the report of the judges of the Supreme Court for the year ended 2005 (this is the most recent report tabled in the parliament from the judges), it indicates that the courts' own target for dealing with criminal cases is that, basically, 80 per cent of them will be dealt with within six months and the rest of them within one year. So, their target is for 80 per cent to be dealt with in six months. What did they achieve last year? Only 4 per cent of cases were dealt with in six months. In terms of cases to be dealt with in one year, their target is 100 per cent. They achieved 55 per cent.

Almost half the cases that get into the criminal courts are not even dealt with within a year; and, clearly, that has consequences for the correctional system. There are people charged with offences who are awaiting trial. The courts have deemed that it is inappropriate that they be out on the streets. They must be remanded in custody, yet the courts system does not get through half of them. I also point out that, when they say a year, it is not a year from the time when the offence was committed. People are complaining about it and the thing is being investigated. It is within one year of the arraignment of the accused. An arraignment in the court is the first presentation of the prisoner before the court—and that is not in the Magistrates Court but in the superior court.

That date of arraignment can very often be more than one year from the committing of the offence. If one looks at the cases reported in the newspapers today, one will see that they are dealing with offences committed in 2002, 2003 and 2004. So, the courts are not meeting their own targets. Also, the report of the judges states that the problem is getting worse. For example, in 2003, 229 criminal cases were outstanding at the end of the year—not dealt with. In 2004 that increased to 261 cases, and in 2005 it went up to 299 cases—almost 300 cases still waiting in the list. The list itself is running a year behind time. This trend is reinforced in the latest report from the Productivity Commission on government services which compares the various jurisdictions. Again, we are at the worst end of that table. This report was released as recently as 31 January this year. I notice that we have approximately the same number of judges per 100 000 of population as other states.

The net expenditure of this state per finalisation of criminal matters in the District Court is $9 100—that is taxpayers' money to finalise a criminal trial through the courts system. This is dealing, of course, only with the court's cost itself. The national average is $6 000. So, it is not as if we are not spending enough money. We are spending almost half as much again as the national average, yet still the throughput is not being identified, it is not being improved. The Productivity Commission's report notes that the working party on criminal trial delays is still examining what is to be done and implementing various recommendations.

The Courts Administration Authority's annual report tabled in November 2006 reinforces the same issues. For example, the number of criminal trials listed but not heard as at 30 June 2006 was 511; the year before it was 307; and the year before it was 231. Here we find a logjam of cases in the criminal trials. The number of cases disposed of within 90 days, that is, within three months (and this includes pleas of guilty and others) is only 49 per cent; the year before it was more than that; and the year before that it was also more than the figure for 2006.

The number of cases in our criminal courts dealt with in six months is 9 per cent. In 2005 it was only 4 per cent. However, the cases disposed of within one year, again in 2006, was 51 per cent. That is a slight improvement on the previous year, but the fact is that the disposal of cases within one year of arraignment is slow.

The Courts Administration Authority acknowledges its own difficulties. Under the heading 'Criminal Performance Standards' it states:

For cases committed for trial, performance against the 365-day standards has continued to deteriorate, whilst performance against the 180-day standard shows a small improvement.

So one of the many contributing problems to the bail crisis is the fact that this government has not shown the leadership it ought to have shown in relation to the criminal courts. We accept—and I am sure everybody accepts—that no government should interfere in the decisions of cases in the courts. We respect the independence of the courts. Even though the Premier might seek to use inappropriate public pressure to berate and abuse judges, we believe that judges ought to make decisions in individual cases.

However, in the delivery of overall services and the provision of funding and facilities, it is appropriate that the government address that issue. Clearly, this government has

not addressed either the issue of delays in the courts or the ongoing issue of the high rate of remand in this state. As I said, one reason for the high rate of remand is the delays within our court system.

In relation to the question of bail, this government's response has been—as it does so often—simply to respond to various crises. A crisis develops, a political problem arises for the government that could possibly result in the loss of electoral support or popularity, so it makes a statement in response to that in order to address that particular issue. The government never addresses the underlying cause; it simply makes an announcement to solve not the basic problem but the political problem.

In 2003, a young woman at the threshold of life was killed in a collision with a car driven by Christopher Clothier who was on bail for a murder charge. In most other places in the country, you would not be on bail if you had been charged with murder. Clothier was driving dangerously and recklessly whilst unlicensed and a young life was lost. Not surprisingly, there was a great outcry from the family and friends of Sonia. The government adopted its usual tactic of making statements: 'We're terribly sorry about this; we're going to do something about it. This is an issue of great concern.' There is a great deal of breast-beating, but nothing, in fact, follows. Notwithstanding all the statements made by the Premier and the Attorney-General, nothing happens.

Chris and Roger McEwan (the parents of Sonia Warne) began a public campaign to change the Bail Act, which received some attention in the media. They suggested that a bail board be established. In *The Advertiser* of 19 July 2004, Sean Fewster reported that this was met with 'indifference' from the Attorney-General. He wrote to the family saying that he was not sure that a different decision would be reached by a board, that he would look into the matter and that he wanted a report on it.

On the same day *The Advertiser* published a page one story under the heading 'Free to Go'. Nigel Hunt stated:

> More than one-third of the 50 people charged with murder in South Australia over the past two years have been freed on bail while awaiting trial.

Let me repeat that: one-third of the 50 people charged with murder in South Australia are freed on bail. The article continues:

> Court figures reveal 18 of those charged—including many accused of some of Adelaide's most brutal murders—have been granted bail.
>
> Some were bailed in a Magistrates Court in the first instance while others were freed after a Supreme Court review.

There is nothing like a page one story to activate the attention of the Premier and the Attorney-General. They are not much interested in other matters, but page one does affect them. The Attorney-General said on the previous day that he would order a report from the Director of Public Prosecutions into the current operation of the Bail Act. This was designed to fob off those people who were concerned about bail and to suggest that he was sympathetic. He would have been extremely pleased with the headline on page 2, 'Atkinson wants report on murder charge bail'. He said:

> I will request advice from the Office of the Director of Public Prosecutions about the operation of our system before deciding whether to revisit the provisions of. . . [the]. . . Bail Act.
>
> Over the years, people have raised many suggestions about how the Bail Act should be structured. . .
>
> Many suggested changes bring with them risks, repercussions for other parts of the. . . system. . .

Blah, blah, blah. It would have been cold comfort for the family, but it suggested that this government was, in fact, serious about looking at the question of raising bail. Nothing came out of that, of course, and we never heard any response from the Attorney-General as to what the Office of the Director of Public Prosecutions said.

Later in that year, in September 2004, the issue arose again. The opposition police spokesman, Robert Brokenshire, was reflecting concerns about people committing crimes whilst on bail. Remember this is about five months after the public was told that the Director of Public Prosecutions would be looking into it. *The Advertiser* reported on that occasion, as follows:

> The State Government is waiting on a report from the Director of Public Prosecutions before considering a review of the Bail Act, while the Victim Support Service has called for tougher penalties for repeat offenders.
>
> Attorney-General Michael Atkinson said he would consider a review and conceded he was concerned about reports that in one case a violent offender who breached his bail conditions 12 times, received just a $10 fine and another good behaviour bond.

So, once again, we have a government suggesting to the community that it was looking at a review of the Bail Act. *The Advertiser* editorial of 6 September 2004 stated, amongst other things:

> Attorney-General Michael Atkinson has indicated a willingness to review the Bail Act. In July he ordered a report from the Department of Prosecutions into the current operation of the Bail Act and said he was 'open to suggestions' on improvements. The latest figures show a review is overdue.

This was in September 2004. The issue arose again when offences were allegedly committed by a person on bail. This time the interest of the Premier was excited. On 21 September (that is, later in the same month), bearing in mind that *The Advertiser* had stated that we were waiting for this review, the Premier made a ministerial statement in which he began with the following:

> The subject of bail has been raised frequently in recent weeks as a variety of cases have arisen for community debate.

He went on to say:

> Following discussion with the Attorney-General earlier today, I have asked that he re-examine the Bail Act. I have asked him to report back next month with any recommended changes to the current law.

So, here we have a decisive Premier indicating that he had called for a report and that he was demanding that the Attorney-General act—not as he had been acting previously, waiting whilst months had passed: no, within a month he wanted a report on this and the government was going to do something. In an interview on FIVEaa on the same day, the Premier said:

> I've asked the Attorney-General yesterday, I've given him until the end of next month to report back to recommend changes to the Bail Act. . . the thing that really annoys me is the frequency some accused persons breach bail and still seem to avoid punishment . . . I'm also concerned about. . . people who've been charged with murder being bailed. . . I've told the Attorney-General, let's have something back to me by the end of next month and then we can wheel some things into Parliament.'

Here was a decisive Premier acting in the public interest.

The Hon. R.I. Lucas: What date was that?

The Hon. R.D. LAWSON: This was 21 September 2004.

An honourable member: 2004! That's three years ago.

The Hon. R.D. LAWSON: Remember that the Premier said, 'Let me have something back by the end of next month, and we can wheel some things into parliament.' Well, the wheels have been extraordinarily slow.

In December 2004, because there was absolute inaction on the part of the government on this—nothing had happened by that stage—the Liberal Party introduced in this chamber a bill to amend the Bail Act to remove the presumption of bail that exists currently in favour of certain offences. We said that, in common with other Australian states, we should change that presumption. Where a serious offence is committed whilst a person is already on bail, the presumption should not follow to those persons who have been convicted of offences within the previous two years. In other words, they were not going to accept that repeat offenders should be entitled to the presumption of bail: they had to justify to the court why they should be granted bail.

Similarly, persons who had breached a previous bail agreement should have to justify to a court why they should be released on bail, rather than the court saying, 'Well, you've got a presumption in your favour.' We also said that persons charged with serious crimes of violence (for example, murder or serious drug trafficking) should be required to justify bail. The government did not put an immediate response to our bill. In fact, it received some media coverage; there was some talk about it on the radio and in the newspapers. Remembering that the bill was introduced by us in December 2004 *The Advertiser* took up the question in January 2005 (on 4 July, actually), during the quiet period, and reported as follows:

> The Bail Act is expected to be overhauled earlier this year. Attorney-General Atkinson has completed a review of the legislation. A spokesman for Atkinson said that he had advised Rann of possible changes before Christmas. The Attorney is now developing some suggested amendments.

That was January 2005. Nothing happened. Our bill stays on the *Notice Paper* in this council. The government does not respond to it. The matter is taken up in the media from time to time. The fact that the number of bail breaches is increasing is referred to from time to time in the public media. Then, in November 2005—almost a year after our bill was introduced—in the wake of the McGee case, the Commissioner of Police, Mr Mal Hyde, begins to put the pressure on the government to act in relation to these matters.

In an item which appeared on the front page of *The Advertiser*—it was certainly something to attract the attention of the Premier—the Commissioner of Police was quoted as saying:

> Between July the 1st and November the 6th—

this is 2005—

> there were 140 high-speed pursuits with targets in Operation Mandrake.

Remember Operation Mandrake? That operation has been the subject of great notoriety this year, at the beginning of 2007. Here is the Commissioner of Police, in November 2005, saying that there had been 140 high-speed pursuits. *The Advertiser* went on to state:

> Mr Hyde said, 'In many cases Mandrake targets were repeat juvenile offenders who deliberately engage police in high-speed pursuits using stolen cars while under the influence of drugs.' Mr Hyde predicted that, unless attitudes changed quickly, it was only a matter of time before crashes resulted in death or injury. He said that criminal offences in place to deal with someone who killed or injured through dangerous driving were inadequate. Mr Hyde proposed the creation of a specific offence of seeking to avoid apprehension by police.

He also proposed that repeat offenders be subject to mandatory imprisonment.

Having known of this problem of offences being committed very often by people on bail, being confronted by people on bail, being confronted with the issue of Operation Mandrake, where there are high-speed and highly-dangerous police pursuits, having received the statement from the Commissioner of Police that people are likely to die as a result of this unless something is done, the pressure is on the government to do something immediately in response to that particular matter—not to address the issue more widely, but simply to address the Commissioner's concern and the statement that people will die unless this issue is addressed.

Tragically, within the past month, we know that a couple of people have died as a consequence of police chases with persons who are of interest to Operation Mandrake. What was the government's response? Was it to produce the report that had been commissioned a year before from the Director of Public Prosecutions that was said to be about to be delivered within a month, that the Premier was demanding a report-back from the Attorney-General within the month? No, it was, 'Respond specifically to the particular issue raised by the Commissioner of Police; do not address the fundamental issue.'

It so happens that in May 2005 (about six months before the Commissioner's outburst) the government had introduced a bill into the parliament relating to dangerous driving causing injury, arising largely out of and in response to the McGee case. The government had introduced this bill to increase the penalties. Once again, in response to a particular issue in relation to a particular tragedy, and also bearing in mind that it knew that the royal commission that it had appointed would be likely to recommend increased penalties, the government introduced a bill to increase the penalties.

What happened after the Commissioner's statement? The government moved an amendment to its Criminal Law Consolidation (Serious Vehicle and Vessel Offences) Amendment Bill to reverse the onus in relation to bail to certain persons charged with offences relating to the use of a motor vehicle for the purposes of escaping apprehension. These were the particular offences that were identified as warranting changing the presumption entitling somebody to bail. Whilst we had this major and widespread issue in relation to bail, the government chose to identify three specific offences in relation to high-speed motor vehicle chases and leave out entirely the question of whether or not our bail laws should be revised in line with what had happened in some other states. That proposal passed through the parliament in November.

I really must mention something that the council should never forget: on 1 July of that year, the Attorney-General was interviewed on Channel 10 about the crime rate in South Australia and the fact that there had been reductions in the crime rate in South Australia. The Attorney-General said the following:

> Yes, there have been reductions in the crime rate in South Australia since our government came to office, but my suspicion is that that does not have much to do with our policy.

So, here it is—in 2005, the Attorney-General acknowledged that any reductions in the crime rate in South Australia did not have much to do with his government's policy. The Attorney-General went on to say the following:

> One of the big influences on the crime rate anywhere in the world is the number of young men from disadvantaged backgrounds as a proportion of the total population.

So, in a rare burst of admission, the government acknowledged that its policies have not had much to do with the reduction in the crime rate.

The Liberal Party bill to amend the Bail Act came on for debate in December 2005, and the government opposed our proposal; it gave a number of reasons for this opposition. Members should bear in mind that the issue of reforming the bail laws had arisen in the middle of 2003. In September 2004, the Premier made ministerial statements about reviews being undertaken and reports being made within a month. Then, in December 2005, over a year later, the government opposed the Liberal Party bill on the following grounds. One was that the bill would result in 'many hundreds of extra remand prisoners' and that that would be expensive on a number of grounds. So, one of the reasons is its expense.

I will quote from the speech made in this place by the Hon. Paul Holloway on behalf of the Attorney-General on 1 December 2005 on page 3448 of *Hansard*. It might have been beautifully delivered, minister, but its content left a great deal to be desired, especially when one examines it closely. It states that this measure would adversely affect disadvantaged groups and says:

> People with mental health problems and intellectual disabilities, indigenous people and the poor are disproportionately represented in the criminal justice system. It is to be expected, therefore, that a disproportionate percentage of the extra remand prisoners created by the opposition's amendment will be from these groups.

So, there it is. The government says that it cannot change the bail laws in favour of the community, notwithstanding Operation Mandrake, and notwithstanding the fact that the Police Commissioner said that people will die if these high-speed chases continue. The government says that it will sit on its hands because this will disproportionately affect disadvantaged groups within our community. Do not worry about the safety of the young newlywed driving to work; do not worry about the safety of innocent people. This may adversely affect those people who come from disadvantaged backgrounds.

As I mentioned first, the government referred to the high cost to the taxpayer of the incarceration of large numbers of remand prisoners. The minister, who gives a good speech, said things like this (and I am not surprised that he has left the chamber):

> Any increase in the number of remand prisoners places pressure on the prison medical service. Remand prisoners must be transported to and from court.

That costs money. He went on to say:

> Any increase in the number of defendants refused bail will lead to more applications for review of bail. This will have resource implications for the courts and the Legal Services Commission, which represents many defendants. . .

So, there it is: cost is the reason. We do not want these people using the Legal Services Commission for the purpose of bail applications because that will cost additional money. He concluded by saying:

> . . . it should be up to the crown to justify why a person, who has not been convicted of an offence, should be detained in custody rather than granted their liberty albeit, under conditions. . . the government opposes the bill.

Notwithstanding the fact that the Premier promised a review, the Attorney-General was to respond within a month. Something was going to be done about these issues, but nothing was done because it was going to cost too much money. The prison medical service would be overwhelmed; the Legal Services Commission would suffer increased burdens; and disadvantaged people would be disproportionately represented. That was the government's position. But, of course, what happens now? Within the past month we have had a tragedy. A young man driving to work was killed as a result of the dangerous driving of a person who was on bail.

Earlier, another young man, who was, in fact, driving in a stolen vehicle, which presumably he himself had stolen, was killed near my own home on Belair Road at Mitcham. Peter Godfrey's death in the north of Adelaide highlighted the prescience of Commissioner Hyde's response to all of this. Members should bear in mind the government's inaction and the fact that its response was to say, 'Well, there is nothing wrong with the bail laws. We can't help the fact that the magistrate let this man out on bail when perhaps he shouldn't have. So, it's really not our fault; it's the magistrate's fault'.

Even the Leader of the Opposition (Hon. Iain Evans) came down on him like a tonne of bricks, as did other members of the community (including the family and friends of Peter Godfrey) and said that that was an outrageous response, and suddenly we have the Attorney-General changing his mind about bail. Having previously said that no changes could be made for all these reasons of costs and other things, he suddenly says 'Oh, well, perhaps we can do something about this.' It is not because he believes something should be done to the bail laws at all: it is because there is a political problem and a political embarrassment. The government wants to get rid of that political embarrassment, so the Attorney-General once again is saying, 'Perhaps we can do something about it.'

First, he blames the magistrate. That is typical: always try to find some scapegoat to blame for a problem but, if that does not wash with the community, as it did not and should not, come up with some change. We now have a change in tack by the Attorney-General. He is saying, 'Well, we will be looking at some solutions.' Why should any member of the community believe the Attorney-General when he says in 2007, in response to a political crisis, 'We will do something about this'? The government has been saying that it will do something about this since 2004. It has done absolutely nothing about it, and the reasons for doing nothing simply do not wash.

We believe that it is entirely appropriate to identify not simply offences such as causing serious harm or causing death during a police chase, not simply identifying those cases in response to a particular event, but saying, 'Let us look at what the law should be.' Should someone who is charged with murder automatically be entitled to bail unless the police can prove that they are not entitled, unless the police can prove that they will interfere with witnesses, that they are a flight risk, or that they might interfere with evidence? In respect of serious offences, as in other states such as New South Wales and as recommended by the Australian Capital Territory Law Reform Commission, the onus ought to be upon the accused person to say that there are circumstances why they should receive bail.

Similarly, when a repeat offender—that is, someone who has already been sentenced and who has already gone to gaol for some offence—comes before a court again charged with another offence they ought to be required to justify why bail should be granted—likewise, for those people who have deliberately and wantonly breached bail. One of the grounds of criticism of our earlier bill was the fact that we provided that any breach of a bail condition should deprive someone of the benefit of the presumption that bail should be granted. Perhaps we drew the net too wide because we said 'any breach of bail' and, as I have indicated to the chamber, there

are some 8 000 breaches of bail this year, some of which obviously will be serious and some less serious.

The bill we now bring before the parliament allows for a more stringent test. We have now modified our proposal that the breach of bail should not be just any breach but a deliberate or persistent breach of a condition in a bail agreement, because, as is so typical of this Attorney-General, when we said previously that any breach of bail should reverse the onus, he exaggerated the effect by saying, 'That means that everyone who has committed a breach of bail will automatically be in the big house, which will mean that there will be another 1 300 people in gaol which will double our prisoner numbers and therefore it is outrageous.' It was never our proposal or our suggestion (and no-one ever thought) that that would necessarily mean everyone who breached bail. For example, if you failed to call the police station at noon on Monday, Wednesday and Friday, at 10 past 12 you were in breach of bail and you would go straight into custody.

We never envisaged that, but we have addressed the issue by saying that it must be a deliberate or persistent breach of a condition of a previous bail agreement. We have accepted that the government and the parliament have enacted that those who are charged with causing death by dangerous driving or serious harm in the course of attempting to escape a pursuit from a police officer should be treated as having committed a series of serious offences and those persons, just as though they were charged with murder or rape, should not be entitled to the benefit of the presumption of bail.

We believe that this additional power in the courts will strike the right balance between, on the one hand, the right of those who have not been convicted of criminal offences to go about their business and, on the other hand, the primary right of members of the community to go about their lawful business without the threat of death or being maimed by those who embark upon criminal activity. This is a matter which the Liberal Party is passionate about, and I am honoured on behalf of the shadow attorney-general (the member for Heysen in another place) to present the bill. I urge members to support it.

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

LAKE BONNEY

Adjourned debate on motion of Hon. Sandra Kanck:

1. That the Legislative Council notes that—
(a) the estimated water savings of 11 gigalitres from blocking off the water supply to Lake Bonney is a minuscule amount compared to the 5 400 gigalitres of savings proposed in the Prime Minister's National Plan for Water Security;
(b) damming Chambers Creek would artificially disrupt the natural operations of the Murray River and its associated lakes and wetlands, all of which play important roles in the complex ecosystem, with potential impact on the rare broad-shelled turtle;
(c) local people with intimate knowledge of the lake and river system believe this would lead to a decline in water quality, algal blooms and fish die-offs that would make the lake unfit for almost all other forms of life; and
(d) there has been no environmental impact assessment of the effect on the ecosystem of Lake Bonney; and
2. Calls on the government to delay the damming of Lake Bonney until the impact of recent rainfall in Queensland and New South Wales and South Australia's winter rainfall can be taken into account, to allow for a comprehensive environmental impact assessment to be prepared, and for the progressing of other water saving measures.

(Continued from 7 February. Page 1378.)

The Hon. M. PARNELL: I wish to go on the record in support of this motion and to outline some of the reasons I think the Barmera community has every right to be suspicious about the proposal to block off Lake Bonney. One of the reasons I support the community campaign in this case is because I share its frustration that we are looking at a knee-jerk reaction to what is likely to be a permanent and long-standing problem. One of the difficulties is that not all the options are on the table. A very small number of options are on the table, and closing off Lake Bonney from the River Murray is one of those options. I believe that, with climate change on top of the drought, the rules have now changed. We are now in territory that we do not fully understand and, therefore, it is important for all options to do with water conservation to be on the table.

Effectively, what Adelaide is doing is asking Barmera to significantly harm its environment and its local amenity so that Adelaide can maintain its green gardens. It is almost that simple. I think we need to have a much more robust debate in the community over various options, be it the weir at Wellington or blocking off Lake Bonney at Barmera. One difficulty for the community is that we have not had that robust debate and we have not had sufficient consultation, and, in effect, the Lake Bonney solution has been presented as a fait accompli. I believe that the Barmera community has every right to be suspicious that the pain will stop with them rather than it being spread throughout all of us connected with the catchment as water users and those living and relying on the River Murray.

One of the most important questions for me that has not been answered in relation to Lake Bonney is: what will be the trigger for a decision to shut the lake off from the river and, most importantly, what will be the trigger for reconnecting Lake Bonney to the River Murray? Both those triggers are vital and we have not had satisfactory answers from the minister or anyone in her department as to what those triggers might be. There is talk of the blocking of Lake Bonney being a temporary measure, yet there is quite a reasonable suspicion in the community that once the lake is blocked off it is blocked off forever.

It is easy to forget that, in some respects, over-engineering of our watercourses is what has got us into this problem, so it would be foolish to think that engineering is going to get us out of it. The River Murray does not resemble anything like its natural state as a result of engineering works over the decades. The rationale for closing off Lake Bonney has primarily been to limit evaporation, yet, the deeper one looks into this issue, it seems apparent that salinity is a far more important issue. It is not just the salinity problems that the government is saying will occur if we do not block off Lake Bonney. I would like to hear a lot more about the salinity impacts of hyper-saline ground water discharging into the river channel as it lowers as a result of lower inflows and the drought. A lot more information needs to be put on the table about salinity before we should be sending the dump trucks up to Nappers Bridge and blocking off Lake Bonney.

What we should have had before now is plans in place to deal with drought. People refer to drought as a natural disaster. Another way of looking at it is that it is part of our natural climate. We have not had those plans in place and, as a result, knee-jerk reaction is the government's response. It has become a cliché but it is nevertheless true that we are in the driest state in the driest continent. Many people have seen coming situations such as those in which we now find ourselves—that is, they have seen drought coming and the

potential impacts of climate change. What history tells us is that we mess around with nature with engineering works at our peril. The current lack of rain and the current record low inflows along the River Murray are a wake-up call for us, one that we need to get long-term decisions right rather than short-term, knee-jerk reactions.

Much of the justification for the proposal to block Lake Bonney is that we need to shore up Adelaide's water supply. We have had a debate over some time about waterproofing Adelaide. With respect, I think that is not the be-all and end-all. The debate needs to be how quickly and how Adelaide can wean itself off the River Murray. It is not just about waterproofing Adelaide; it is about weaning Adelaide off the River Murray. That is the best long-term solution for water security for Adelaide.

It is also important that the government clarify exactly when and how the decisions will be made that affect Lake Bonney. There is still some uncertainty. There is speculation in the media, and I refer to the *Murray Pioneer* of this week, where Mr Neil Andrew, the Chairman of the Lake Bonney Consultative Committee, is quoted as saying that the decision to block off Lake Bonney needs to be made by March. We are only a month or less away from a decision, yet some of the most important qualifications around that decision such as the triggers for blocking off and the triggers for unblocking are still unknown.

The *Murray Pioneer* of Tuesday 20 February also quotes a spokesperson for minister Maywald as saying that there would be no delay on the decision to close the lake. I do not believe that this urgency, involving decisions by the end of March and no delay, fits in with the government's responsibilities, for example, under national environmental laws. The Hon. Sandra Kanck has referred to the broad-shelled turtle and we also have Murray cod, which are nationally listed threatened species known to exist in the lake, yet we have heard nothing from the government about how it proposes to manage the impacts on those important species.

With that, I urge all members to support the motion. It is unfair for us to expect the people of Barmera to bear all the pain. I repeat that the real policy imperative of this government should be to wean Adelaide off the Murray River rather than cutting off the arms, legs and limbs—the backwaters—of the Murray River channel.

The Hon. NICK XENOPHON: I support this motion. I agree in substance with the position of the Hon. Mark Parnell. My concern is for the people of Barmera, a vibrant community which relies so much on the existence of Lake Bonney because of its importance to the tourism industry in that town—a pivotal industry. If there are measures to effectively reduce the inflow to Lake Bonney by blocking it off and reducing it by 1 or 2 metres, that will have a disastrous effect on the ecosystems of Lake Bonney and the entire community. The point was made at a briefing I attended, organised very ably by the Hon. Sandra Kanck on Monday for the Save Lake Bonney campaign and attended by the Hon. Mark Parnell. The Hon. Mr Ridgway was there briefly and the Hon. John Dawkins was there for its entirety. It is an absolute pity that not one Labor Party member was there. I note that the member for Florey from the other place gave an apology, but it is a pity that there were no Labor Party members at that meeting.

Members interjecting:

The Hon. NICK XENOPHON: I'm not familiar with who the junior Labor member for the Riverland is.

Members interjecting:

The Hon. NICK XENOPHON: I cannot speak for the Hon. Mr Wortley; I think he'd be horrified if I did. It was very disappointing. The people of Barmera have genuine concerns. I do not want them to be the fall guys for failed policies of successive governments over a number of years.

An interesting point was made by the Hon. Mark Parnell that when he visited Barmera recently (and I hope he does not mind my mentioning this) he observed that on a 40 degree day overhead sprinklers were pumping out water; not a very efficient way of doing things. I understand that the problem was not because the irrigator there was being capricious or reckless: it was because the infrastructure simply is not there for the pipes to be used only for 12 hours at night in order to save water.

I note that the Hon. John Dawkins made the point that we should not be blaming the irrigators because, whilst the practices in the Riverland could be improved, they are certainly much better than the practices in the eastern states. That begs the question if we accept that this is a national problem, why should Lake Bonney and the people of Barmera be the fall guys for what is occurring in other states? If it is truly a national problem and we need to look at a national approach, it is fundamentally unfair. I would urge the state government to make the case—as I hope it will—that this vibrant community should not be sacrificed because of what has happened upstream.

Another point of the Hon. Sandra Kanck's motion that has significant merit relates to calling on the government to have a comprehensive environmental impact assessment prepared and for the progressing of other water saving measures. One of the frustrations of the Barmera community and the Save Lake Bonney committee is that they do not believe that the science is up to date in the assessments of ecosystems and the like.

There could be a number of unintended consequences of blocking the lake, exacerbating salinity significantly. Some independent scientific assessment should be made available to the community in an open and transparent process, and the community should have an input into the scope of that assessment to ensure that the process is broad, open and comprehensive. I do not believe that the people of Barmera will get a second chance if this lake is blocked. My concern is that once it is blocked it will have long-ranging consequences for this community, and there is a fear that it will deal a body blow to the Barmera community from which it will never recover.

For those reasons I urge the government to do all it can to look at other solutions, look at the science to ensure that independent environmental impact assessments are carried out, make the states upstream responsible for quite reckless irrigation practices and also, at a practical level, do all it can to provide the infrastructure so that we do not have overhead irrigation sprinklers pumping out water in the middle of a 40 degree day. Those are the sorts of measures that are much preferable to this drastic measure that is being contemplated, and I hope that it never sees the light of day.

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

STATUTES AMENDMENT (REVIEW OF TERRORISM LEGISLATION) BILL

Adjourned debate on second reading.

(Continued from 6 December. Page 1 243.)

The Hon. I.K. HUNTER: I rise to express the government's opposition to this bill, which seeks to legislate for localised reviews of laws which are nationally uniform. For this reason the government believes that the laws in question should logically be reviewed on a national basis. All three acts the bill seeks to address were passed as a result of a national approach to the problem of terrorism, and it is worth dwelling for a moment on their purpose. The three acts in question addressed in the bill proposed by the honourable member are the Terrorism (Commonwealth Powers) Act 2002, the Terrorism (Police Powers) Act 2005 and the Terrorism (Preventative Detention) Act 2005.

As I said, all three were drafted as responses to the perceived threat of international terrorism. The first of these acts grew out of a COAG meeting following the events of 11 September 2001, at which the commonwealth took the view that it did not have the constitutional power to cover the field of terrorism adequately. The commonwealth and all the state and territory attorneys-general took the view that it was necessary, so far as is possible, to overcome any constitutional uncertainties by a state referral to the commonwealth of the necessary powers under section 51 of the Constitution.

Following this agreement, each state passed identical legislation—ours being the Terrorism (Commonwealth Powers) Act 2002. The Australian Democrats opposed this legislation, as is their right. However, the government thought they were wrong and still does—as does, it must be said, every other Australian government. COAG held another special meeting on counter-terrorism on 27 September 2005. In part, the communiqué that resulted states:

> COAG considered the evolving security environment in the context of the terrorist attacks in London in July 2005 and agreed that there is a clear case for Australia's counter-terrorism laws to be strengthened.

Leaders agreed that any strengthened counter-terrorism laws must be necessary, effective against terrorism and contain appropriate safeguards against abuse (such as parliamentary and judicial review) and be exercised in a way that is evidence based, intelligence led and proportionate. Leaders also agreed that COAG will review the new laws after five years and that they would sunset after 10 years. COAG agreed to the Commonwealth Criminal Code being amended to enable Australia to better deter and prevent potential acts of terrorism and prosecute where these occur. This includes amendments to provide for control orders and preventative detention for up to 48 hours to restrict the movement of those who pose a terrorist risk to the community. The commonwealth's ability to proscribe terrorist organisations will be expanded to include organisations that advocate terrorism. State and territory leaders agreed to enact legislation to give effect to measures which, because of constitutional constraints, the commonwealth could not enact, including preventative detention for up to 14 days and stop, question and search powers in areas such as transport hubs and places of mass gatherings.

COAG noted that most state and territories already had or had announced stop, question and search powers. Commitment to that part of the communiqué which deals with strengthening counter-terrorism laws oblige states and territories (including, obviously, South Australia) to legislate in three general areas of criminal law and police powers. Those areas are:

- special police powers to stop and search people, places and things;
- special police powers to search items carried or possessed by people at or entering places of mass gathering and transport hubs; and
- preventative detention laws, which 'top up' commonwealth proposals where there is advice that the commonwealth (but not the states) lacks constitutional power to legislate.

The first two of these three commitments were enacted in the Terrorism (Police Powers) Act 2005. The Terrorism (Preventative Detention) Act 2005 dealt solely with a third of these commitments—preventative detention. All jurisdictions in Australia have passed a version of the preventative detention legislation; and, faithful to the COAG commitment, each version is almost identical. In all cases, except the ACT, the specified legislative period for review is 10 years. In the case of the ACT the period is three years.

There is less uniformity in the content and review of police powers legislation; and there is no need, I submit, to detail the differences in content here. Suffice to say that, for present purposes, periods for review of various kinds run from two, three, five and up to 10 years. The bill before us essentially calls for a regular and very thorough local review of the need for and operation of each of the three acts. The government would argue however that, since the commonwealth has assumed much of the responsibility for the policing of terrorism, the complementary legislation of the individual states—and I stress that our legislation is complementary and essentially the same as that of all the other states—should be reviewed only on a national basis, otherwise it will be a waste of time and resources. This is the view of COAG and it is the view of this government.

In short, I urge members to vote against the bill. It is tokenistic and does not hold the promise of any meaningful review of the national effort against terrorism. Such a review should be done on a national basis. This bill effectively operates on the assumption that South Australia is acting independently. In this matter we are not. We are acting in concert with all Australian governments for the security of all Australians.

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

NATURAL RESOURCES COMMITTEE: MINERAL RESOURCE DEVELOPMENT

Adjourned debate on motion of Hon. R.P. Wortley:

> That the report of the committee on mineral resource development in South Australia be noted.

(Continued from 6 December. Page 1 247.)

The Hon. SANDRA KANCK: As a member of the Natural Resources Committee, I found myself in the position of disagreeing with the majority of the recommendations of this inquiry and, hence, I had a dissenting report incorporated. That dissenting report was just three pages long with two alternative recommendations, and that was only due to time constraints. It was the best I could do. If I had more time available, the report would have been longer and it would have had more alternative recommendations. This speech is

an attempt to redress that, although, of course, I cannot make any recommendations. However, in the process I will certainly be reflecting on the background and wisdom of some comments and recommendations made in the report.

This inquiry was both frustrating and fascinating. It was frustrating in terms of hearing from industry about how the environment is a barrier to their desire to become fabulously rich, and it was fascinating in that we had the opportunity to visit sites such as the Leigh Creek coal mine, to see the operations of Santos at Moomba and to inspect the Challenger gold mine in the west of the state, all of which were new to me. As members of parliament we are very privileged to see these operations, and I do not underrate that opportunity.

If we read the business pages of any Australian paper, it is obvious that money is being made on a daily basis in the stock market as various mining projects in South Australia are talked up in value. Whether or not all projects proceed or whether many of them end up being El Dorados is something that remains to be seen. There are other matters, such as infrastructure provision, native vegetation, native title and Aboriginal heritage, that will be resolved one way or another. However, the supply of labour and access to water are much more problematic, particularly if mining is to occur on the scale envisaged by those who are talking up the industry.

When the committee was on its tour, visiting the Challenger mine, we were given examples of the difficulties facing mining companies in this state in terms of getting appropriate expertise, and I took notes of some examples. With the number of mines developing around the country, it is a case of the highest bidder, so there is a very high turnover of staff; there is always another company willing to offer more money. Isolation is another problem which puts many people off the jobs in the first instance. We were told that during the year the mill had a 50 per cent turnover of staff and catering had a 200 per cent turnover of staff. At that stage, the mine was running two surveyors short, it had no underground manager and no camp manager.

This is despite the fact that they are doing pay reviews twice a year to keep up with what can be offered by various mining companies around Australia. At that point—and I think we were talking around September and, no doubt, they are going through another pay review at the moment—a plant worker could earn somewhere between $60 000 and $120 000 per annum; a jumbo operator, $80 000 to $200 000 per annum; and catering staff, which is basically cooking and cleaning, somewhere between $65 000 and $80 000 per annum. Those are the sorts of prices that they are having to pay at that mine in order to keep staff. The getting and keeping of staff and appropriately skilled labour was an issue in most of the places we visited.

We were given examples of younger farm workers leaving agriculture for the much bigger incomes associated with the mining industry. Of course, this has implications for the agriculture sector as a consequence. The majority committee report expressed optimism that the problem of the labour shortage would be solved. I tend to think that it will not be. Some of the mines are already importing professional expertise in the mining industry, and the informal conversation amongst members of the committee was that this would be the solution. However, the shortage of mining expertise is global and it becomes a matter of who can throw the most money around. For me there are moral concerns about South Australia poaching expertise from developing countries such as South Africa when the education and the expertise that has been provided by that country is desperately needed for them to pull themselves up by their bootstraps.

I think that the solution has to be more training. The government has to provide more apprenticeships and more traineeships. Most surprisingly, the committee did not make any recommendations in this regard and, had it done so, it is one that I would have supported. While we might be able to import or train more labour, the supply of water is much more problematic, particularly as much of the exploration activity is occurring in the drier areas of the state. As I said, my dissenting report was only three pages long and dealt with native vegetation and Aboriginal heritage issues only. If I had had time, I would have included a recommendation about the need for a levy of some sort to be applied by the state government for the use of ground and artesian water by the mining industry.

From that perspective, I go back to the Roxby Downs (Indenture Ratification) (Amendment of Indenture) Amendment Bill 1996. When we debated that bill here in this chamber in November 1996, I moved an amendment to part 5 under the heading Protection of Artesian Water, that 'nothing in this act or the indenture prevents the imposition of rates or charges to discourage excessive depletion of artesian water supplies.' Unfortunately, but not surprisingly, neither the Liberal government at that time nor the Labor opposition was prepared to support me in that regard. The committee's report observes, as follows:

> . . . the committee believes that through careful use and appropriate regulation, the activities of the mining industry does not necessarily place unmanageable demands on the quality and quantity of the State's water resources.

I am glad they said 'the committee believes' because it is a belief and it does rely on 'careful use' and 'appropriate regulation'.

As it is, I do not disagree with the committee's recommendation 23, which states:

> Efficient water management, including water re-use and desalination, be considered as an integral part of all mining and petroleum extraction ventures.

However, that does not go far enough and it requires nothing to be done either by the government or by the mining industry. Where is that 'appropriate regulation' the committee envisages?

In regard to the specific impact of the Olympic Dam mine, in recommendation 24 the committee states the following:

> There be continuing monitoring of the impacts of mining activities, particularly at Olympic Dam on the Great Artesian Basin, to ensure ongoing extraction at current levels is sustainable.

That recommendation in itself shows a weakness in the committee's report, because Olympic Dam is not located on the Great Artesian Basin—it is located relatively nearby—and the water is piped.

Roxby Downs and the Olympic Dam mine between them currently use 32 megalitres of Great Artesian Basin water per day, and they are allowed to go up to 42 megalitres per day. When the mine eventually expands, which BHP Billiton and the state government want to do, the company intends to use that maximum amount. When the Roxby Downs (Indenture Ratification) Act was amended in 1996 to allow expansion, I spent a good deal of my time in my second reading speech exploring the issues associated with the use of the Great Artesian Basin at that level. Those who want to look at that detail can check out the speech I made on 27 November 1996, but I will quote part of what I said, as follows:

Given the Opposition's desire to have this Bill passed so quickly, I wonder whether it even understands what 42 megalitres of water looks like. I realise that the Opposition might say that it looks wet, but it is a little more than that. Forty-two megalitres trips off the tongue and sounds inconsequential, but we should say it for what it is: 42 million litres—

and that is per day, I interpose, at this point in time—

Adelaide—a city of one million people—with all its associated industries uses 474 megalitres per day. Despite its small size, Roxby Downs and its one industry will use close to one-tenth of Adelaide's water consumption by the time you take in the water that comes down the pipeline from Port Augusta.

If you look at it mathematically and divide Adelaide's population by 10, Roxby Downs would have to support a population of 100 000 to equal the water consumption in Adelaide. I invite members to consider what 42 megalitres looks like. Imagine 42 million milk cartons filled with water. I had difficulty imagining 42 million milk cartons filled with water. Whatever it looks like, it weighs 42 tonnes. Another way to look at it is to imagine a typical 1960s Adelaide three bedroom brick veneer home filled with water. You then do that to a further 359 such homes and pile them on top of each other to make a 360 storey suburban home: that is 42 megalitres. Or you can fill a succession of six metre diameter above ground swimming pools and place them on top of each other, and the resulting pipe-like structure would tower 12.5 kilometres high: that is 42 megalitres.

Most importantly, at that time I referred to my view that this water is, to use a term, fossil water, because it is so old. Again, I go back to the speech I made in 1996 in regard to the Great Artesian Basin. I said:

It stretches from Cape York in Queensland, penetrating into New South Wales, the Northern Territory and South Australia, and it covers more than 1 700 000 square kilometres. It is somewhere between 100 million and 250 million years old, and some of the water in South Australia has been dated at close to two million years old. I cannot think of any other way to describe water like that other than as 'fossil water'.

That water is moving through the sandstone at a rate of only one to five metres per year. It is clearly a remarkable formation and within the balance of nature it must play a significant part in the ecosystem of our inland, yet we appear to be treating it as though it is inexhaustible.

We are already aware—and we were aware then—of the damage to the Mound Springs that is occurring because of the drop in pressure of the Great Artesian Basin. We should be taking careful note of that and not being pie in the sky optimists about this water being inexhaustible. I am concerned about the 32 megalitres per day present consumption and even more concerned that we face the prospect of that moving up to 42 megalitres per day.

When the further expansion of the Olympic Dam mine occurs, that 42 megalitres per day will not be enough water. In March last year the state government announced a memorandum of understanding with BHP Billiton regarding the construction of a desalination plant for an expanded mine at Roxby Downs. There was a lot of talking it up at the time and many people were left with the impression that renewable energy would be used. There has been some backing away from that since then and the Olympic Dam EIS project pamphlet (in relation to the 30 megawatts of electricity that will be needed to power the desalination plant) states:

Options for the supply of this energy include electricity from the state grid and the supply of renewable energy such as solar and wind. These options as being assessed as part of the EIS.

There we see a backing away from renewable energy; they are saying electricity from the state grid and the supply of renewable energy such as solar and wind. However, when BHP Billiton appeared before the committee, the Hon. Caroline Schaefer asked questions of Mr Kym Winter-Dewhirst. He said that the technology for desalination has changed dramatically in the past 10 years and that those cost curves are coming down regularly. There is a question about what those cost curves are. I know in a briefing I had from Mr Winter-Dewhirst at the time that the memorandum of understanding came out he said that they would be able to deliver that water at a cheaper price than we are able to deliver River Murray water to Adelaide—which I think is about $1.10 per kilolitre.

I have tracked down some proceedings from a Western Australian Legislative Council committee. In relation to the South West Yarragadee Project for desalination, when they were asked how much that was going to cost, they said it would be $1.33 per litre. I think that the ever optimistic Mr Winter-Dewhirst might have been a little too optimistic. Nevertheless, continuing with what he had to say to the committee under questioning from the Hon. Caroline Schaefer, he said:

I think from a strategic point of view the business believes that it needs to have security of power, and the most secure system is the grid; so it would have to purchase power off the grid.

There is a complete backing away from renewable energy. I also observe from informal notes I took when we were at Olympic Dam that Richard Yeeles gave the committee a briefing (which does not appear on the *Hansard* record). He said that the demand for electricity with the whole project will go up 400 megawatts.

For those technical people who think I am making mistakes, Mr Winter-Dewhirst did say 30 megawatts and Mr Richard Yeeles did say 400 megawatts; it was not per hour, per day, per week or per month. I am simply quoting what they said; so, please, I ask that no technical people read the *Hansard*, ring up and say that I got it wrong. With figures like that you have to ask what the impact is going to be on power demands in this state.

Because of climate change concerns, the Democrats have already called for the coal-fired Playford Power Station at Port Augusta to be closed down within 10 years, and the Northern Power Station at Port Augusta to be shut down a further 10 years after that. It is outdated technology; it is using poor quality coal from Leigh Creek. It is a very bad polluter, and there are a whole lot of good reasons, in terms of this state's climate change commitments, for closing it down. But, with these sorts of figures from BHP Billiton, there is no doubt that we will see those very outdated power stations continuing to pollute.

In my dissenting report I covered the issue of native vegetation and expressed my disappointment and frustration that a committee that has as its number one brief 'to take an interest in and keep under review the protection, improvement and enhancement of the natural resources of the state' should side so obviously with the mining industry. This is from page 18 of the committee report under 'Committee comment':

The committee was concerned that the current native vegetation regulations, as they apply to mining, were formulated with little or no consultation with the industry. The committee considers it unacceptable that regulations were imposed on the industry without first seeking its views.

How did the committee come to this conclusion? The South Australian Chamber of Mines and Energy told the committee, 'These were introduced without any consultation with our industry,' and that it was 'another cost and imposition on the industry'. The Natural Resource Management Services of the Department of Water, Land and Biodiversity Conservation was asked about this, and I now read from a letter that it

wrote to the committee dated 23 November 2006. This is from page 3 of that letter in its appendix 1:

> Amendments to the Native Vegetation Regulations in August 2003 extended the requirements for any clearance of native vegetation, including proposals by state government agencies and mining/petroleum companies, to be offset by a significant environmental benefit, the SEB. The SEB requirements previously only applied to individual landowners. Subject to the amendment requiring the establishment of an SEB, clearance for approved mining activities still remains exempt—

and I will repeat that—

> still remains exempt—from the need to obtain a clearance consent under the Native Vegetation Act 1991. The Native Vegetation Council does not make a decision on the clearance of native vegetation for mining operations. Any SEB requirements are determined in accordance with guidelines endorsed by the Native Vegetation Council. The NVC, officers from DWLBC and PIRSA minerals and energy division cooperatively—

and I stress the word 'cooperatively'—

> developed those guidelines, including substantial—

and I stress the word 'substantial'—

> consultation with the mining industry prior to their finalisation.

So who is telling the truth: SACOME or the Department of Water, Land and Biodiversity Conservation? My guess, from the negative questioning from some on the committee, is that those members believe that SACOME was the one that was telling the truth. I am inclined to believe that it was the other way around, however, because the department always has to have a paper trail, and I am sure that, if the committee had been assiduous enough to check it, it would have been able to provide that paper trail to us and prove that in fact that consultation did occur.

In addressing the issue of the 2003 regulations, under a subheading 'Committee comment' the majority committee report states on page 12:

> The notion of an SEB arising from extractive mining activity is a transparent nonsense.

It is no wonder I could not support a lot of what was in this report, because I do not even know why that statement is made. I do not know of any mining that is anything but extractive. If someone knows of a non-extractive mine, I would love to know about it. In fact, on page 16 of the majority report, there is a statement that mining activity 'is necessarily destructive behaviour'. Yet the report does not explain why having an offset for SEB is a nonsense. In removing overburden, vegetation is inevitably destroyed. When that vegetation is native vegetation, that is a cost to the environment and to the animals that exist in it. When the minerals have been extracted, waste is left behind, usually to be dumped on open ground, which can mean further destruction of native vegetation. I also point out that the SEBs cover only mining, and not exploration. So, if someone applies for an exploration licence, they can go along willy-nilly and destroy anything in their path.

Despite the negativity of some members of the committee towards the Native Vegetation Council and the protection of native vegetation, the NVC has even given a delegation power to the Director of Mines in regard to the clearance of native vegetation associated with the provision of infrastructure to an approved mining operation. So, again, I do not know what the committee was on about.

When Mr Richard Yeeles of BHP Billiton appeared before the committee, he backed away from the criticism of the native vegetation regulations he had made informally when we visited the Olympic Dam mine. Instead, he told us that 'further discussions with government have resulted in more efficient administration of the regulations, without derogating from the responsibility to ensure that native vegetation is adequately protected'.

I simply cannot agree to the committee's recommendations to give still more power to an industry that, first and foremost, has to make profits for its shareholders. It does not take a genius to work out that the protection of native vegetation is likely to add cost and, thereby, reduce levels of profitability.

Recommendation 2 of the majority members of the committee was as follows:

> In the event of Recommendation 1 not being adopted, section 8(1) of the Native Vegetation Act 1991 be amended to include a representative of the mining industry in the membership provisions of the Native Vegetation Council.

In my view, under no circumstances should the mining industry have a representative on the Native Vegetation Council. There would be a clear conflict of interest, as it can never be in the commercial interests of the mining industry to protect or rehabilitate native vegetation.

The Democrats have grave concerns about the native vegetation that will be destroyed in the process of expanding the Olympic Dam mine. Around the time that the memorandum of understanding was signed between the state government and BHP Billiton, I received an email from someone who was clearly a biologist and who was absolutely incensed about what was happening. The email stated as follows:

> The scale of vegetation and biodiversity loss that this represents [that is, the open-cut mine] makes a mockery of schemes like the one million trees program. Here is an idea. Instead of planting trees in degraded and depleted environments, why doesn't this government stop endorsing the destruction of millions of trees in intact, dynamic and diverse ecosystems? The habitat loss and resultant displacement of fauna would make this one of the single most environmentally destructive things considered by any government.

It sounds a little extreme, but let me just demonstrate. I am combining information that was given to the committee by Richard Yeeles when we visited Olympic Dam with evidence given to the committee in the formal sense and the written response to questions asked during the hearing. So, how big will the surface area of this open-cut mine be when it goes ahead? At this stage, officially, it will be three kilometres by three kilometres. However, unofficial sources say that it could be six kilometres by six kilometres. How deep will it be? Richard Yeeles told us that one drill hole at that time was finding ore at a depth of 2.5 kilometres and was still going down.

He also told us that in excavating the material—once the mine is underway—they will need to go down 350 metres before the first of the ore is encountered, and all of that is overburden that has to be dumped. The ore purity at the stage of our briefing was 1.1 kg per tonne of copper; 0.4 kg per tonne of uranium; and 0.05 kg per tonne of gold. I would suggest that, as someone who grew up in Broken Hill and has a little bit of knowledge of the geomorphology of an area like that, you will probably also find silver and maybe a bit of lead. So, you could probably say that there will be about 2 kilograms per tonne that will produce marketable minerals. In other words, 98 per cent of what is brought up from the pit below the initial 350 metres overburden that has moved will be dross, and it will have to be dumped.

I asked Mr Yeeles, when the company appeared before the committee, what the expansion factor of that material is when it comes out of the mine. Normally, when you take something out that has been under compression and the air gets in

between the spaces, and so on, there is always an expansion factor. The figure that came back was 1.7. My guess is that that is a very conservative figure, but we will work on that. Given that Mr Yeeles told us that they are finding ore of a grade that is suitable to mine at 2.5 kilometres depth, we can assume that this open cut mine will be two kilometres deep. If it has only a nine square kilometre surface area, with an expansion factor of 1.7, we get an amount of waste that is close to 30 cubic kilometres. That means 30 square kilometres of waste to a depth of one kilometre.

If it is a 6 by 6 kilometre open cut, or a 36 square kilometres area, and it goes down to a depth of two kilometres, we are talking about 120 cubic kilometres of waste, or 120 square kilometres to a depth of one kilometre. Let us take an average between those two figures of the 3 by 3 kilometres surface area and a 6 by 6 metre surface area, so it is halfway between it. I did some calculations on this earlier this evening, and I thought I must be getting it wrong. I did it three times, and I thought that I still must be getting it wrong. So, I rang my husband and I said, 'Will you please calculate it?' And he verified that the amount that we would be talking about is 640 cubic kilometres.

Having grown up in Broken Hill, I wondered how that compared to the waste generated in Broken Hill. Well, it does not compare. For a Broken Hill person, that is equivalent to having a waste dump that goes from Broken Hill to Cockburn; that is, 12 kilometres wide and the height of the Santos building, because the media reports have said that this waste will be the height of the Santos building. That is what we are dealing with. No wonder that the biologist who wrote to me talked about a million trees being destroyed in the process. Yet the mining industry and the majority of the members of the Natural Resources Committee think it is unfair to ask BHP Billiton for an SEB. BHP Billiton did tell us that its way of meeting that SEB will be probably to buy up a degraded pastoral lease and to rehabilitate that. Again, it gives you an indication of the size of the destruction that we are talking about.

On page 24 of the committee report, we have comments from Mr Geoff Knight, the Acting Chief Executive of PIRSA. This almost made me laugh:

> It can be argued that an indenture is the most democratic form of contract between the people of the state and an operator, as it is only agreed to after debate in parliament. The agreement, therefore, has the force of legislation. The government can amend the regulations relating to an indenture at any time to meet changed circumstances. In addition, an operator can be prosecuted for acting outside the terms of the indenture.

I will go back to the 1996 act, and this is what I had to say fairly early on in my speech:

> The Roxby Downs indenture has been renegotiated between the government and Western Mining Corporation, without any input from the community.

That is democracy, I guess. It continues:

> The bill was introduced to parliament after that renegotiation had taken place, and it is framed in such terms that the parliament is expected to pass the legislation in a maximum time of six weeks from its introduction. So, from go to whoa, we are expected to have fully investigated and consulted, discussed all the ramifications, and it goes without saying, resolved them all within six weeks and in such a way that we agree to the bill in the form in which it entered parliament.

Because, of course, the indenture has been signed at that point when it comes into the parliament and we are simply there to ratify what has been signed between the government and, in this case, back then, Western Mining Corporation. So, how on earth Mr Knight can say this is democratic I do not know. Then he goes on to say:

> The indenture does provide important commercial and legal security for the company in the context of the very long-term nature of the investment decisions that have to be taken. I know it is often said by those who oppose our operation that we get, if you like, a free ride on legislation, that the indenture overrides a lot of legislation, but that in fact is not the case. The indenture, as I say, sets out the regulatory environment but also ensures that the project cannot be rendered non-viable overnight by sudden legislative change.

So, the majority members of the committee swallowed this hook, line and sinker, and we then have this committee comment:

> The committee is aware that indenture agreements such as that which applies to Olympic Dam do create the perception that these operators are not subject to other important environmental and cultural state legislation. From the evidence it has received, the committee is satisfied that this is not the case.

Well, the committee should have damn well done its homework. Clause 7(2) of the Roxby Downs (Indenture Ratification) Act provides:

> Without limiting the generality of subsection (1), in the case of any inconsistency between the provisions of any act or law and of the indenture, the provisions of the indenture shall prevail and in particular—
>
> (a) the following acts are to be construed subject to the provisions of the indenture:
>
> (i) the Commercial Arbitration Act 1986; and
> (ii) the Crown Lands Act 1929; and
> (iii) the Development Act 1993; and
> (iv) the Electricity Corporations Act 1994; and
> (v) the Environment Protection Act 1993; and
> (vi) the Harbors and Navigation Act 1993; and
> (vii) the Mining Act 1971; and
> (viii) the Petroleum Act 1940; and
> (ix) the Real Property Act 1986; and
> (x) the Residential Tenancies Act 1995; and
> (xi) the Stamp Duties Act 1923; and
> (xii) the Water Resources Act 1990,
>
> and, to the extent of any inconsistency between the provisions of those laws and of the indenture, the provisions of the indenture prevail;

How could my colleagues on that committee have even considered making that comment without having done their research? This brings me to the matter of Aboriginal heritage. The committee received a number of pro forma submissions reflecting submissions from Friends of the Earth in Adelaide and Brisbane. I want to refer and to include some of what the Friends of the Earth, Adelaide, had to say in regard to Aboriginal heritage. The Friends of the Earth (Adelaide) said:

> However, under the Indenture Act the traditional owners of the land surrounding Roxby Downs, the Kokatha, Arabunna and Barngarla peoples, are now forced to deal with BHP Billiton to have their heritage recognised. As ACF nuclear campaigner David Noonan noted, BHP Billiton is 'In a legal position to undertake any consultation that occurs, decide which Aboriginal groups they consult and the manner of that consultation. As the commercial operator and proponent of expansion within these areas, [BHP Billiton is] in a position of deciding the level of protection that Aboriginal heritage sites received and which sites they recognised.'
>
> Through the Indenture Act, the government has abdicated its responsibility to address Aboriginal Heritage issues in relation to the Roxby Downs mine. They have placed BHP Billiton in a legal position to:
>
> - Ignore the provisions of the 1980 Act designed to protect Aboriginal heritage
> - Determine the nature and manner of any consultation with Indigenous communities
> - Choose which Aboriginal groups to consult with
> - Decide the level of protection that Aboriginal Heritage sites receive
> - Decide which Aboriginal Heritage sites they recognise

The committee I am on said that this is just a perception, that the operators are not subject to other important environmental and cultural state legislation.

If we need further convincing, we go to section 9 of the Roxby Downs Indenture Act, which has the heading 'Application of Aboriginal Heritage Act to the Stuart Shelf Area and the Olympic Dam Area'. I refer to section 9(5) which states:

> Where an environmental impact statement in relation to the Initial Project or a Subsequent Project has been approved by the Minister of Environment and Planning, no land within the area to which the environmental impact statement relates shall, after the date of approval and before the grant of a Special Mining Lease in respect of the Project, be declared to be a protected area under section 21 of the Aboriginal Heritage Act, unless—
> (a) the land is designated or identified in the environmental impact statement as an Aboriginal site; or
> (b) the Joint Venturers in relation to the relevant Project agree to the declaration.

I would suggest that members of my committee also look at sections 9(6) and 9(7) and others that follow that, if they are not convinced. There is more than enough to show that their observation that indenture acts do not deliver favourable treatments is incorrect.

I suppose the one positive in all this is that, when Richard Yeeles was briefing us at Roxby Downs, he told us that, in regard to the expansion, even though BHP Billiton does not have to negotiate with Aboriginal groups, they are doing so and they are doing so amicably. So, I guess there is a little bit of good news.

Some members of the committee were intent on getting someone—anyone—to say that Aboriginal heritage needs a system similar to ILUA (Indigenous Land Use Agreements). They eventually managed to get someone to say that, and hence we have recommendation 12; that is, 'the Aboriginal Heritage Act 1988 be urgently reviewed, with a view to folding all remaining heritage claims in respect of sites to the extent they are different and additional to native title into a procedure consistent with the native title procedure so as to create one seamless process in respect of Aboriginal claims over sites, as opposed to the separate autonomous processes presently required'.

One of the submissions we received was from Mr Bob Ellis, the former head of the South Australian Aboriginal and Historic Relics Unit, which was a precursor to the current Aboriginal Heritage Branch which is now residing in the Department of the Premier and Cabinet. At the time of lodging his submission, he was working as an adviser on native title with the Adnyamathanha Traditional Lands Association. He basically said that, if the mining industry is not happy with the way Aboriginal heritage legislation is applied, then it is partly their own fault. He says:

> . . . it is worthy of note that the act—

this is the Aboriginal and Historic Relics Preservation Act 1965—

> was repealed and replaced by the SA Aboriginal Heritage Act 1979 and subsequently by the 1988 act partly in response to the mining industry lobbying for particular changes which today are the source of some of the problems the industry now claims need to be addressed by legislative amendment.

Now, with his experience, Mr Ellis observes that there are problems that come along from time to time. He says:

> A number of mining companies unfamiliar with the South Australian legislative regime have attempted to apply informal survey methods for Aboriginal approval of their programs of works in ignorance of section 9B of the Mining Act, or to avoid such requirements altogether. This ignorance has led to delays, conflict and blame which, in turn, have required considerable effort on the part of the un-resourced native title parties to explain and guide the newly arrived explorers.

Following the reading of his submission, I became concerned about the location of the Aboriginal Heritage Branch within the Department of the Premier and Cabinet. Again, I refer to what Mr Ellis had to say:

> It is my submission that the recent re-location of the Aboriginal Heritage Branch which is responsible for the maintenance of and access to recorded Aboriginal site data, to the Department of the Premier and Cabinet, (and prior to that, to the Department of Aboriginal Affairs and Reconciliation) is a breach of the spirit of previous undertakings given to Aboriginal custodians in SA about the role of that data base in measures for site protection. If, as one suspects, it is intended that the data will assist in informing government responses to native title claims, or act as a 'reliable' source of information for miners and others, independent of the Aboriginal custodians of those places, and it would be a total misuse of the information which has been compiled since I established the register in 1970.

Mr Ellis also observes a mindset that has emerged in the heritage branch of listing things that are more of an archaeological nature—for example, a single stone tool—rather than listing the things that the Aboriginal people themselves say are important. That can lead to justifiable frustration from a mining company if they are prevented, for example, from exploring on the basis of one stone tool.

Rather than adopting an ILUA-style approach to Aboriginal heritage, as the committee recommends, I am with Mr Ellis in what would work. I think his recommendations should have been looked at more seriously by the committee. He says in his recommendations the following:

> 1. The application of Section 9B of the Mining Act 1971 should be recognised as a significant contribution to the expeditious assessment of responsible mining exploration in SA with respect to Aboriginal cultural heritage values.
> 2. The Mines Department should be encouraged to provide advice and support to explorers and miners operating in SA to understand and apply the 9B provisions through the creation of a small staff unit employing people knowledgeable about Aboriginal Heritage and Native title legislation and who should be charged with liaising with native title bodies to facilitate better understanding and co-operation.
> 3. The Committee should endorse the work area clearance methodology currently being employed in SA and move to ensure that government agencies, including the Aboriginal Heritage Section (Department of the Premier and Cabinet) are directed to provide active support for the implementation of the methodology.
> 4. The Committee should recommend the repatriation of information currently held by the Department of the Premier and Cabinet to the native title bodies in the area from which the information has been derived in accordance with section 9(4) of the Aboriginal Heritage Act 1988.
> 5. The Committee should recommend that the Aboriginal Heritage Act be fully applied (initially through the reappointment of the Aboriginal Heritage Committee, establishment of the Aboriginal Heritage Fund and the appointment of Aboriginal wardens from amongst members of the native title bodies) and that appropriate management and funding is provided for the Act's application.
> 6. The Committee should recommend that the Aboriginal Heritage Branch be relocated to the Department of Environment and Heritage and that it should be funded at least to the extent as that provided to the non-Aboriginal Heritage Branch of that Department.
> 7. The Committee should recommend that funding be provided to the various Aboriginal native title claimant bodies to enable them to establish administrative units to facilitate application of methodologies for the assessment of exploration and mining activities in this state.

I think Mr Ellis has basically got it right. The mining industry made much of the prospectivity of certain freehold Aboriginal land expressing their frustration that all of this land is not immediately accessible to them. The majority report had this to say on page 39:

One third of royalties paid in respect of minerals recovered is paid to APY. Another third is applied towards the health, welfare and advancement of the Aboriginal inhabitants of the state generally, whilst the remainder is paid into the general revenue of the state. The mining industry has voiced its concerns to this committee regarding this process.

This fails to recognise the reality of payments to the APY. Members may remember some discussion about this in legislation here back in 2005. This one third is to be capped at a 'prescribed limit' under section 22 of the APY Land Rights Act. A similar limitation applies to the Maralinga Tjarutja Land Rights Act. No-one knows what the prescribed limit is. The chances are it will see their entitlement reduced. This is a far cry from the original bill as introduced by Don Dunstan, which stated:

. . . any royalty received by or on behalf of the Crown in respect of minerals recovered from the lands shall be paid to Anangu Pitjantjatjaruka.

In other words, 100 per cent of royalties would have gone back to the Anangu. The majority report on page 40 states:

The committee is particularly enthusiastic about the opportunities and benefits that increased mining activity will provide to local Aboriginal communities on the APY lands.

I cannot share that same level of enthusiasm when the APY share of royalties has progressively dropped from 100 per cent to 33 per cent to something that may well end up being less, depending on the whim of the government of the day.

I have many concerns with this report and the recommendations of my committee, and it was important to put those concerns, and the basis of my concerns, on the record. We must recognise that, while mining brings economic benefits, there is always a cost associated with those benefits, and I believe the committee understated the costs. I indicate support for the motion that the report of the Natural Resources Committee on Mineral Resource Development in South Australia be noted.

Motion carried.

BELAIR NURSERY

Adjourned debate on motion of Hon. R.P. Wortley:

That this council recognises the achievements of SA Flora's Belair Nursery on its 120th anniversary.

(Continued from 6 December. Page 1253.)

The Hon. D.W. RIDGWAY: I rise to speak on behalf of the Liberal opposition and support the Hon. Russell Wortley's motion that this council recognises the achievement of SA Flora's Belair Nursery on its 120th anniversary. In fact, 2006 was the 120th anniversary of the gazetting of 218 hectares of what they called Government Farm at Belair as Belair Forest. That was done in 1886. Of this site 4.2 hectares was set aside for the establishment of the Belair Nursery. The site was chosen for its protected position, soil quality and abundant water supply. I know that my own family, particularly my mother and father, planted a number of trees on our family farm at Wolseley in the South-East and the vast majority of them came from the Belair Nursery. To my knowledge, the vast majority of them are still growing and are very healthy to this day, although I am sure they are all in need of a good drink following such a dry and tough season.

The nursery cultivated seedlings from the state forest reserve for the state revegetation program and provided free seedlings to rural land-holders, and I suspect that is where, initially, my parents and grandparents may well have got a number of the trees they planted. Early in the piece (within two years of its being started), in excess of 55 000 seedlings were raised, mainly eucalypts, to be planted across the state. In 1981 the Belair Forest Reserve was designated a national park. It is an area that I know all South Australians (particularly the residents of Adelaide) enjoy, and many people use the area for recreational purposes.

During its early years exotic species were also propagated in the nursery, and from 1890 to 1920 some 500 000 grapevine cuttings were grown. I am sure that has been of great assistance to the extensive viticultural industry that thrives in South Australia today, and the support the nursery gave the industry in those early days would have played a significant role in the industry's success. Later Australian, and in particular South Australian, native species were grown, and I think it was some time in the mid 1970s that propagation shifted to Murray Bridge. It was early in the 1990s that the Belair Nursery became the State Flora Nursery, and since 2003 it has been part of the Department of Water, Land and Biodiversity Conservation. Up to 1986 it was propagating in excess of 1 million plants a year—a wonderful achievement.

South Australia can be very proud of the initial investment and foresight of our forefathers in establishing the Belair Nursery and of the ongoing support by the community and governments of all persuasions. It is a wonderful asset to South Australia and we are very pleased to support the motion to recognise its 120th anniversary.

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

SUMMARY PROCEDURE (PAEDOPHILE RESTRAINING ORDERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 September. Page 775.)

The Hon. S.G. WADE: I would like to begin by indicating the opposition's support for this bill and commending the Hon. Dennis Hood for putting it forward. One of the primary roles of the state is to provide protection to the defenceless and vulnerable members of our community. Perhaps the most vulnerable in our society are our children—often they do not have the skills, experience or knowledge to avoid danger or to protect themselves when they are in danger—and we must do all that we can to protect our children from those who would prey on them. This bill is another step in that ongoing effort.

One of the tools we have to protect the vulnerable is the ability to place restraining orders on those convicted or suspected of perpetrating crime to prevent them having access to children or being in a position to take advantage of children. Of course, in this modern day and age physical contact is not the only way for predators to interact with children. With the internet at everyone's fingertips electronic contact is becoming increasingly common amongst paedophiles, who often use the internet either for interacting with children in an attempt to take advantage of them or for sharing photos or other material of interest to them. The prevalence of this activity was driven home earlier today when it was announced that a man from Adelaide's north was charged last night with internet child lure. *Adelaide Now* reported:

> A 49-year-old Adelaide man has been charged with procuring a child to commit an indecent act. Police will allege the man, from Adelaide's north, used the internet to lure a child into meeting him for sex. The man was charged last night and granted police bail. He will appear in the Elizabeth Magistrates Court on March 7.

The opposition welcomes the bill, as it seeks to help address this issue by extending the scope of the restraining orders allowed under the Summary Procedures Act 1921 so that a person under a restraining order may be prevented from using the internet either at all or in a specified manner.

It is important that our legislation keep pace with the changing dynamics of society, particularly as society evolves with technical advances. The government may well say that there will be problems in relation to restricting access and use of computers and the internet.

In supporting this bill, the opposition is not being blind to such implementation issues. In this regard, I refer to a paper by the Australian Institute of Criminology in October 2004. The institute noted some issues in relation to criminal forfeiture and restriction of use sentences in relation to computers and the internet. The AIC noted that these restrictions and forfeiture could have a negative impact on innocent third parties, such as family members of an offender who have their access restricted or privacy infringed.

Similarly, the institute notes that there are challenges in enforcing these restrictions in the modern environment, where computer access is readily available. However—and I stress the word 'however'—whilst indicating these concerns, the AIC also stated that, as forfeiture and restriction of use are reasonably new tools, they may prove to be very effective measures. In this context, and considering the severity of these offences, the opposition supports the bill. On balance, we consider that it provides a tool which may prove to be useful to law enforcement authorities as they strive to protect children. The opposition will also move amendments to further strengthen the bill and increase the prospect of the success of the provisions.

Under this bill, a restraining order can be placed on a registrable offender within the meaning of the Child Sex Offenders Registration Act 2006 or a person who has been found to have been loitering on at least two occasions and where it is thought that, unless restrained, they will do so again. However, this relates only to loitering in a physical sense, such as loitering near a playground. It does not take into account loitering in an electronic sense, if you like. It is important that we keep pace with technology and do not allow loiterers to avoid coming within the class of persons liable to an order because they loiter in the electronic domain rather than the physical domain. The Australian Institute of Criminology states:

> Children are particularly vulnerable to exploitation via information and communication technologies because the media is attractive. They often use the internet unsupervised and increasingly have access to portable [data storage] devices.

Online loiterers may make contact with unsuspecting children in a wide variety of ways. For example, they may use chat rooms to groom children. They may send unsolicited emails that contain images or links to images. Page jacking is used so that a normal search diverts a child to another site—perhaps a pornographic site. Similarly, an offender can edit a website's metadata so that it is falsely indexed and appears in an innocent internet search. Pop-ups are another method used to lure children into websites or chat rooms.

A common feature of each of these is that the person is seeking to make contact with a child in the electronic dimension, much as loiterers seek to establish contact with a child in the physical dimension. Children are warned about speaking to strangers on the street or in the playground, but online the same people may seem more innocent to the child and, with so many methods available to the perpetrators, contact is much easier. The opposition will seek to expand the class of person on whom restraining orders can be enforced to include electronic loiterers. The opposition believes that this amendment will enhance the bill even further.

In conclusion, I again commend the Hon. Mr Hood for introducing the bill. I reaffirm the opposition's support and indicate that we expect the government to support it. In that context, I read from the Legislative Council *Hansard* of Wednesday 27 September 2006. In his second reading explanation when tabling the bill, the Hon. Dennis Hood said:

> This bill arises out of negotiations that Family First has had with the government in relation to the Child Sex Offender Registration Bill. We indicated via the Hon. Andrew Evans that we would seek amendment to the bill, including a ban on paedophiles using the internet. We accept that the government did not want to tinker with this bill, and we did not want to be the ones who caused the bill to be unnecessarily delayed. It was an important bill, and South Australia has lagged behind other states in order to introduce this register. So, in withdrawing our amendments, the Attorney-General has indicated that the government believes that our idea is sensible and will have the government's support. Family First thanks the Attorney-General for his cooperation in this matter.

I reiterate the key words:

> . . . the Attorney-General has indicated that the government believes that our idea is sensible and will have the government's support.

As the opposition lead speaker on this matter, I look forward to an indication of that government support at the earliest opportunity. My concern in this regard is heightened by the government's behaviour since September 2006. We have a government that is increasingly arrogant, particularly in the context of legislation. A most recent example is the behaviour of the government in relation to drink spiking, when the Hon. Ann Bressington and I (on behalf of the opposition) dared to suggest amendments to a government amendment. The government petulantly withdrew its amendment, thereby sabotaging the Hon. Ann Bressington's amendments.

Again, today, we saw it with the Hon. Caroline Schaefer's, whose amendments which she offered in goodwill with respect to the fisheries legislation were used against her. The government introduced amendments which, in essence, were the same. This arrogant government will not tolerate contributions from the other side. We are glad to see in *Hansard* of 27 September 2006 the government's indication that it will support this amendment. I look forward to the minister reiterating that support so that this bill can receive the unanimous support of this chamber. I commend the bill to the council. I hope that all members, especially government members, will support both the bill and the opposition's amendment as we move to protect the innocent in our community.

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

UNITED NATIONS POPULATION REPORT

Adjourned debate on motion of Hon. I.K. Hunter:

That the Legislative Council of South Australia—

1. recognises that—
   (a) a report from the United Nations Population Fund (UNFPA) State of the World Population 2006—a

Passage to Hope: Women and International Migration—was released on 6 September 2006;

(b) women constitute almost half of all international migrants worldwide—95 million or 49.6 per cent;

(c) in 2005, roughly half the world's 12.7 million refugees were women;

(d) for many women, migration opens doors to a new world of greater equality and relief from oppression and discrimination that limit freedom and stunt potential;

(e) in 2005 remittances by migrants to their country of origin were an estimated US$232 billion, larger than official development assistance (ODA) and the second largest source of funding for developing countries after foreign direct investment (FDI);

(f) migrant women send a higher proportion of their earnings than men to families back home;

(g) migrant women often contribute to their home communities on their return, for instance through improved child health and lower mortality rates, however;

(h) the massive outflow of nurses, midwives and doctors from poorer to wealthier countries is creating health care crises in many of the poorer countries, exacerbated by massive health care needs such as very high rates of infectious disease;

(i) the intention to emigrate is especially high among health workers living in regions hardest hit by HIV/AIDS;

(j) the rising demand for health care workers in richer countries because of their ageing populations will continue to pull such workers away from poorer countries;

(k) millions of female migrants face hazards ranging from the enslavement of trafficking to exploitation as domestic workers;

(l) the International Labour Organisation (ILO) estimates that 2.45 million trafficking victims are toiling in exploitative conditions worldwide;

(m) policies often discriminate against women and bar them from migrating legally, forcing them to work in sectors which render them more vulnerable to exploitation and abuse;

(n) domestic workers, because of the private nature of their work, may be put in gross jeopardy through being assaulted; raped; overworked; denied pay, rest days, privacy and access to medical services; verbally or psychologically abused; or having their passports withheld;

(o) when armed conflict erupts, armed militias often target women and girls for rape, leaving many to content with unwanted pregnancies, HIV infection and reproductive illnesses and injury;

(p) at any given time, 25 per cent of refugee women of child-bearing age are pregnant;

(q) for refugees fleeing conflict, certain groups of women such as those who head households, ex-combatants, the elderly, disabled, widows, young mothers and unaccompanied adolescent girls, are more vulnerable and require special protection and support;

(r) people should not be compelled to migrate because of inequality, insecurity, exclusion and limited opportunities in their home countries;

(s) human rights of all migrants, including women, must be respected.

2. encourages—

(a) governments and multilateral institutions to establish, implement and enforce policies and measures that will protect migrant women from exploitation and abuse;

(b) all efforts that help reduce poverty, bring about gender equality and enhance development, thereby reducing the 'push' factors that compel many migrants, particularly women, to leave their own countries, and at the same time helping achieve a more orderly migration program.

(Continued from 7 February. Page 1395.)

The Hon. S.G. WADE: I support this motion. The motion highlights the UNFPA State of the World Population Report entitled 'A passage to Hope: Women and International Migration'. The report addresses many of the issues that women face in developing countries as they migrate. I would like to focus on the elements of the motion, which affirm that:

> people should not be compelled to migrate because of inequality, insecurity, exclusion and limited opportunities in their home countries. . .

and which encourage:

> all efforts that help reduce poverty, bring about gender equality and enhanced development, thereby reducing the 'push factors' that compel many migrants, particularly women, to leave their own countries. . .

Migration should be an opportunity of mutual benefit to the migrant and to the receiving country. It should not be taken under duress. In associating with the motion, I particularly highlight the lack of water as a push factor making migration a necessity for some women. The Hon. Alexander Downer said:

> Whilst water has become an issue in Australia in terms of water restrictions, in developing countries it is a matter of life and death.

Water supply is a particularly important issue for women in developing countries. I propose to highlight three aspects of the effects of water supply problems on women. First, women lose time. Women in developing countries are usually responsible for collecting, maintaining, protecting and storing water. Women are known to spend up to eight hours a day collecting water, and they have limited time therefore to spend on other pursuits. In particular, the opportunity cost of water is often education. The UNFPA report puts the issue in the following terms:

> Education for children is a major concern. Girls face particular barriers. This is because women and girls usually spend more time doing domestic work, such as gathering food, fuel and water instead of going to school or earning an income.

Secondly, water supply problems threaten the health of women. Water is often unsafe to drink as it carries diseases such as cholera, dysentery, typhoid, guinea worm, hookworm, trachoma and scabies. The water puts the women and their families at risk of ill-health, which in turn exacerbates their poverty. One child dies every 15 seconds from preventable water-related diseases in the developing world. The physical challenge of water carrying often damages women's health. Women in developing countries often carry buckets to transport the water. The quantity of water women bring home for their families is often limited. Carrying heavy bucket loads of water potentially causes spinal injury and pelvic deformities.

Thirdly, water access can be a personal security issue. Women in developing countries often collect or use water facilities in remote areas, making them vulnerable to sexual harassment or rape. I quote from the section on violence against women and girls in the report:

> Violence is a reality of camp life. Women and girls are at particular risk when they go outside the camp perimeters to collect firewood, water and other scarce resources. Poorly designed settlements can add to the risk.

These challenges are particularly acute in our region. The UNFPA report provides a range of demographic, social and economic indicators. It shows that, based on 2002 data, there are four countries in the South-East Asia region where the percentage of people with access to an improved drinking water source is below the world average for developed countries of 58 per cent. That is, their development is worse

than the average poor performing country. Those countries are: Cambodia at 34 per cent; Papua New Guinea at 39 per cent; Laos at 43 per cent; and East Timor at 52 per cent. In Indonesia (our nearest neighbour) the percentage of people with access to an improved drinking water source is 78 per cent. Whilst that is relatively better than other developing countries, it still means that around 50 million Indonesians do not have access to an improved water supply.

Helping developing countries overseas to address their water problems can be beneficial to Australia in a number of ways. One is that scarcity and unfair distribution of water can cause tension, not only amongst the users but also between countries. In the forward of the AusAID Water and Australian Aid report entitled 'Making every drop count', the foreign minister, the Hon. Alexander Downer, draws attention to the importance of effective management of water resources given the growing scarcity of water. He states:

> Rising competition for water has the potential to increase tensions between users, both within and between countries. In our region, water looms as a major transboundary issue that could threaten security and stability.

So Australia's efforts to improve water resources in neighbouring developing countries will help reduce the risk of conflict.

Another advantage of assisting developing countries is that it provides opportunities for Australian companies to export their goods and services, in turn contributing to the Australian economy. There is potential for suppliers of water technology, products and services, to work with aid agencies and governments on projects that will improve access to safe water supplies. Of course, supporting overseas development is also an act of human compassion.

One of the most important factors increasingly being recognised by water aid organisations is that striving for gender equality has the potential to significantly improve water supply. It is pivotal that women are involved in the planning, construction and decision-making process in water supply projects. However, some projects still fail to adequately involve women. One would assume that improving water facilities would decrease a woman's workload, and this is often the stated aim of such projects. However, in some cases water projects actually make it harder for women to collect their water. For example, a water project in Nepal resulted in tapstands and tubewells being located along the roadside and, because women are therefore unable to bathe freely and wash their clothes properly, they ended up carrying the water to their homes several times a day, or waiting until dark to collect water. Research has shown that project participation by women is one of the variables most strongly linked to a project being successful.

I turn now to looking at the key role of aid agencies operating overseas. One key non-government organisation in Australian efforts to improve water services in developing countries is WaterAid Australia. Formed in 2003 and modelled on WaterAid UK, the organisation is made up of key players in the Australian water industry. WaterAid's efforts to help communities establish clean and reliable water supplies and sanitation mean that women can be freed from the chore of carrying water, the risk of water-related illness is reduced and more time is available for work and education.

I acknowledge that WaterAid and its UK affiliate are involved in exciting projects in our region. In Papua New Guinea, 84 latrines are being built for schools in the Eastern Highlands, and they are also educating children in hygiene.

In Nepal, WaterAid has implemented 700 rural and 100 urban water sanitation and hygiene projects, and in East Timor WaterAid has organised an engineer to design and implement water and sanitation projects in rural communities. The Australian government, through its overseas aid program AusAID, also plays an important role in the water effort overseas. I note briefly the Cuu Long Delta Rural Water Supply and Sanitation Project in Vietnam, which is, at the cost of $26 million, providing 600 000 people living in rural communities with water supplies and sanitation. In passing, I note the irony that one of AusAid's projects is to apply the lessons learnt managing the River Murray to help the Mekong River Commission improve its management of the Mekong River in Laos, Thailand, Cambodia and Vietnam.

Water projects are not normally targeted at women but, just as women tend to bear the burden of water access, women stand to gain most from water developments. I commend the Australian government and WaterAid Australia for the work they are doing to help women and their families to access safe water in developing countries. In conclusion, I commend this motion to the council. Water is a significant push factor compelling the international migration of women. Supporting overseas water development will improve the status of women, reduce human suffering generally, reduce the risk of transnational threats, support orderly migration and provide opportunities for the Australian water industry. Overseas development is in all our interests.

The Hon. I.K. HUNTER: I think I am closing this debate, if there are no further contributions. I would like to thank all members who have contributed to this debate on the motion. I would also like to thank and congratulate the Parliamentary Group on Population and Development, a cross-party group of Australian parliamentarians, for its work in pursuing measures in relation to empowerment of women, particularly in our immediate region. I commend the motion to the council.

Motion carried.

SUMMARY OFFENCES (TICKET SCALPING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 February. Page 1 396.)

The Hon. NICK XENOPHON: I thank members for their contributions. It is my intention to bring this matter to a vote on the second reading. I note that neither the government nor the opposition support this bill, but I thank the Hon. Dennis Hood for his indication of support on behalf of Family First. There are a few comments I wish to make on this very briefly, being aware of the hour and of the additional business of the council. Late last year the Queensland government moved for similar legislation in relation to ticket scalping. The legislation was introduced by the Premier Mr Beattie, and mention was made of the need to protect consumers, of people not missing out, of having fair access to major sporting events and concerts.

Members should note that in the Queensland parliament it was a situation where the legislation was not opposed by the National Party or by the Liberal Party, and mention was made about fairness for genuine fans not to miss out as a result of the actions of ticket scalpers. I understand the position of the Liberal Party, which says that it does not want to interfere with market mechanisms. That is not a surprising

position, as expressed by the Hon. Mr Wade, but I am surprised by the attitude of the Labor Party, a party that has a long and proud tradition of consumer protection in this state, particularly in the Dunstan decade, when South Australia led the way in a number of sweeping consumer protection reforms which were seen as ground-breaking at the time but which were soon adopted by other states.

The comments of the minister (Hon. Ms Rankine) I believe miss the point, particularly her comments in the other place on 21 September 2006. In answer to a question from the member for Morialta, the minister stated:

> . . . my message to football fans, cricket fans and concert goers is to be very wary. Many organisations are stating publicly that they will not honour tickets which they have been able to identify as being bought from scalpers. You might have your ticket, but you just might not get in the door. The biggest deterrent to these scalpers is to leave them with a fistful of tickets and empty pockets.

With respect to the minister, that misses the point about the unscrupulous behaviour of these people, the fact that genuine fans are missing out, and that the market is being manipulated by these people. I think it is very disappointing that the Labor government in this state is not prepared to follow the lead of the Victorian government back in 2002 and the Queensland Labor government late last year where they acknowledged the need for reform in this area in relation to unscrupulous operators. My prediction is that, eventually, the government will need to act in relation to this matter.

We have seen the controversy recently with the problems with the Big Day Out concert, with organisers worried about ticket scalpers and thinking of cancelling an event. According to interstate reports, grand final scalping is rife, particularly in relation to the AFL grand final. This is a basic piece of consumer protection that ought to be supported. I am disappointed the government has not seen fit to support legislation that I think is consistent with its proud history of supporting and protecting consumers.

The council divided on the second reading:

AYES (5)

Bressington, A.	Evans, A. L.
Hood, D.	Parnell, M.
Xenophon, N. (teller)	

NOES (12)

Dawkins, J. S. L.	Finnigan, B. V.
Gazzola, J. M.	Holloway, P. (teller)
Hunter, I.	Lawson, R. D.
Lensink, J. M. A.	Lucas, R. I.
Ridgway, D. W.	Schaefer, C. V.
Wade, S. G.	Wortley, R.

Majority of 7 for the noes.

Second reading thus negatived.

EDUCATION (RANDOM DRUG TESTING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 February. Page 1397.)

The Hon. SANDRA KANCK: I have major concerns with this bill, and I hope that there will be enough commonsense in this chamber for it to be defeated. The bill itself is poorly thought out and this is demonstrated by the fact that the bill itself is three pages long yet the mover of the bill has tabled three pages of amendments. If this bill were to pass I would be actively working to encourage parents to object to such testing and I would be working to create a civil disobedience movement amongst high school students to refuse to undertake the test. It is not that I advocate the use of drugs, but I deplore the idea of testing people in this way. It is not the way in which our schools should be used.

This is part of a steadily increasing number of incursions into our freedoms. It could well be counterproductive in terms of school absenteeism and encourage greater experimentation in drugs that may be more addictive and more harmful but used because they are not able to be detected by the testing regime. Our schools are not police stations: they are places of education. This bill is a dangerous step in changing that. There is at present a degree of trust between a student and a teacher, but that relationship faces deterioration and in some cases destruction if random drug testing is instituted. As a former teacher I know that teachers have a role to play in observing declining grades or counterproductive behaviour of students and assisting, where possible, to turn that around. They can work with the student or refer them to a school counsellor, and if drug taking is discovered as a contributing factor then appropriate action can be taken; and any counsellor worth their salt would find whether or not the drug taking is masking an underlying problem and deal with that problem.

The Hon. Ms Bressington refers to examples of drug testing in some other nations. In regards to the extracurricular schools drug testing that US schools can opt into, she quotes Supreme Court judge Justice Clarence Thomas in that court's judgment on the issue as proof of the efficacy of testing. I think it is just as valid to quote another of the judges who found differently. Justice Ruth Bader said it was 'unreasonable, capricious and even perverse'. And that is what I think of this bill: it is unreasonable, capricious and even perverse.

The Hon. Ms Bressington's proposition is that if we can stop adolescents from using drugs it will stop drug habits developing into adulthood. As a hypothesis this might seem to be so, but the scientific literature does not support it. In an opinion piece on 3 January this year in *The New York Times*, juvenile justice researcher Mike Males reported that an analysis of available data at the California Department of Alcohol and Drug Programs revealed that 'the biggest contributors to California's drug abuse, death and injury toll are educated middle-aged women living in the Central Valley and rural areas, while the fastest declining lowest risk populations are urban black and Latino teenagers'. I think I heard the Hon. Ms Lensink say she does not believe that.

The Hon. J.M.A. Lensink: I didn't believe the stuff about middle aged women.

The Hon. SANDRA KANCK: It has come from data from the California Department of Alcohol and Drug Program, so it really does not matter whether you believe it or not, it is what the data says. Mike Males also examined the figures published by conservative anti-drugs group Monitoring the Future, and discovered:

> In years in which a higher percentage of high school seniors told the survey takers they used illicit drugs, teenagers consistently reported and experienced lower rates of crime, murder, drug-related hospital emergencies and death, suicides, HIV infection, school dropouts, delinquency, pregnancy, violence, theft in and outside of school, and fights with parents, employers and teachers.

The real problem exists with the baby boomers, it seems. It continues:

> Among Americans in their 40s and 50s, deaths from illicit drug overdoses have risen by 800 per cent since 1980, including 300 per cent in the last decade.

I know it might be counterintuitive, and it does not stack up against the more sensational media reporting about drug use,

but these are excellent examples of why we should not base our drug problems on intuition, what we believe, or how we feel.

As Ms Bressington is relying on the experience and programs of other countries, the transcript of a press conference by the Monitoring the Future group makes interesting reading. When it was releasing its figures for 2004 with great fanfare at a well-organised press conference, it was put under pressure from drug law reform advocates which resulted in the principal researcher, Dr Lloyd Johnston, responding:

> We looked at schools doing any kind of testing, mostly for cause, and didn't find any statistically significant differences in drug use rates between schools that tested and those that didn't.

He also stated:

> We also looked at schools that did random tests of student athletes. . . and again there were no significant differences in the rates of marijuana use or illicit drug use in general.

He further stated:

> Drug testing up to the present time hasn't been effective.

This is from a group that is advocating the testing. The quotes speak for themselves and show that the program advocated in this bill is not likely to provide either educational or health outcomes for young people in South Australia.

I was pleased to hear the Hon. Ian Hunter's contribution on behalf of the government, which was that the government will be opposing the bill. It means that, even if passed in this chamber, it would be defeated in the House of Assembly; again, this shows the value of having a bicameral system of parliament where every idea has to be tested twice.

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

STATUTES AMENDMENT (PROHIBITION ON MINORS PARTICIPATING IN LOTTERIES) BILL

Adjourned debate on second reading.
(Continued from 27 September. Page 772.)

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to speak briefly this evening in relation to this legislation. It will not surprise the Hon. Mr Xenophon to know that my views on this issue have not changed over the years that we have been debating the legislation, and they have not changed in the years prior to the Hon. Mr Xenophon coming into the parliament, because this is an issue that has been debated prior to the Hon. Mr Xenophon coming into the parliament as well. This is a conscience vote for Liberal members and, therefore, I speak for myself and myself alone.

In relation to this matter, I have maintained the position that I support 16 and 17 year olds being allowed to buy scratchie tickets at newsagencies or at Lotteries Commission outlets, and I continue to do so. One can become involved in a long argument and discussion about the things that we allow 16 and 17 year olds to do, and there will be arguments from those opposed to my position who will argue other things that 16 and 17 year olds are not allowed to do—or are allowed to do, depending on one's perspective. I do not intend to go through all of them again: I have put my views in relation to that on previous occasions.

I do not believe (as I noted when re-reading the contribution of the Hon. Mr Xenophon) that 16 or 17 year olds purchasing a weekly X-Lotto ticket will lead them down the path to becoming problem gamblers in the future. I accept that there are some in the community who disagree with that view and believe that, if 16 and 17 year olds purchase scratchie tickets or Lotteries Commission products once a week, or more frequently, it will mean that a number of them will become problem gamblers. That is not a proposition that I support or with which I agree.

As I understand the legislation (the Hon. Mr Xenophon might be able to correct me if I am wrong), it will also mean that young people—16 and 17 year olds—will not be able to purchase raffle tickets where the prize is more than, I think, $2 000. I am not sure how many raffles the Hon. Mr Xenophon has entered recently—I suspect none.

An honourable member: Don't you use one for fundraising?

The Hon. R.I. LUCAS: No, he has been selling calendars for that; I do not think it is a raffle—and other things, as I understand it. But I will talk about that another time. I think that, if the Hon. Mr Xenophon has not participated in raffles recently, he might be surprised by how many raffles have prizes that aggregate to more than a couple of thousand dollars. I accept that there are quite a number that do not. However, in essence—

The Hon. R.D. Lawson interjecting:

The Hon. R.I. LUCAS: None that Nick Bolkus runs, no. I think we start talking about $1.5 million if we are talking about the Hon. Mr Bolkus. However, I will not be diverted to talk about the Hon. Mr Bolkus's rafflegate propositions—

An honourable member interjecting:

The Hon. R.I. LUCAS: Together with Mr Georganis, I am reminded.

The Hon. J. Gazzola interjecting:

The Hon. R.I. LUCAS: I would be delighted. The point I am endeavouring to make is that, in essence, we are saying that 16 and 17 year olds, under this legislation, are not entitled to purchase a raffle ticket in a significant number of raffles organised by churches, sporting associations, people who raise money for charities by raffling a car in the Myer Centre or disability organisations. A whole range of organisations run charitable fundraising raffles, and we are saying that a 16 or 17 year old who has left school and is earning money is not able to purchase a raffle ticket. If someone could convince me that there was a good purpose in that, so be it. However, if they have not convinced me in the past 10 or 15 years, they will not be able to convince me tonight. For those reasons, I cannot support the legislation.

The only other point I wish to raise is that, as I understand it, the arrangement we have here is that, if the Hon. Mr Xenophon's legislation passes, 16 year old girls and boys will be able to sell lottery products—scratchie tickets—to adults, but they will not be able to sell them to 16 and 17 year olds.

You will not be able to purchase it, but you will actually be able to work in these outlets and sell the gambling products. I understand the reason why that is the case, because in country areas a lot of people who work in these newsagent outlets, in particular, are young people. That is their part-time income that helps get them through school, assist their family in terms of income, and I understand the position. But there seems to be an inconsistency, I suppose, where you have a situation where you will have a 16 year old able to sell these products to everyone, to encourage people to purchase them, but the same 16 or 17 year old cannot actually purchase the product in that particular outlet.

There are many other inconsistencies and issues, and I will not take the time tonight to repeat them. I will indicate that,

whilst I will be opposing the legislation at the third reading, I am comfortable in supporting the second reading to allow the debate in the committee stage and to see whether anyone wants to support amendments. But I indicate that, irrespective of what happens in the committee stage, if it ends up proposing a further restriction on 16 and 17 year olds in relation to buying raffle tickets, in certain cases, and lottery products then I will not be supporting the legislation at the third reading.

The Hon. D.G.E. HOOD: This bill makes a fairly simple legislative change but, indeed, a significant one, and it is a change that I support. Scratchie tickets appear to be the honourable member's target in this bill, and perhaps it will be the case at the committee stage that we will be able to more clearly define the relevant targets. However, at the very least, scratchies are a concern to Family First, in particular the marketing of scratchies to children using brands such as Star Wars, as is the case in one particular instance. It might appeal to them, but it certainly does not appeal to me in any way.

The Hon. Andrew Evans and I represent South Australian families to the best of our ability, and our constituent parents, we believe, are concerned about the real possibility of their children having the legal right, even without their knowledge, to purchase scratchie tickets and, indeed, participate in any lottery. Of course, the difficulty there is that that may be the beginning of what could be a very long-term gambling problem. For that reason we support the bill because we believe it seeks to stop the problem before it begins, in one sense. A child remains responsible to their parents until the age of majority—that is, 18 years of age—and I believe that families are entitled to ensure that their children are not being enticed into gambling at an early age through lotteries, especially those aimed or specifically marketed at children, as has been the case with scratchies in specific instances.

If the government is serious about problem gambling, it ought to eliminate the possibility that children start gambling before they reach the age of majority. I am on the public record concerning the need for our education system to teach what I have termed 'life skills' to our children. One of the skills that I have specifically mentioned concerns debt and the increasing level of debt that is faced by our youth. Indeed, there have been sufficient newspaper reports in the last two years to demonstrate that our young people are somewhat clueless—if I can use that term—regarding what their buying habits are truly costing. I think that we have seen that specifically with mobile phone debt in recent media reports.

The parliament has decreed for quite some time that the age at which children are responsible to make decisions for themselves is 18 years of age. I sometimes wonder if that is high enough, certainly in terms of the drinking age, for example. However, we contradict that approach by letting these people gamble in lotteries. So, either the age is 18 or it is not, I guess is what I am saying.

I would also like to raise the issue of problem gambling restraining orders, the relevance of which I will come to. The Independent Gaming Authority annual report of 2004-05 indicated that, in the first 12 months of implementation of the problem gambling family protection orders regime, just 58 inquiries were received and only four referred to pre-hearing meetings and resulted in consent orders. Thus, with this regimen to enable families to protect themselves from the problem gambling of a family member, only four orders were taken up in the most recently reported year—only four orders in the whole year. Clearly, something is not working. This suggests to me that the government has engaged the parliament in a project that is not working, as I say. I am concerned the project may have reflected a level of tokenism, more than genuine need, at the expense of real solutions on problem gambling.

A review conducted by the University of Adelaide in 2003, entitled, 'A decade of gambling research in Australia and New Zealand (1992-2002): Implications for policy, regulation and harm minimisation', indicated that the prevalence of problem gambling was between 1.24 and 2 per cent of South Australian survey respondents—up to 2 per cent: 1 in 50 people. Taking a conservative analysis of the lower figure, compared against the Department for Environment and Heritage figure that during that period there were roughly (and conservatively) 1.1 million adult residents in South Australia, indicates that there were approximately 13 640 problem gamblers in South Australia. Again, these are the most conservative possible figures.

The Hon. Nick Xenophon interjecting:

The Hon. D.G.E. HOOD: Indeed; very conservative, the Hon. Mr Xenophon interjects, and I agree with that. Yet for the families of those problem gamblers only four obtained problem gambling family protection orders; only four of 13 640, and they are the most possibly conservative figures. It is only when you look at that statistical comparison you can see why I am concerned about this response to problem gambling.

Returning to the issue at hand: I am certainly pleased to support the Hon. Mr Xenophon's bill in this case and we see it as an important step in discouraging the onset of problem gambling at an earlier stage. I will make perhaps just one final point, and that is the extra relevance of the same University of Adelaide report to which I have referred. It indicated that the research is beginning to show that underage gambling has not received sufficient attention in the past and, for instance, indicated that the Productivity Commission in 1999 found that 35 per cent of male problem gamblers reported starting to gamble regularly between the ages of 11 and 17. Hence the importance of this bill; it stops many people before the problem develops. So, therefore this council will be doing something to support the government in fighting problem gambling in our youth and, in my view, underlining the inherent value that this council offers in providing quality legislation.

I raise an issue that was touched on by the Hon. Mr Lucas. I consider that there may be some merit in excluding fundraising raffles and the like from this bill, and I understand this will be debated. Scratchies and other forms of lotteries available at, say, newsagents are available at any time during trading hours, every business day of the year. By comparison, fundraising raffles, for example, are usually for a finite period, not always available at the same location and more likely need to be sought out to be participated in. In some instances the windfall to be gained is far less than on Lotteries Commission lotteries, and indeed that is often the case. In most instances they are not supported by the advertising that accompanies Lotteries Commission lotteries. Usually volunteers run these raffles, and I am not in favour of discouraging volunteering on any level and imposing red tape upon them.

So, just in brief summary, we believe there is some scope for allowing participation in lotteries and I understand the bill that Mr Xenophon has put forward allows that up to a maximum value of $2 000. So, largely, that addresses our

concerns. We would not like to see that go any lower. As I said, we certainly support the main thrust of this bill, which is to prevent problem gambling at an early age before it becomes a problem at all.

The Hon. CAROLINE SCHAEFER: My contribution will also be brief. We, on this side of the council, have had this vote on a number of occasions since I have been in here. Fortunately, we have the right for a conscience vote on issues such as this. As I have previously stated, in my view, although problem gambling may be of concern to society, gambling in itself is not. I think that although we have many times failed to practise this, what we should do is try to see whether proposed legislation passes this very simple test: does it apply common sense? In a state where one can legally enter into a sexual relationship, one can have the pill prescribed by a doctor without speaking to the parents of that 16 year old child and a 16 year old child can have an abortion without informing their parents but not letting them buy a couple of scratchie tickets is ludicrous, and I will not be supporting this bill.

The Hon. J.S.L. DAWKINS: I rise to indicate that, while I have not yet determined my position on the third reading of the bill, I will support the second reading and look forward to the bill being scrutinised at the committee stage. I will support the second reading.

The Hon. R.D. LAWSON: I rise briefly to indicate that I will not be supporting this bill. I believe the net cast by the Hon. Mr Xenophon is too wide. I certainly remember that my elderly mother, God bless her soul, would give to her many grandchildren a scratchie ticket at Christmas time, and to think that she would be engaging in some illegal or improper—

Members interjecting:

The Hon. R.D. LAWSON: She gave it to them; she bought it, okay, but this is about participating in lotteries. That is the offence that he has created. I do not believe that any evidence has been produced that could convince anyone that my mother's grandchildren were on the road to problem gambling by reason of the fact that she would present them with a scratchie in their Christmas stocking. It is interesting that the trade promotion lotteries are somehow excluded. This is an inconsistency in this provision. Why is it said that a minor can participate in a trade promotion lottery? Why is the evil of participating in such a lottery with prizes of trips to Disneyland and the like laid before children somehow different from that of buying an ordinary scratchie ticket?

Finally, it seems to me that, if this is directed at scratchie tickets, which are issued by the Lotteries Commission, an organ of the state of South Australia, if it is said that the Lotteries Commission is unduly exploiting minors by producing scratchies which are designed to inveigle them into the lifelong habit of gambling or to attract them into this evil form of activity, this is a state run organisation to which the government can give directions, impose regulations, pass laws, or whatever to say that you will not have them coloured, they will not be green, they will only be black and white, you have to deliver them in a brown paper bag, or whatever. The notion that we need to create this draconian further restriction on the liberties of individuals seems to me to be a complete nonsense.

In any event, I do not think it will work. It will not stop people from participating in lotteries, if they want to. In my view, this will not—and it certainly has not been demonstrated to my satisfaction that it will—lead to any reduction at all in so-called problem gambling. I will not be supporting the passage of this bill, although I look forward to the committee stage.

The Hon. D.W. RIDGWAY: I will be very brief and indicate that I will be supporting this bill at the second reading stage. We have always had the policy with conscience bills especially that we would do that. However, I share similar views with a number of my colleagues—including the Hon. Rob Lucas and the Hon. Caroline Schaefer—about the inequity of it all. It is enough to say that I will certainly be happy to support the second reading but I reserve my right to vote against it at the third reading.

The Hon. NICK XENOPHON: I will be brief. I thank members for their contributions in relation to this bill. I am aware of the hour and the other business of the house that needs to be dealt with this evening. The issue of raffles are a secondary consideration; my primary concern relates to the South Australian lotteries products, not just lotto. Buying a lotto ticket can also involve a substantial amount of money being spent if you play multiple numbers or buy multiple games, so you can easily spend hundreds of dollars—

The Hon. R.D. Lawson: Any evidence that any 16 year-olds have?

The Hon. NICK XENOPHON: I know that in the course of seeing people with gambling problems that there was a very young teenager who lost an enormous amount of money on Keno where bets up to $1 000 were being made at a time because there is no limit with Keno, as is the case with some of the scratchies of which you could buy 20 or 30 at a time. I refer to the Hon. Mr Wade's contribution and I thank him for that contribution and, in particular, the research he has referred to from the University of Adelaide. One of the issues that the Hon. Ms Bressington has referred to in her work in terms of substance abuse and drug addiction—and I am sure that she will correct me if I am wrong—is that adolescent brains show reduced reward anticipation. The neuropsychological analysis of this is that young people's brains are not fully developed. They are more likely to engage in risk behaviours and not have the level of impulse control and, if they develop a problem, they are more vulnerable at an earlier age to entrench a problem. Why do that?

I want to comment on the Hon. Mr Hunter's contribution which was brief and, as usual, pithy. He said that the government was doing something similar, that it was sympathetic but that it would not support it. Let us put on the record that this is a matter I have raised for a number of years. The Hon. Mr Foley, and I do not have the date in front of me, as Treasurer, indicated in an answer to a question I asked several years ago that the government supported the age being raised to 18. Like Con the Fruiterer, I kept waiting, waiting, waiting for some legislation and, in the end, I introduced this bill on 31 May 2006 and, lo and behold, on 3 June 2006 the government decides to introduce legislation. I am happy if I have prompted the government to do the right thing, perhaps in a similar way to the Hon. Mr Lawson's bail act review legislation which has pricked the conscience of the government to act.

If nothing else, this bill has acted as a catalyst for some government action. I urge honourable members to at least support the second reading of this bill. I am happy to deal with the matters raised by honourable members in their

queries in relation to this bill. I understand that if an honourable member supports the second reading of this bill they are in no way obliged or duty bound to support the third reading of this bill for I think that advancing this debate is a good thing to do. The fundamental inconsistency that I am concerned about is the fact that for other forms of gambling the minimum age is 18. It is an anomaly at the very least for Lotteries Commission products to have a minimum age of 16. I urge honourable members to support at least the second reading of this bill.

Bill read a second time.

WORKCOVER CORPORATION (AUDITOR-GENERAL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 November. Page 1103.)

The Hon. I.K. HUNTER: The government opposes this bill. The bill introduced by the Hon. Mr Xenophon seeks to delete the section of the WorkCover Corporation Act 1994 which specifically requires that WorkCover must appoint two or more external auditors within the first three months of each financial year to audit the corporation's annual accounts and replace it with the Auditor-General, who may at any time and must at least once in each year audit the accounts of the corporation. Three of the top four global firms are currently involved in the auditing of WorkCover: Price Waterhouse Coopers, which conducts an internal audit; KPMG, the lead external auditor; and Ernst & Young, the reviewing external auditor. In addition, the outstanding claims liability is assessed twice yearly by Finity Consulting Pty Ltd, which is a specialist actuarial consulting practice. Each of the two external auditors I have already mentioned also engages their own actuarial advisers to provide a further review of the liability. Further auditing is just not necessary and, in the end, more time will be spent dealing with the auditors than getting workers back to work.

To summarise, WorkCover engages three of the top four global accounting and audit firms during the process of adopting the annual accounts. The assertion that WorkCover is free from scrutiny is seriously flawed. Improved return to work rates is crucial to bringing down the unfunded liability. A number of strategies have been put in place to help achieve this, such as the appointment of a single claims agent with a contract based on a simple principle; we pay for results. This is what we need to focus on, and not another set of auditors. I urge honourable members to oppose this bill.

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to speak briefly to the second reading of the bill. For the added reasons of *Hansard* the Liberal Party's position has been more fully put in the debate on the last Wednesday of sitting on Notice of Motion No. 37, which was the motion that I moved to ask the Treasurer for an investigation of the position of WorkCover under section 32 of the Public Finance and Audit Act.

Briefly, I indicated then that the Liberal Party's position is that we believe we are facing a critical situation in relation to WorkCover but, frankly, we think the problem is better addressed by a once-off inquiry or investigation by appropriately qualified persons such as through a section 32 investigation under the Public Finance and Audit Act. As I indicated in that debate, we indicated that we do not think that the traditional auditing of the accounts (and this is part of the argument from the Hon. Mr Hunter on behalf of the government) is the critical issue in relation to WorkCover, because we have not had any evidence that the well qualified private sector auditors have not been doing an appropriate job in relation to the auditing of the accounts of WorkCover.

Nevertheless, we are facing a very significant issue in relation to WorkCover performance and we therefore do share common ground with the Hon. Mr Xenophon that something needs to be done. It is our view that the office of the Auditor-General (I am not speaking about the individual) is not in our view, at this stage anyway, the appropriately geared and qualified institution or office to conduct once-off investigations of the problems in relation to WorkCover. So our preference is a section 32 inquiry.

Our position in relation to this debate tonight will be to support the second reading to allow continued debate in the committee stage.

The Hon. Nick Xenophon: You are not opting to oppose the third reading, are you?

The Hon. R.I. LUCAS: No; as I indicated in the debate on my motion, we are leaving open the option of supporting through the committee stage, possibly with an amendment of the legislation ultimately, subject to what the government decides to do in relation to our motion on a section 32 inquiry. I would hope that the government has had section 32 inquiries on a range of issues much less significant (in terms of total dollars) than WorkCover.

An honourable member interjecting:

The Hon. R.I. LUCAS: Well, the Port Adelaide flower farm. However, I am talking about recent times and things like the Basketball Association which, I think, was a section 32; I think the McLaren Vale ambulance station may also have been a section 32. There have been two or three section 32 inquiries which, in terms of dollars of involvement, have been nowhere near as significant as the problems potentially confronting the state, businesses and workers in relation to WorkCover at the moment.

As I said, our position is to support the second reading of this legislation and leave open our position in relation to the third reading. At the next Wednesday of sitting we are looking to finalise debate on our motion for a section 32 and are hopeful that the government will be prepared to support a section 32 inquiry. Subject to that, we will make a final judgment in relation to the third reading of this legislation.

The Hon. NICK XENOPHON: I am absolutely gobsmacked that the government will not support this bill. I would like to remind government members what was said on Tuesday 13 May 2003 by the Hon. Michael Wright, the Minister for Industrial Relations, when introducing the Statutes Amendment (WorkCover Governance Reform) Bill—a bill that lapsed. There was a clause in that bill that would give the very powers that have been proposed in this bill to the Auditor-General. At that time the minister said:

> The powers of the Auditor-General will be fully applicable to the WorkCover Corporation. This will provide for greater scrutiny of the WorkCover Corporation's financial arrangements.

What has changed in the past almost four years is that WorkCover's financial situation has deteriorated, and the government is putting its head in the sand. The Hon. Mr Hunter is putting the government's position, and I am not trying to shoot the messenger, I am not being critical of him personally in anyway, but the fact is that under the Public Finance and Audit Act, particularly under section 37, the Auditor-General would have power to do an economy and

efficiency review, going beyond the scope of what private auditors can do.

When you consider the matters that were raised by the late Brad Selway on the concept of managerialism and the implied guarantee and comments made by the Auditor-General in relation to current arrangements in terms of the implied government guarantee and contingent liabilities of the WorkCover Corporation, it does not make sense that the government has now changed its mind and done an absolute backflip on this issue. In almost four years it has gone from wanting to give the Auditor-General these powers, the very powers that are being proposed in this bill, to now not wanting to—with liabilities of some $700 million. I find it incredible that the government is going down that path.

I have heard from my sources, sources very close to your side of politics, Mr President, that the government is looking at slashing WorkCover benefits to injured workers. That really concerns me, and I hope it is not the case, but we can at least begin to address some of the problems with the corporation with the state's independent financial watchdog, whoever that may be after tomorrow, given that the current Auditor-General has reached the statutory retirement age. It is a pity that we could not have the Auditor-General for at least a couple more years to look at issues, and it is a pity that broader issues of effectiveness could not be considered, as they are in other jurisdictions.

The fact that the government is opposing this legislation begs a number of serious questions. We have not seen the end of this WorkCover saga yet, and I fear that those who will suffer the most will be the injured workers in this state. Providing the state's chief financial watchdog with the opportunity to scrutinise WorkCover's accounts to look at issues of economy and efficiency using the broad powers under the Public Finance and Audit Act would at least have been a positive step. The government needs to explain to the people of this state why it no longer wants the Auditor-General to have these powers. What does it have to hide?

I recommend that honourable members support the bill. It is an important measure in the context of ensuring that WorkCover is functioning well and performing appropriately so that, ultimately, both employees and employers in this state get value for money and a fair deal from the state's statutory workers compensation insurer.

Bill read a second time.

STATUTES AMENDMENT (AFFORDABLE HOUSING) BILL

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

STATE LOTTERIES (MISCELLANEOUS) AMENDMENT BILL

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

ADJOURNMENT

At 12.03 a.m. the council adjourned until Thursday 22 February at 11 a.m.