LEGISLATIVE COUNCIL

Wednesday 2 May 2007

The PRESIDENT (Hon. R.K. Sneath) took the chair at 2.17 p.m. and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the first report of the Legislative Review Committee 2007.

Report received and ordered to be read.

PAPER TABLED

The following paper was laid on the table:

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

Local Government Activities by the State Electoral Office—Report, 2005-06.

DAYLIGHT SAVING

The Hon. P. HOLLOWAY (Minister for Police): On behalf of my colleague the Minister for Industrial Relations I table a ministerial statement on the subject of daylight saving consultation.

HICKS, Mr D.M.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I seek leave to read a ministerial statement made by the Premier in the other place in relation to David Matthew Hicks.

Leave granted.

The Hon. CARMEL ZOLLO: Today I wish to provide further information in relation to the transfer and imprisonment of former Adelaide resident David Hicks, who, last month in a US military court in Guantanemo Bay, pleaded guilty to a charge of supporting terrorism. Discussions between relevant state and federal agencies have been underway since the application from David Hicks to transfer to Australia was received by the commonwealth. These discussions have centred on matters of accommodation, security and the transfer of David Hicks from Guantanemo Bay to Adelaide.

I understand that the commonwealth Attorney-General is due to write to the South Australian government in the next few days to begin the final phase of the transfer process. The South Australian government will give its consent once this formal request has been received. The transfer process should be completed by the end of May. While David Hicks will be a federal prisoner, he will be subject to South Australian laws. Initially, David Hicks will be managed according to the national guidelines for the management of terrorists and it is intended that he will be held in the maximum security G Division at Yatala. During this time he will have little or no contact with other prisoners, and telephone conversations will be monitored.

In addition, his strictly controlled visits will be limited to non-contact sessions. He will obviously be entitled to meet with his lawyers. Following the initial assessment period, further decisions will be made in relation to a management regime that David Hicks will be subject to, but security considerations will be of the greatest importance in this regard. South Australia intends to send two correctional officers to act as a security escort for the transfer of David Hicks back to Australia. As to what happens to David Hicks when he is released from prison, which I understand will be at the end of December this year, the government has some serious concerns. Today the Premier wrote to the Prime Minister outlining these concerns, and I would like to share them with this chamber.

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: The letter states:

Dear Prime Minister,

As you are well aware, David Matthew Hicks was convicted and sentenced on his plea of guilty to the charge of providing material support to an international terrorist organisation, namely, al Qaeda. Hicks has applied, under the International Transfer of Prisoners Act 1997, to serve the balance of his sentence in Australia.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The Leader of the Opposition will come to order.

The Hon. CARMEL ZOLLO: The letter continues:

The government of South Australia, through its officers, has been involved in discussions with the commonwealth government, through its officers, about the proposed transfer of Hicks to South Australia to serve his sentence as a federal prisoner in a state correctional facility. I have already advised the commonwealth Attorney-General, the Hon. Philip Ruddock, and have publicly indicated that the government of South Australia is fully prepared to agree and to facilitate these arrangements subject of course to the satisfactory completion of the necessary formalities.

I am concerned about the implications arising from Hicks' presence in South Australia as a prisoner and upon his anticipated release at the end of 2007. I am advised that documents submitted to the Court for Military Commissions, endorsed by Hicks' defence counsel, Major Michael More, and prosecution counsel, acknowledge that Hicks was an unlawful enemy combatant. The relevant document details Hicks' involvement with a number of terrorist and paramilitary organisations between 1999 and 2001, including al Qaeda, Lashkar-e Tayyiba (LET) and Kosovo Liberation Army.

The document shows that during this period Hicks received extensive training in military and guerrilla warfare, the use of weapons, kidnapping, urban warfare, surveillance techniques, the passing of intelligence and assassination methods amongst other activities. The document reveals that in about mid 2000, Hicks travelled to the border region of Pakistan and Kashmir where he engaged in hostile action against Indian forces by firing a machine gun at an Indian Army bunker.

According to the document, in October 2001, Hicks' al Qaeda training culminated in a briefing by the then al Qaeda deputy commander who was organising al Qaeda forces in Afghanistan. Hicks was informed—

The Hon. T.J. Stephens interjecting:

The PRESIDENT: The Hon. Mr Stephens will come to order.

The Hon. CARMEL ZOLLO: —about locations where fighting was expected against US and Coalition—

The Hon. R.P. Wortley interjecting:

The PRESIDENT: The Hon. Mr Wortley will come to order!

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: —forces and chose to join a group of al Qaeda and Taliban fighters near Kandahar airport. The document details how Hicks was issued with an automatic rifle, ammunition and grenades to fight US, Northern Alliance and Coalition forces at this location. Later, Hicks was reassigned to an armed group guarding a Taliban tank for about a week outside the airport.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Finnigan will cease exciting the opposition.

The Hon. CARMEL ZOLLO: The letter continues:

During that time he was supplied by al Qaeda with food and briefings. Based on Hicks' activities as reported in the document, endorsed by his defence counsel, I have grave concerns about the security implications associated with Hicks' release from custody. Therefore, I seek your urgent advice as to the measures the Commonwealth Government has approved or is contemplating to ensure appropriate levels of protection of community safety and security. I am sure you will agree that the South Australian Government and the South Australian public have a right to know about the conditions applying to Hicks' release.

In particular, I would be grateful if you could advise whether control orders will be sought under the 2005 counter-terrorism amendments to the Commonwealth Criminal Code. I understand that the Australian Federal Police may, with the consent of the Commonwealth Attorney-General, seek a control order from the Federal Court in relation to a person who may involve a risk to the community. I am informed that a control order issued by a judicial authority may impose strict conditions, including home detention, a curfew, limits on movements and restrictions on association with other named persons or class of persons. Whether or not sufficient grounds exist or can be established to seek a control order and persuade a court to issue such an order is for the Commonwealth Government and its agency to assess.

I am also concerned that Hicks may seek to profit from this matter by publishing his account of his detention, the events leading to his detention and subsequent conviction. I understand that some doubts have been expressed about whether or not commonwealth legislation can prevent such an abuse. While I support the right of individuals to tell their story, I do not support convicted persons profiting from their story. The Government of South Australia is prepared to introduce legislation into the Parliament to prohibit Hicks (or any person in the same or similar position to Hicks) profiting from the publication of his story. I am advised that the necessary nexus with South Australia can be established under the Constitution Act (SA) to authorise extra-territorial legislation.

Members interjecting:

The PRESIDENT: Order!

QUESTION TIME

AUSTRALIAN WORKPLACE AGREEMENTS

The Hon. D.W. RIDGWAY (Leader of the Opposition): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about Australian workplace agreements.

Leave granted.

The Hon. D.W. RIDGWAY: Last week a number of members opposite scurried off after the ANZAC Day holiday to go to the Labor Party's national convention in Sydney. We know that at that convention the federal Labor Party supported the federal leader Kevin Rudd's plan to rip up Australian workplace agreements. Members opposite endorsed his policy.

In an article in today's *Advertiser* Leigh Clifford, Rio Tinto's departing chief, is quoted as saying that Labor's industrial relations policy would jeopardise the growth of the booming minerals industry. The article states:

In his farewell speech to the Melbourne Mining Club, Mr Clifford said the flexibility provided by [AWAs] had increased productivity and sparked the 'renaissance of the Australian mining industry'.

Steel manufacturer OneSteel also joined BHP. Interestingly, BHP's CEO, Chip Goodyear, said that the ALP industrial relations policy has the potential to damage the continued expansion of the minerals industry. My question is: does the minister and his government support the federal leader's abolition of Australian workplace agreements?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): At the ALP national conference at the weekend the leader of the Australian Labor Party, Kevin Rudd, supported by our Premier Mike Rann, was able to change the uranium policy which has been longstanding for 25 years. That certainly shows the support for our federal and state leaders in relation to the mining industry generally.

In relation to awards, the Australian Labor Party has always favoured a fair go for workers, and it is well known that, as we speak, the leader of the federal Labor Party and his deputy are going around the country talking to a number of industry leaders from the mining industry and elsewhere to explain to them the Labor Party's new industrial policies and the principles on which those policies are based and also to listen to feedback from those companies in relation to the detail of the Labor Party policy. The number of workers in Australia under John Howard's AWAs is very small—around the 3 to 4 per cent mark—and the vast majority of Australian workers are covered by enterprise agreements or common law agreements.

In relation to Labor Party policy, the principles have been outlined at the national conference and the detail will certainly be announced long before the next federal election. Do I support our federal leader in relation to these matters? Yes, I do.

The Hon. D.W. RIDGWAY: By way of a supplementary question, what support for a change in the three mines policy was contingent on support for the federal leader's scrapping of AWAs?

The Hon. P. HOLLOWAY: That is absurd. The Australian Labor Party was founded in the 1890s—it is the oldest political party in Australia by a long way—to protect the conditions of Australian workers, and to give them a fair go. In the 21st century we live in a different industrial environment, and many of the practices of the past have been changed under both Labor and conservative governments. What has not changed is that the Australian Labor Party believes in a fair go for Australian workers and their families—and that will continue. The decision the Labor Party conference made in relation to uranium was a close vote after a constructive passionate debate, but it was decided on its merits in the end, as was the industrial relations debate.

The Hon. J.M.A. LENSINK: I ask a supplementary question. If the minister does not know the answer can he bring back a response? What proportion of jobs growth has arisen from AWAs in South Australia and how many are there?

The Hon. P. HOLLOWAY: I do not know the answer, but a statistic repeated frequently by the federal Leader of the Opposition, Kevin Rudd, is that workplace productivity has been falling since the introduction of the Howard government's WorkChoices legislation. Productivity has been falling under WorkChoices—a statistic that the federal leader has been pointing out for some time. The Australian Labor Party is a strong supporter of increased productivity growth, and we need an industrial relations system that enables strong productivity growth because that is how the conditions of Australian workers will be protected. In relation to the other matter, if I can get any information I will seek to do so.

Members interjecting:

The PRESIDENT: Order!

GLENSIDE HOSPITAL

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about a death at Glenside.

Leave granted.

The Hon. J.M.A. LENSINK: The Liberal Party has received information that on 17 April a client who had been detained for up to a year at Glenside (mainly in the Brentwood facility), a young woman aged in her early 30s who did not speak English, died of a heart attack. I am advised that she was being treated with Clozapine, an anti-psychotic medication. On the day in question, she took day leave with her sister. On her return, she complained of chest pain. An ambulance was called. She refused treatment. A second ambulance was called with a police escort but, unfortunately, she died. Can the minister confirm that, because there are no longer any medical support services at Glenside following the closure of the medical centre, this may have contributed to her death?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): Given the likelihood that this case will be the subject of a coronial inquest it is, therefore, not appropriate that I make any specific comments in relation to it. However, in a general context, significant support services are provided to the patients at the Glenside campus, in terms of comprehensive health needs being met, where needed. These clients are more than adequately supported not only in terms of their mental health needs but also their general health needs. As I said, I am not able to comment in relation to the specific details around this case, given that it will most likely be the subject of a coronial inquest.

The Hon. J.M.A. LENSINK: Sir, I have a supplementary question. In relation to the support services that the minister mentioned, can she advise whether the medical centre has, in fact, closed and whether there are any medical officers on site to deal with emergencies?

The Hon. G.E. GAGO: I am not able to provide the details of the exact services available, but I am happy to obtain those details and bring them back. I am certainly advised that more than adequate comprehensive psychiatric and medical support services are available to meet the comprehensive needs of all the patients at the Glenside campus, whether that is emergency services or otherwise.

ROAD TRAFFIC, BLOOD TESTING

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Road Safety a question about drug and drink-driver blood tests.

Leave granted.

The Hon. S.G. WADE: I refer to the minister's response to a question from the Hon. Mr Xenophon last Tuesday, 24 April, in which he indicated that a large number of blood samples taken under section 47I of the Road Traffic Act 1961 had not been analysed. My questions to the minister are:

1. What was the outcome of the meeting of officers last week that she foreshadowed in her answer?

2. How long have tests been taken under section 47I without being analysed?

3. How many samples were taken under section 47I in the most recent financial year for which figures are available?

4. What is the 2006-07 budget allocation provided to the Forensic Science Centre and any other agencies for the purpose of testing samples collected under section 47I?

The Hon. CARMEL ZOLLO (Minister for Road Safety): I indicated to the Hon. Nick Xenophon last week that I would take some further advice and bring back a response. I can advise that a meeting took place last week, which was coordinated by SAPOL and attended by officer representatives from the key agencies involved in the drug driving program. As I indicated last week, my advice is that, to date, only a small number of total possible seriously injured driver blood samples have been tested for prescribed drugs. My understanding is that this is due to a difficulty in being able to identify admitted drivers on forms that accompany blood samples at the time the sample was taken in hospitals. Clearly, I am disappointed that this has occurred. To rectify this issue, SAPOL is considering both an administrative and an IT based solution to ensure that the blood samples of seriously injured drivers are tested.

Funding is available for the testing of all seriously injured or fatally injured drivers for prescribed drugs as part of the drug driving program. Advice I have received indicates that all blood samples from seriously injured drivers from 1 January 2007 are available to be tested for prescribed drugs. In regard to drug testing of all blood samples of persons who attend hospital as a result of a motor vehicle crash, this will be examined as part of the review of the drug driving program. I should say that, as Minister for Road Safety, my view would be to see greater resources at the preventative end. Testing of all blood samples for prescribed drugs resulting from a person attending hospital as a result of a motor vehicle crash (of which there are approximately 7 500 per annum) will require considerable resources.

An assessment will need to be made as to the best use of resources as part of that review when we come to it. It may be that the best use of resources, as I have mentioned, is for road-side drug testing, which is highly visible and which has a high deterrent value. I have stated previously that, when this legislation was introduced, a review clause was included after 12 months of operation. It is important that the trial be conducted for the full 12-month period and then an assessment made regarding future deployment of resources. I think it is important not to pre-empt the trial. I advise that blood testing and further measures will be examined as part of that review.

The Hon. NICK XENOPHON: I have a supplementary question. Of the blood samples currently taken pursuant to section 47I, what proportion is tested for alcohol and what proportion is tested for prescribed drugs? When the minister says 'a small proportion', can she give an indication whether it is less than 10 per cent or 20 per cent of samples taken?

The Hon. CARMEL ZOLLO: At the time the legislation was considered, a formula was worked out which enabled the testing over a three year period for prescribed drugs and to which this parliament agreed. My advice is that, as I said, thus far, only a small proportion have been tested for those prescribed drugs. It could be a figure of about 80 or 85—

The Hon. Nick Xenophon: What per cent?

The Hon. CARMEL ZOLLO: As I said, blood taken can be tested from 1 January onwards.

The Hon. S.G. WADE: I have a supplementary question. In her answer the minister mentioned that the taking of blood samples from injured persons in hospital would be examined

as part of a review. Would the minister clarify whether that is part of the scheduled review of the changes to the drug testing legislation last year or is some other review being instituted as a result of last week's discussions?

The Hon. CARMEL ZOLLO: When the drug trial legislation was passed, it included a clause for us to have a review at the end of 12 months, so that will be part of that review.

The Hon. S.G. WADE: I have another supplementary question. I am confused because this was not a new clause as a result of the government's drug legislation. I am wondering why the government is expanding the review of the drug testing legislation (which it introduced last year) to what is an old provision—section 47I.

The PRESIDENT: Order! I have been very tolerant with supplementary questions. They should not contain any explanation whatsoever.

The Hon. CARMEL ZOLLO: I am being very tolerant. If the honourable member looks at the legislation, he will find that it says 'the taking of blood for the prescribed drugs', as well.

PETROLEUM INDUSTRY

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the recent petroleum production and exploration association conference in Adelaide.

Leave granted.

The Hon. R.P. WORTLEY: I understand that, at the end of the conference, the chief executive of the association, on behalf of the petroleum industry, was very complimentary of the state government and the positive approach this state takes to resource development. I further understand that the chief executive praised the efficiency and effectiveness of PIRSA as a regulator. Will the minister elaborate on these issues?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I thank the honourable member for his question. Many positives resulted from the APPEA conference in Adelaide recently. The 47th Annual Australian Petroleum Production and Exploration Association conference was held at the Adelaide Convention Centre from 15 to 18 April, attracting more than 1 600 international, national and local delegates. South Australia is an ideal host for this prestigious conference, as this state has an excellent reputation as an attractive destination for petroleum and geothermal exploration and development investment. That reputation is founded on our state's leading edge legislation, the Petroleum Act. The act was achieved with bipartisan support and is one of this parliament's most significant achievements.

APPEA's conferences are the most important annual event for Australia's petroleum exploration and production companies, which operate both on and offshore and locally and globally. The Premier was invited to open the conference and took the opportunity to reinforce that this government is pro business and pro mining. In her closing address APPEA's chief executive, Belinda Robinson, along with thanking the Premier and the people of South Australia for their warm hospitality, commented:

> As far as Australia's upstream oil and gas sector goes, South Australia is leading the pack in so many ways.

The chief executive's closing address continued:

> South Australia has not only been naturally endowed with oil and gas resources but the government, community and industry here have had the foresight to ensure the best framework to underpin the sustainable growth of the industry. South Australia's approach to land access, especially in the context of native title, ensuring a process that accommodates a conjunctive right to explore and develop oil and gas resources are not necessarily unique in Australia, but have certainly been tried and tested extensively and are now leading the way for the rest of the nation. The Department of Primary Industries and Resources of the South Australian government has recognised the need for a streamlined regulatory process, and Barry Goldstein and his team work very hard and effectively at providing approvals in an expeditious and efficient manner.
>
> South Australia certainly makes its mark in exploration terms, accounting for around 40 per cent of all onshore exploration wells drilled in 2006 (36 out of 87) and around 45 per cent of all total onshore metres drilled in 2006 (73 kilometres out of 160 kilometres). Those are formidable numbers when you consider how sparsely the rest of Australia is explored onshore. South Australia has accepted gas as the major source for domestic energy, with known reserves in the Cooper-Eromanga and Otway basins; demand for gas will continue to increase from the currently estimated 12 per cent of national gas demand. Natural gas is currently produced from the Cooper and Otway basins. South Australia has been one of the leading states in its use of natural gas for domestic power generation purposes. With nearly 55 per cent of its power generation coming from natural gas, second only to the Northern Territory, South Australia has one of the lowest levels of CO_2 emissions from power generation, calculated on a kilogram of CO_2 per megawatt hour basis and the lowest levels of water consumption used in power generation, calculated on a kilolitre per megawatt hour basis

Ms Robinson also commented that South Australia's team at PIRSA are model regulators. I am pleased to note that South Australia's investment frameworks and regulatory approach are so highly regarded by industry and that our approach in South Australia is also widely respected by the entire spectrum of stakeholders. We have a high level of efficiency and effectiveness in attracting investment, leading to outcomes that meet community expectations.

I also congratulate PIRSA's officers for the fine work they do, as was recognised by the upstream petroleum industry through the chief executive of APPEA. I am delighted that Ms Robinson singled out Barry Goldstein in her closing remarks to the conference. As many honourable members would be aware, Barry heads PIRSA's petroleum and geothermal group and has built an international reputation as a leading expert in these fields and as a high level administrator.

Members interjecting:

The Hon. P. HOLLOWAY: Well, this is interesting. Are we going to see another part of the Punch and Judy show like we had yesterday? Just as with Punch and Judy, most of the punches miss their mark, of course—lots of abuse but not much constructive discussion came out of it. It is a pity the opposition should be interjecting at this point, because I think it is important to put on record the contribution that senior public servants such as Barry Goldstein make to our state. Barry Goldstein heads PIRSA's petroleum and geothermal group and has a reputation as a leading expert in these fields. He is an asset to this state, and Barry and his team are a key reason that the petroleum and geothermal sectors in South Australia are growing at a record pace. I add my congratulations to the comments made by the chief executive of APPEA.

The Hon. D.W. RIDGWAY: I have a supplementary question. What was the registration fee for the conference and how many state public servants attended?

The Hon. P. HOLLOWAY: I do not keep on me the numbers of public servants who attend conferences—I would

not be fit to be a minister if I dabbled in such trivia—but I am sure I can find that information for the honourable member.

The Hon. D.W. RIDGWAY: I have a further supplementary question. How many metres of exploration drilling is what we would call greenfield drilling (as in new exploration) and how many metres of drilling is occurring in places like Roxby Downs where we already have a discovery?

The Hon. P. HOLLOWAY: That reveals that the Leader of the Opposition was not listening, because I was talking about Australian petroleum exploration, petroleum drilling, not Roxby Downs (which produces uranium, not petroleum). I gave the figure for the amount that has been drilled, which was, as I said, 45 per cent of the total onshore metres of oil exploration wells drilled in 2006—73 kilometres out of 160.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: The Leader of the Opposition should really listen to the answer if he is going to ask a supplementary question, because then he would know that I was talking about petroleum and not mining. The two are different.

POLICE ATTENDANCE

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

Leave granted.

The Hon. A.M. BRESSINGTON: Yesterday I was informed that at 4 a.m. on 28 April this year Amulet Security at Elizabeth received a call from Chubb saying that an alarm had gone off at a business in Elizabeth West. The security guard arrived and noticed that there had been a break and enter, and he rang police comms. He was told that it would not be sending a police patrol to the scene unless something had been stolen from the business. The security agent asked the person at police comms whether she thought it was appropriate for him to enter the building—the perpetrator could still have been on site and he was unarmed and did not have any jurisdiction to detain or remove the person—and was again told that police would not be attending unless it could be proven that something had been stolen. The agent was then told to contact After Hours, and if they believed that there was a necessity they could request police attendance.

The owner then arrived and called police comms himself, and a police patrol arrived at approximately 6 a.m., two hours after the original call. When the officer attended he asked the owner of the business why the security agent had not called the police as soon as he had discovered that there had been a break and enter. The owner was then told that the only time that police will not attend was if a one-time single alarm was activated. This follows a report on 17 April (in Elizabeth, yet again) where a padlock to an outside area had been broken and a bike stolen from a business. Once again, the police would not attend and, when asked why, police comms told the person that police just do not attend external breaks, and that that is police policy.

Amulet Security provides a valued service for businesses in the northern area. Members may remember that last year they were at the forefront of having to deal with lack of cooperation from the police relating to the RTS gang and McDonalds and local shopping centres. They were at the forefront and, basically, standing targets. The gentleman from Amulet Security had this to say:

> Certainly in the Elizabeth area we see that criminals have no fear of police action and no respect at all for any authority with the responsibility of securing the safety of the community.

My questions to the minister are:

1. By what authority can a police comms officer deny or refuse police attendance at the scene of a crime?

2. What exactly is the police policy on break and enters, given the police comms patrol will attend only if something has been taken, and then the attending officer says the only time they do not attend is for single alarm activation?

3. How will these sorts of crimes be reported in the statistical reporting that last year showed, I think, a reduction in crime of about 13 per cent?

4. Is the police minister aware that, in other similar instances, victims have allegedly been told in a telephone conversation while reporting a crime that they may as well just get a report number and make a claim on their insurance policy because it is unlikely that the police will be successful in catching the perpetrator—and no police attendance has occurred in those cases, either?

5. To what extent are police required to cooperate with security companies who are supposedly the eyes and ears of the police force, according to Commissioner Mal Hyde?

6. Is the minister aware of any level of resistance by the police in working with and supporting security companies?

The Hon. P. HOLLOWAY (Minister for Police): First of all, in relation to the owners of commercial properties, they have an obligation to take reasonable measures to protect their property. Of course, in relation to calls to police comms officers, there are numerous calls where alarms go off, often due to some malfunction of the equipment and so on. When I was in the lower house some years ago, my electoral office had alarms and it was not at all uncommon for those alarms to malfunction and to have police—

The Hon. A.M. Bressington: This is not the issue.

The Hon. P. HOLLOWAY: It could well be, because the honourable member raised the question: under what conditions should police communications officers respond to people? Obviously, if the police spent their time going around to every alarm that goes off due to some malfunction, they would not be doing anything else. If the honourable member has the details of that particular case and if the police have not acted in accordance with police policy, I am happy to have the matter investigated.

I am aware that there are a number of alarm malfunctions and, obviously, police resources have to be devoted where they are most required. If the Liberal Party wants to say, 'Under a new policy, if we as the Liberals get into government we will make sure there are enough police to go around every time an alarm goes off, even if it is a malfunction,' it will need a heck of a lot more police and a heck of a lot more taxes to be paid.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I am answering the question, as a matter of fact, because it is easy to get up here and say things. Yesterday the Leader of the Opposition made some allegations in his speech which got good coverage in *The Advertiser* this morning. I suppose its policy is to give coverage to the new leaders, and that is fine. But he made allegations which, as it turns out, were hearsay from a third party. He could not tell us where it was.

In fairness, the Hon. Ann Bressington has, in the past, supplied me with details. I will make sure that they are investigated. I am not criticising her on that, based on what

has happened in the past. But the Leader of the Opposition has made allegations without providing information. If there are details, and if the honourable member gives me those details, I will ensure that the matter is investigated. I am just pointing out that, in relation to alarms and police attendance at alarms, I am aware that there are many such calls and, of course, in many cases there are various reasons why alarms can go off.

Certainly, if there is any suspicion that people are still on premises, it is my understanding that the police give that the highest priority. I will get that information for the honourable member. If the honourable member cares to give me the information, I will investigate the detail; and, if he cares to give me details about his matter, I will make sure that the Leader of the Opposition's matter is also investigated. I hope that if the leader is intending to put these accusations before parliament he at least makes some effort to ensure that they are substantiated.

WATER SUPPLY

The Hon. D.G.E. HOOD: I seek leave to make a brief explanation before asking the Minister for Environment, representing the Minister for Water Security, a brief question about water prices.

Leave granted.

The Hon. D.G.E. HOOD: Peter Schwerdtfeger from Flinders University was on the radio last week talking about water conservation issues. He made the following comment:

> No matter how much people economise and save water or attempt to do so it does not change their water bill by all that much.

There is very little financial incentive for individuals to conserve water in South Australia. I note from my own experience that a significant component of my SA Water bill is made up of fixed charges and tied to the value of my property, with the amount of water I actually use being a secondary consideration. In fact, I have worked out that if my family were able to cut water consumption by as much as 20 per cent (which we are attempting to do) the water bill would be reduced by only about $6 a month. The difference in SA Water bills for heavy and more economic users ends up being only a few dollars a month. My questions are:

1. Does the minister agree that our current arrangements for billing water use do not effectively increase the cost to heavy water users and does not properly reward efficient water users?

2. Would reducing the fixed costs for water and sewerage services and tying the bill more closely with the amount of water actually used be more effective than the current scheme of banning the use of sprinklers on certain days and other measures in place currently?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his important questions. I am happy to refer those questions to the appropriate minister in another place and bring back a response.

METROPOLITAN FIRE SERVICE

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the Metropolitan Fire Service response to a major fire at St Marys.

Leave granted.

The Hon. B.V. FINNIGAN: On 16 April 2007 a fire at a paint manufacturing factory resulted in explosions and a large plume of smoke which could be seen from some distance. Will the minister provide some details of the MFS response to and management of this volatile incident?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his important question. As a general rule, I do not inform the chamber of such operational issues, but my advice is that every aspect of this response, from the initial response to management of the incident in extremely dangerous circumstances, was outstanding. Just before 1 p.m. on 16 April, the MFS Communication Centre received a 000 call to a fire at the Astec Paints Australasia Pty Ltd factory at St Marys. Recognising the potential danger, six fire appliances, an aerial appliance, the breathing apparatus, the HAZMAT appliance, an incident management team, a commander and a command vehicle were despatched.

The first appliance arrived at the site three minutes after the 000 call was made. Further responses were also despatched after an initial on-site assessment. What became clear was that the level of response was warranted. Firefighters battled this fire very aggressively in extremely hot and arduous conditions. There was a narrow window of opportunity to bring the blaze under control. A 1 000 litre container of toxic thinners in an adjacent part of the factory and expected weather changes meant that it was a potentially disastrous incident.

Firefighters were acutely aware of this and went the extra mile to contain the blaze and minimise damage to the factory, the surrounding businesses and the whole community. That hard work also saved a $200 000 machine which is a core component of the business and which would have taken several weeks to replace from overseas. I am advised that the owner was greatly relieved that export order shipments and computer records were also saved. It is expected that, with the lease of a nearby factory, operations will recommence without employee lay-offs within a couple of weeks.

Not only does the performance of the MFS warrant commendation but also the swift action of Astec Paints staff to evacuate. The efficient way in which they conveyed this information to on-arrival crews allowed the MFS to quickly respond to the fire, knowing that evacuation of all staff had occurred. I understand that the actions of one employee, who had been conducting decanting operations and was the only person injured, in quickly alerting employees to evacuate greatly contributed to the full and rapid evacuation of the entire factory. His actions significantly reduced the risk to company employees and firefighters.

New state-of-the-art breathing apparatus and telemetry monitoring was used to good effect to ensure firefighter safety. The demand on firefighters was so intense that 34 breathing apparatus air cylinders were used before the fire was brought under control. One firefighter was transported to hospital suffering from heat exhaustion and subsequently discharged—an unfortunate occupational hazard. He fully recovered and resumed duties on his following shift.

The State Emergency Service also assisted with this incident, volunteers using hay bales and sandbags in the Sturt Creek to prevent paint and water residue from entering the Patawalonga. I ask members to join with me in commending the response by Astec Paints Australasia Pty Ltd, the MFS and the SES to what, if not so well managed, could have been quite a disastrous incident.

LE CORNU SITE

The Hon. M. PARNELL: I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the granting of major development status for the redevelopment of the old Le Cornu site at North Adelaide.

Leave granted.

The Hon. M. PARNELL: Yesterday it was announced that the minister had granted major development status for the redevelopment of the old Le Cornu site to be undertaken by the Makris Group. Last month another Makris Group development (a shopping centre near Victor Harbor) was also declared by the minister to be a major development. This morning, John Blunt, the CEO of the Makris Group, was interviewed on ABC Radio. He was asked about donations to political parties. Although Mr Blunt was reluctant to give details of the amount the Makris Group had given to the Labor Party, an inspection of the Australian Electoral Commission's website shows that in 2005-06 the Makris Group gave the South Australian branch of the ALP a total of $32 000 in three separate donations.

During the interview, Mr Blunt gave an extraordinary insight into the way in which development decisions are made in this state. In responding to a question from David Bevan about why the Makris Group chose to donate to Labor, John Blunt replied:

> I mean, we have got business interests, as well, so we want good governance. We want to see things happen in this state.

Matthew Abraham interjected, 'You want to be looked after, too?' In response John Blunt agreed and said:

> Yeah, we want to make our projects happen, that's for sure, but, you know, that's a part of the way the system—you know, politics—works here.

My questions to the minister are:

1. Does he agree with the CEO of the Makris Group John Blunt's statement this morning when he said that donations by developers are just part of the way politics works here?

2. What assurances will he give the South Australian public that his recent decisions to grant major development status to two Makris Group developments were not related to the fact that the Makris Group is a major donor to the South Australian branch of the ALP?

3. In light of this morning's declaration by the Makris Group, what steps will he take to ensure that discretionary decisions made by Labor ministers are not influenced by the amount the ALP receives in political donations?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): First, in relation to the Le Cornu site, I have been waiting for years to see something happen there, as have most South Australians. I do not care who the owners of that site are, if they came to me I would welcome their coming forward. The Hon. Mark Parnell is very selective (as was pointed out by my colleague the Hon. Russell Wortley). I heard the interview this morning because I came on afterwards. Mr Blunt said that they donated to both major political parties in this state, as do many companies. That is a fact of life. Within this state we do not have the sort of funding that operates federally and in other states.

We know that the Greens are opposed to just about every form of development in this state. If they had their way Adelaide would look something like East Berlin in the 1950s. The Hon. Mark Parnell was advocating on the radio that there should be some prohibition on donations from developers, but who pays the funds for the Greens? I bet a lot of its money originates through various green groups. That is a fact of life in this country. The honourable member can make any accusation he likes, but I repeat the comment I made on radio: my door is open to any developer in this state who has a good project and, if a proposal stacks up, I will listen to that proposal and I will decide on its merits. I do not know how much money is given by any developers to the party.

The Hon. R.I. Lucas: Yes, you do.

The Hon. P. HOLLOWAY: No, I don't. Rob Lucas does—he spends the whole of his time on it! He has been 25 years in parliament. Every year there is no greater student of the Australian Electoral Commission returns—he has a motion to speak about it today. I do not look at those things and I am not interested in who donates; I am interested in good development for South Australia. If there is any proposal in the interests of this state, I will look at it and consider it on its merits. I am quite happy to defend the decision of this government in relation to that announcement yesterday.

It is long overdue that there be some development on that site. All the government has done is agree to give it major development status. It still has to go through all the procedures, including a minimum six week public consultation process, a public meeting and so on. The developers will have to deal with the comments that come from that public process, including from government departments.

The Hon. Mark Parnell also forgets that in August last year the Makris Group put a proposal to this government which we rejected because the scale of the project was too large and the advice I had was that it would have created traffic problems in the area. So, that project was rejected.

Members interjecting:

The Hon. P. HOLLOWAY: Members opposite can laugh. We had a Punch and Judy show yesterday, but it is time they got serious. Perhaps they should get out of the gutter for a while and start developing policy in this state. Their tactics are just to throw abuse and suggest sleaze. As long as they dwell in the sewers of politics they will stay there. If they want to be sewer dwellers, that is where they will stay. Unlike members opposite, this government will make hard and good decisions for the benefit of the people of South Australia. The polls in the paper this morning show that the public support what we are doing.

The Hon. M. PARNELL: I ask a supplementary question. In order to stop the public perception of a link between the donation by the Makris Group to the Labor Party and favourable development decisions, will the ALP give back the $32 000?

Members interjecting:

The PRESIDENT: Order!

BRADKEN FOUNDRY

The Hon. NICK XENOPHON: I seek leave to make an explanation before asking the Minister for Environment questions in relation to the Bradken foundry at Kilburn.

Leave granted.

The Hon. NICK XENOPHON: I have previously asked a number of questions in relation to the Bradken foundry and its proposed expansion and the many concerns about the health and environmental impact on residents of Kilburn and nearby suburbs. Local residents have been raising these

concerns for a number of years, particularly with the EPA, and in recent months they have received the support of local state MP John Rau, federal member for Adelaide Kate Ellis, and my colleague the Hon. Mark Parnell.

The public environmental report (PER) prepared by Bradken as part of the major project development assessment process has identified in appendix R that the level of benzene emissions from the current operations exceed the hazard quotient standard by 40 per cent. The significance of such a high level of benzene to human health is alarming. According to the federal department of the environment's National Pollutant Inventory:

> Exposure (to high levels of benzene) can result in symptoms such as skin and eye irritations, drowsiness, dizziness, headaches, and [even] vomiting. Benzene is carcinogenic and long-term exposure at various levels can affect normal blood production and can be harmful to the immune system. It can cause leukaemia (cancer of the tissues that form white blood cells) and has also been linked with birth defects in animals and humans.

It is further revealed in appendix R of the PER that the current operating scenario of the foundry is resulting in a reference value on the hazard index of three times—that is, three times higher, taking into account the chemicals and emissions that are emitted—the acceptable level of the hazard index under which no adverse health effects are expected to occur.

In section 5.3.2 of the PER (in the Bradken report) it is stated merely that 'the cumulative impact hazard index for emissions after the upgrade is within reference values'. That is an ambiguous statement which does not define what the reference values are. It also does not give due prominence to the alarming fact that, even on Bradken's own analysis, under the future operating scenario, it will still exceed the safe hazard index by 30 per cent. My questions to the minister are:

1. Given that the hazard quotient of benzene is currently 40 per cent in excess of what is considered to be a safe standard, on Bradken's own expert's analysis, what action has the minister taken since the release of the PER over a month ago to address this serious concern and, further, does the minister consider that the benzene levels presently represent a real and present health risk to nearby residents?

2. Did the EPA undertake its own monitoring of benzene and other pollutant levels previously, given the longstanding complaints by residents and, if not, why not; and does the minister consider any lack of monitoring to be acceptable or unacceptable?

3. Does the EPA propose urgent action, or will the minister direct the EPA to remedy the unacceptable level of benzene in the area?

4. Given the PER acknowledgment that, even on the best post upgrade case scenario, the hazard index will still be exceeded by some 30 per cent, what steps does the minister consider the EPA will take in relation to the current emission levels?

5. Will the minister be recommending in her response to the PER that, given the hazard index under Bradken's own modelling will be exceeded by 30 per cent, the proposed expansion should not proceed?

The Hon. G.E. GAGO (Minister for Environment and Conservation): As the honourable member knows, a planning process is in place, which requires a rigorous and thorough analysis. It is an open and transparent process. That process has yet to be completed, so it is entirely inappropriate to look at these issues, as the member is proposing, at present. The expansion of Bradken has been proposed as a major development, and that triggers a particular thorough and extensive environmental analysis process, which is currently underway. A requirement within the process is for Bradken to outline how the development could lead to environmental improvements when compared to existing operations, and it is also required to look at any environmental issues that are raised either by the public, the council or any other member of the public or key interest group.

The major project process is currently at the stage where the public environmental report, which was prepared by Bradken Resources, has been released for public comment. The closing date for that was the end of April. So, it has only just been completed. The report has been circulated to relevant Environmental Protection Authority experts to ensure that the requirements of the Environment Protection Act are met and to conduct a full assessment of potential environmental impacts on the Kilburn area. The EPA comments have been forwarded to Planning SA as part of that process, and to the managers and coordinators of the government's response to that report.

I have not as yet been briefed on those EPA comments. As members know, the EPA is at arm's length to the government, and it has gone along in an independent and distant way from the government to compile its report. As I said, the EPA is independent in matters of advice on development proposals, as it should be. Its comments have been forwarded as part of that process.

As part of the EPA review of the public environment report, the EPA is negotiating the use of best available technology by Bradken for the proposed expansion and seeking the company to go beyond compliance with the requirements of the EPA Act. Whether or not the expansion goes ahead, the EPA will be requiring Bradken to improve its performance on dust, noise and also odour. As a stakeholder in this issue, the council is entitled to be provided with a submission in response to the public environment report to the Development Assessment Commission, which will be reviewed in the same manner as all other submissions.

As members are aware, there has been a great deal of media coverage in relation to this matter. Bradken will be required to address all submissions to the satisfaction of the commission. That is a requirement under the act. I can only stress again: Bradken will be required to address all the submissions—not just the matters raised by the Hon. Nick Xenophon but all submissions—to the satisfaction of the commission. That work is still underway and has not been completed. I also note that the EPA is committed to working with the industry in the Kilburn area to improve environmental quality. A lot is currently taking place. The EPA is working with the regional industry group. A voluntary group of industry members has come together to improve compliance requirements for noise and odour and, in particular, the matter of emissions. It is doing that in a way which exceeds the current compliance requirements and in a voluntary way.

The group is working towards making environmental improvements using a risk-based approach to identify and improve the site specific and region wide issues. As the honourable member knows, the planning process is in place but has not yet been completed. All matters raised in submissions will be and are required to be addressed. In the meantime, the industry group is working in a cooperative way with the EPA to continue to improve compliance measures.

The Hon. NICK XENOPHON: I have a supplementary question. Given Bradken's admission that it exceeds the

benzene level by 40 per cent, will the minister request an urgent briefing from the EPA to determine what action should be taken to deal with the current problem?

The PRESIDENT: The minister has explained that.

The Hon. G.E. GAGO: I have just outlined in detail the process currently in place to address all the environmental concerns raised by any party and that the commission is required to address every single one of those concerns. So, they will be addressed. There is a process in place to ensure that all these matters will be addressed. I have put that on record. The member needs to listen.

WATER SUPPLY

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation, representing the Minister for Water Security, a question.

Leave granted.

The Hon. CAROLINE SCHAEFER: I have received a constituent inquiry from a number of people in Kapunda, in particular a woman whose water bill has gone from 93 kilolitres last year to 137 kilolitres this year, in spite of the fact that she has taken every step to be frugal with water. She is not watering her garden and is complying with all the other requirements. She says that it is impossible that she has actually used more water. She has also spoken to a number of her neighbours who have all received water bills higher than has been the case for previous years. This comes on top of a number of phone calls being made to ABC 891 from various parts of the state with similar complaints and, indeed, a long session on 5AA with people phoning in with similar complaints.

As we all know, the royalties from profits made by SA Water go back to the government, and therefore one would assume that, given the tight water restrictions, people would not only be using less water but paying less for it. Apparently, that is not the case. My questions, therefore, to the minister are: can she explain what can only be described as creative accounting with regard to the water bills of South Australian citizens and, if not, will she instigate an inquiry into the operations and accounting management of South Australian Water?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for her questions and will refer them to the relevant minister in another place and bring back a response.

DRUGS AND ALCOHOL

The Hon. I.K. HUNTER: I direct my question about drug and alcohol-related emergencies to the Minister for Mental Health and Substance Abuse. Will the minister advise the council on efforts to educate staff of licensed premises and other venues on how to deal with drug and alcohol-related problems, including medical emergencies?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for his question and acknowledge his ongoing interest in these important policy areas. I am pleased to have some good news about a package which deals with this issue that I launched in July last year. The Hospitality First Responder Training course, which we believe is an Australian first, helps frontline staff in licensed venues to recognise drug or alcohol-related emergencies and other general emergencies as well, and, most importantly, gives them the knowledge on how to act quickly and effectively with first aid, crowd control and crisis management skills.

Often, efficient response to these matters relates to the way crowds are controlled when an emergency does occur. There is a propensity for people to want to mill around and have a look at what is going on and, particularly when there is a large number of people, that sometimes obstructs emergency services or teams accessing the patient. So, simple things like controllling crowds are really important skills for these staff members to have.

An initiative of the Drug and Alcohol Services South Australia (DASSA) and the South Australian Ambulance Service, this course was developed to deal with the most common reason that ambulances are called to licensed venues. As a former nurse, I know what it is like to be confronted with this type of situation. The first responder is practical—it deals with real life scenarios such as collapses, trauma, drug overdoses—and what participants learn does help to save lives. I am really pleased to inform the council that this package has received overwhelming support from the industry, with 422 hospitality staff attending 41 courses in less than a year. The majority of those who have completed the course work in hotels or late night entertainment venues. These numbers are recognition from—

Members interjecting:

The Hon. G.E. GAGO: They are so rude, Mr President, incredibly rude. This is a really important matter. This could potentially save the lives of people. These are the sorts of initiatives that keep their children safe when they go to these entertainment venues, and they are not interested. All they are interested in is the clock. That is how far-reaching their vision and interest is on general policy matters. It is an absolute disgrace. Once the clock stops ticking, they do not want to listen any more.

These numbers are quite vital in terms of working in hospitality. There has been extremely positive feedback from both trainers and attendees, who have indicated that the courses have been very effective in teaching people how to respond quickly to medical emergencies. They have told us that the courses have been interactive, easy to follow, practical and tailored to the needs of individual hotels, resulting in increased staff confidence in how to both prevent and respond to emergencies. Best of all, there are now hundreds of people better trained to deal with common emergencies.

MATTERS OF INTEREST

SMALL ARMS TRADE

The Hon. R.P. WORTLEY: I rise today to draw the attention of the council to the increasing security threat caused by global small arms proliferation. The recent Virginia massacre in the United States drew attention to the dangers posed by firearms. In addition to such major crimes, firearms are involved in the killing and suffering of many people around the globe as a result of armed conflicts. Such conflicts can result in deaths, injuries, displacement, increased poverty and humanitarian issues, and there is growing

concern about the proliferation of small arms and the role they play in human suffering globally.

A number of organisations have expressed concerns about this issue. Amnesty International reports some disturbing figures about the suffering caused by the use of small arms, including the statement that about 1 000 people are killed by small arms every day. The International Action Network on Small Arms (IANSA) reports that over one million people are injured by guns each year and that between 60 000 and 90 000 people are killed in the context of war and armed conflict. These figures highlight some of the consequences that can result from conflicts, crimes and accidents involving small arms.

Considering the dangers posed by small arms, it is a matter of concern that such weapons are produced and sold in high numbers. In 2001, the then secretary of the United Nations, Kofi Annan, outlined some of the issues surrounding small arms in the *International Herald Tribune*. He said:

> The world is flooded with small arms and light weapons numbering at least 500 million, enough for one of every 12 people on earth. Most of these are controlled by the authorities, but when they fall into the hands of terrorists, criminals and irregular forces, small arms bring devastation. They exacerbate conflict, spark refugee flows—

Members interjecting:

The Hon. R.P. WORTLEY: Mr Acting President, I think I have the right to speak without the disgraceful interjections of the opposition.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The member is on his feet and he has the call.

The Hon. R.P. WORTLEY: The quote continues:

> They exacerbate conflict, spark refugee flows, undermine the rule of law, and spawn a culture of violence and impunity. In short, small arms are a threat to peace and development, to democracy and human rights.

Oxfam International, Amnesty International and the IANSA are now working together as part of the Control Arms Campaign. The involvement of these organisations in the movement to control arms trading reflects increasing concerns that the proliferation of these weapons is exacerbating both human rights abuses and poverty. This was highlighted in 2005 when the Food and Agriculture Organisation of the United Nations stated that armed conflicts were now the leading cause of world hunger.

Such problems of poverty can be compounded by the use of resources to purchase arms rather than improve conditions for impoverished people. A 2004 report from the Control Arms Campaign entitled 'Guns or Growth: Assessing the impact of arms sales on global development' highlights the way the arms trade is impacting on the developing world. It states that, in 2002, 66.7 per cent of the value of all global arms deliveries worldwide were delivered to the regions of Asia, the Middle East, Latin America and Africa at a cost of nearly $US17 billion. According to the report, across these same regions that are spending such huge sums on arms, more than one billion people have an income of less than $US1 a day, while 800 million people suffer chronic hunger.

The immense suffering occurring throughout the world has brought this issue to the attention of the international community and has led to increased campaigning and action to control the arms trade. On 27 October last year at the United Nations General Assembly a large majority of 139 nations (including Australia) voted in favour of developing a global arms trade treaty. This reflects growing international concern about the issue. I support efforts to help alleviate the suffering caused by small arms proliferation and commend the efforts of those campaigning to improve conditions for the many people affected by small arms violence. I encourage all South Australians to support such a campaign.

DRUGS, AFL

The Hon. T.J. STEPHENS: Today I rise to discuss the drug scandals that have recently affected AFL football. There is now a significant time-line of drug scandals in the AFL leading up to the major headline at the moment involving Ben Cousins and the West Coast Eagles. As Liberal spokesman for sport, recreation and racing, I have a keen interest in the drug scandal, not only as a parent and a follower of the code but now with the responsibility to speak on behalf of the Liberal Party about this subject. The new Liberal leader, Martin Hamilton-Smith, has raised the Liberal Party's position on illicit drugs in sport—and particularly in the AFL—and discussed our disappointment at how key people at AFL House are handling drug-related issues.

The leader recently instructed me to write to the chief executive of the AFL. I will share the contents of that letter with the council, as follows:

> Dear Mr Demetriou, I write to express my concern about the current controversy regarding the alleged use of illegal drugs by AFL players and the mixed message the AFL is sending to the general community, particularly young people, in its handling of drug-related issues.
>
> My core concern is the message the AFL may be sending to its fans is that illicit drug use and drug taking within the AFL is allowable, whereas for the rest of the community it is simply illegal.
>
> There are a number of other issues including the fact that it appears information about players' positive drug tests were not handed on to the clubs or even the police.
>
> Our society will no longer tolerate the use of illicit drugs.
>
> As Parliamentarians, we have a responsibility to make laws that reflect the will of the people, for all people—not with the exclusion of professional AFL players.
>
> The AFL's current policy appears to passively condone drug use.
>
> I am requesting the AFL make its position on illegal drugs clear, and to reinforce that there should be a zero tolerance approach taken on positive drug tests.
>
> This week's debacle regarding Adelaide's AFL clubs receiving prior warning of drug testing to be carried out by the Australian Sports Anti-Doping Authority must be thoroughly investigated by the AFL.
>
> I support the South Australian AFL teams call for notification to clubs on a player's first positive test, and further add that if the positive test is for an illegal drug then that information is also passed on to police. I doubt if a young player would risk his lucrative career if there was the risk of being banned from the AFL and having a criminal record.
>
> For the sake of many young fans of AFL in South Australia and from around the nation, I ask that you make it clear that any form of drug use in the AFL will not be tolerated.
>
> Yours sincerely

It is signed by me. Given the recent heavy-handed reaction to gambling in the AFL, I am astounded that the AFL has not been more comprehensive in its approach to cleaning up the incidence of illicit drug use in the game. I understand that the current AFL illicit drugs policy allows offenders three strikes before they are publicly named. This is a policy that is about as ferocious as being thrashed with a wet lettuce.

Simon Goodwin and the Adelaide Football Club must be shaking their heads at the ridiculously huge fine he received for his error of judgment regarding betting on AFL games, but I add that I am in no way condoning his actions. The mind boggles, though, as to why the AFL seems to be taking

a hard line approach to betting and a more passive approach to illicit drug use.

We will simply not tolerate the use of illicit drugs in our society today. Governments are spending millions of dollars on efforts to highlight the dangers of illicit drugs and how easily they can wreck young people's lives. I am constantly warning my own children to avoid dangerous substances and yet my teenage son, who closely follows the game, can see that the AFL is taking a pathetic stance with regard to illicit drugs. If any of our children were caught with illicit substances in their schools, I can assure members that they would not be given three strikes. Anyone caught in public with illicit drugs will face significant fines and possible gaol time. It is time that the AFL reflected society's view on the taking of illicit substances—and that view is that it is just not on.

Only a few years ago the AFL came down hard on performance-enhancing drugs, and it must now realise that illicit drugs are having just as serious an impact on the game. Coaches, players and fans are saying that they are worried about drugs becoming part of the footy culture, so the AFL must act decisively to stop this happening. A recent document from the AFL Players Association commented that 'the AFL conducts more testing for illicit drugs than any other sporting body in Australia and probably the world.'

Perhaps the increase in testing should be applauded; however, I firmly believe that penalties are not strong enough to prevent players from getting involved with drugs in the first place. Counselling, education and rehabilitation (such as Ben Cousins is currently undertaking for his apparent addiction) is, of course, vital, but let us ensure that players know that getting involved with illicit drugs will be detrimental to their career and will not be tolerated. The AFL can achieve this by having more significant penalties in place.

Our release to the media and letter to AFL House make the Liberal Party's position clear: a zero tolerance approach must be taken up. I now call for Premier Rann to make clear his government's position on the situation. I would expect that, as Mr Rann claims to be tough on drugs and tough on crime, he would have an extremely strong opinion on the matter and that he should join the opposition in condemning the AFL's pathetic stance.

Time expired.

ASCOT CLUB

The Hon. B.V. FINNIGAN: Earlier this year I had the privilege to attend a meeting of the Ascot Club at Boandik Lodge in Mount Gambier. Boandik Lodge, as I am sure the Hon. Mr Lucas would be aware, is an independent, charitable organisation and, I would say, the leading provider of aged care in Mount Gambier. It has a number of facilities there. The history of Boandik Lodge began in 1949 when the Old Aged Invalid and Widows Pensions Association made representations to the city council. In 1956 the doors of the Mount Gambier Old Folks Home (which was actually the name of the institution) opened with accommodation for six men and six women.

In 1959, the home was renamed Boandik Lodge in honour of the Boandik people who lived in the district at the time of European settlement. Boandik Lodge has, of course, grown considerably since that time and it now has a number of facilities. The original facility is located on the corner of Pick Avenue and Boandik Terrace. It also has facilities on Crouch Street (not far from my home in Mount Gambier), as well as the old St Mary's complex. The Ascot Club is a seniors' club for elderly people living in the community who are 65 years or older. It is designed to assist those people who are more, perhaps, socially isolated, as well as providing a carer with respite. Most of the group members are 80 years old or more.

The Ascot Club group meets on Tuesdays and Thursdays every week at the Boandik Lodge facility. There are a number of members at the moment and more are being sought. Members are collected from their homes by volunteer bus drivers, provided with morning and afternoon tea and a cooked meal at lunchtime. Every three months, or so, there is a planning discussion to decide what the club will do for the next three months. It looks at various outings, guest speakers, craft programs, gardening, games and exercises. I had the privilege, as I say, to attend the Ascot Club as a guest speaker.

I was very pleased to meet the people and very impressed with the questions and discussion that ensued for some time about a number of political issues. It was a very good discussion with some perceptive and tough questions, and that was very pleasing to see. The staff of the Ascot Club includes the coordinator Janet Olle, some paid staff, a person who assists with serving lunch, as well as the volunteer bus driver and other volunteers. It is a very good facility that the Ascot Club is able to use at the Boandik Lodge site. Quite a few things were of interest, including a couple of tables made up of photos of various members over the years.

The tables are covered in a decoupage sort of thing. That was very good to see and members, of course, were able to point to themselves in those photos. Certainly, it was an enjoyable visit. I congratulate all the people who are involved in the Ascot Club for their work, and I encourage those elderly people living in the community to seek out the opportunity to take up those meetings and activities.

On Wednesday 4 April I had the honour to represent the Premier at the launch of the Port Pirie Tourism Information Guide at the Keith Michell Theatre at the Northern Festival Centre in Port Pirie. The event was hosted by the local council. I was very warmly welcomed by His Worship the Mayor, Geoff Brock, as well as a number of other people, including speakers from the smelter and various other community organisations. State and federal governments have been involved in promoting tourism, which is becoming an increasing part of regional economies. Part of this work includes the Port Pirie Tourism Guide, which gives information about Port Pirie, its surrounds, fishing spots and a number of other attractions in the local area.

I did visit the art gallery and the Visitor Information Centre the next morning, which is a very good facility providing visitors with local information. I congratulate everyone involved in putting together what is an excellent guide to Port Pirie and its surrounding areas. I thank everyone for their hospitality on that occasion.

Time expired.

FERRIS, SENATOR J.M., DEATH

The Hon. CAROLINE SCHAEFER: Because I was not here last week for the condolence motion, I have decided to spend my five minutes today putting on record a tribute to my friend, the late Senator Jeannie Ferris; although of necessity I will be much briefer than I was at her memorial service at Hahndorf. I will not have the opportunity to tell people of our many good times and amusing experiences, as I did on that day. I met Jeannie many years ago when she worked for the National Farmers Federation and we both were involved in

agripolitics. We became firm friends when she was chief of staff to the Hon. Dale Baker and I was a brand new member of parliament. It was Jeannie who convinced Dale that I was capable of chairing the Eyre Peninsula task force. The task force eventually gained $15 million in various government grants and funding for Eyre Peninsula, which was badly hit by drought at that time. It certainly cemented my reputation as a capable committee chair.

Jeannie was unfailingly generous to her friends and instrumental in seeing that many of them were given similar opportunities. Because Jeannie and I were the most rare of all politicians—women with an interest in rural affairs and agriculture—together we flew many hours in light aircraft over rural South Australia and many parts of Australia. She was always good humoured and always passionately interested in the issue at hand. Jeannie was on the executive of the rural and regional council of the Liberal Party in South Australia and chaired the federal rural committee. During her time as chair of that federal committee she made real efforts to involve the chairs of the rural and regional committees across Australia. She developed that committee into a national committee with considerable influence over federal government issues and decisions. She was one of the first to raise concerns about the operations of the Australian Wheat Board—and those concerns saw her fly to Baghdad to try to save our wheat trade only a week after her final dose of chemotherapy at that time.

Her love of and interest in people who live in remote Australia extended to Aboriginal communities, and a number of their representatives attended her memorial service in Canberra, together with many people from rural South Australia, rural Australia, and agripolitics throughout Australia. Less known was her interest in and compassion for those with a drug addiction. The Hon. Ann Bressington last week revealed some of the many things she did for Drug Beat and some of its clients. I well remember ringing her one morning to be told how tired she was because she had stayed up all night several weekends in a row so that she could go on the night shift with the Drug Squad in Hindley Street to witness its operations and problems first-hand.

Jeannie was passionate about women's issues and women in parliament, in particular; and it is no secret that she wanted her position to be filled by another woman. She believed that one of her greatest achievements was the granting of considerable federal moneys for gynaecological cancer research. Jeannie was a warm and compassionate woman, a very loyal friend and a formidable enemy. She despised hypocrites and was not frightened to tell them so. She was a great friend to me. We met regularly—we probably had dinner together at least every six weeks—and we spoke regularly on the phone. Perhaps my lasting memory is my final contact with Jeannie via a text message two days before she died asking me to take over one of her constituents about whom she was concerned. Right to her death she was organising us all to continue with her work. I extend my condolences to her sons, her family in New Zealand, particularly her sister and brother, and her many friends. South Australia was the richer because she adopted us.

MOFFIT, Mr A.R.

The Hon. A.M. BRESSINGTON: Today I rise to speak briefly about the Hon. Justice Athol Moffit, a Companion of the Order of St Michael and St George, Member of the Order of Australia, and Queens Counsel, who passed away on Saturday night at the age of 93. He will be dearly missed by all who knew him.

Athol Randall Moffit was born in Lismore New South Wales about the time World War I broke out. He attended Chatswood Public School and North Sydney Boys High—quite a long time ago—leaving high school with top qualifications in maths. He attended Sydney University and graduated with a Bachelor of Arts and a Bachelor of Law, with first-class honours, a year or so before World War II began. It is less well known that he did not at first aspire to pursue a career in law. At school he always topped his class in every mathematical exam or test. He loved maths and continued to study the subject at university. However, his whole outlook changed when a Chinese student, Fred Chong, had the audacity to knock him off his mathematical perch. Not content with being in second place, Athol changed his tune and direction and studied law.

He was admitted to the New South Wales bar before serving in the Army throughout World War II, returning to the bar after the war. A coast artillery officer, he did scientific work with radar in conjunction with the Sydney Department of Radio Physics, led by David Meyers, and served with the 9th division in Borneo. As a prosecuting officer in the Sandkan war trials, he played a major role in the trial and execution as a war criminal of the camp commandant, Captain Hoshijim. We must remember that brutality, starvation and death marches resulted in the death of all but eight of the 2 400 prisoners of war in this notorious camp. Athol wrote a book called *Project Kingfisher*, which describes well the circumstances and his experience of those times of war.

Twelve years after the war he took silk, and only four years later commenced a 22-year term as a judge of the Supreme Court. He was president of the Court of Appeal for 10 years and royal commissioner into organised crime, which led him to write two more books. The first, *The Drug Precipice*, was described by Sir Edward S. Williams as his finest hour. Mr Edwards went on to say that he had at least played his part in producing yet another timely plea to Australians to get advice on the drug abuse conflict before it was too late.

Having sat by patiently and having waited and hoped for improvements in the fight against illicit drugs, consequent to reports of the Woodward, Williams, Costigan and Stewart inquiries, frustration and disappointment drove him to writing the book *Quarter to Midnight*, which was a call to action, a clear-headed and chilling definition of the full political and social implications of the threat posed by organised crime and illicit drugs to every Australian. It is as well a scathing attack on the contributions made by politicians right across the political spectrum on their failure to get their priorities in proper order and face up to their responsibilities to the Australian public. I have one of the last copies of both those books and I refer to *The Drug Precipice* often in my addresses in this place.

Athol Moffit was a man of integrity, highly motivated for the greater good, a man who resisted offers and opportunities to take the easy road. His life story is one of true grit and determination. He will be missed by those of us who knew him, and those who did not know him will be the poorer for having missed the experience. I offer my condolences to his family.

COUNTRY PRESS SA

The Hon. J.S.L. DAWKINS: Earlier this year I was pleased to attend the Country Press SA awards dinner at the Holiday Inn in the city. Over the previous five years I had sponsored an award for the best community newspaper from the Country Press SA membership, which extends across the state and includes papers at Broken Hill and Katherine. However, on this occasion my award was allocated to a new category, that of best community profile. The award was won by cadet journalist Belinda Palmer of *The Recorder* at Port Pirie.

I understand that Belinda's community profiles have readers hooked on the lives of locals every Thursday, and a gripping tale depicting the inspiring life of Bobby Brown, Aboriginal artist, linguist and nephew of the legendary Albert Namatjira, was no exception. Judge John Barnet described Belinda's story as 'a probing article that provides insight. . . into an ancient culture'. Mr Barnet, formerly managing editor of *The Bunyip*, continued: 'She overcame cultural differences and language difficulties to brilliantly create the winning entry.'

I was interested to learn that Belinda first graced the pages of *The Recorder* at the age of 13, when she started writing album reviews. Her cadetship with the paper has only increased her love for Port Pirie, and she described the enjoyment she derives from being able to report issues in her home town. I congratulate Belinda on receiving this award, and I commend editor Greg Mayfield for allowing a young cadet journalist to excel in such a field. This is the second year in succession that *The Recorder* has won the award. I would also like to congratulate Kathryn Crisell of the *Yorke Peninsula Country Times* and Lauren Parker of the *Plains Producer* at Balaklava for being adjudged second and third respectively in this category.

Before summarising the results of many of the other awards presented on the night, I would like to commend retiring Country Press SA president Trevor McAuliffe of Rural Press on his stewardship of the association over the past three years. I congratulate Michael Ellis of the *Yorke Peninsula Country Times* on his election as the new President, and I wish him, executive officer Marilyn McAuliffe and the committee best wishes for the future.

In the best newspaper section for newspapers with a circulation of over 6 000, the winner was *The Courier* of Mount Barker, second place went to *The Times* of Victor Harbor and third place went to the *Yorke Peninsula Country Times*. In the section for a circulation of 2 500 to 6 000, the best newspaper was adjudged to be the *Murray Valley Standard*, the runner-up was the *Plains Producer* and third place went to *The Recorder*. In the under 2 500 circulation category, the best paper award went to the *Loxton News*, second place went to the *Eyre Peninsula Tribune* and third place to *The Islander*.

In the category allocated to the best advertisement, the winner was the *Loxton News*, runner-up was *The Courier* and third place went to the *Northern Argus*. The best advertising feature was won by the *Yorke Peninsula Country Times*, second place went to the *Loxton News* and third place to *The Recorder*. The best supplement category was won by the *Murray Valley Standard*, second place went to *The River News* and third place to *The Recorder*.

The best news photograph category was won by Carolyn MacDonald of *The River News*, with second place being shared by Jessica Wade of the *Port Lincoln Times* and Kathryn Crisell of the *Yorke Peninsula Country Times*. The best sports photograph category was won by Shaun Howell of *The Bunyip*, second place went to Rod Penna of the *Yorke Peninsula Country Times* and third place was shared by Mark Duffield of the *West Coast Sentinel*, Peter Argent of the *Barossa and Light Herald* and Tom Rush of the *Port Lincoln Times*.

The best front page category was won by the *Murray Pioneer*, with second place going to the *Loxton News* and third place to the *Yorke Peninsula Country Times*. The winner of the editorial writing category was *The Bunyip*, second place was shared between *The Victor Harbor Times* and *The Courier* and third place went to *The Recorder*. The excellence in journalism award was shared by Jodie Hamilton, Natasha Ewendt, Billie Harrison, Raffael Veldhuyzen and Jessica Wade of the *Port Lincoln Times*.

Time expired.

DEVELOPMENT APPROVAL PROCESSES

The Hon. M. PARNELL: Today I wish to speak about development approval processes in South Australia and to reflect a little further on the decision yesterday to declare the Makris development of the former Le Cornu site in North Adelaide as a major development under the Development Act.

It was interesting to hear the Minister for Urban Development and Planning respond to a question I asked him earlier today with a fairly tired and cliched response, along the lines that the Greens must be opposed to all development and the Greens want us to be back in (I think this was the reference) East Berlin in the 1950s. I must say that I enjoy watching films about East Berlin in the 1950s, but I certainly have no desire to take South Australia in that direction. It becomes galling after a time that, whenever anyone queries or questions development approval processes in this state, they are immediately labelled as 'antidevelopment'.

I wish to put on the record that there are a great many developments in South Australia where I have queried the processes, but I have not been either for or against the development. The Penola pulp mill would be a very good example. I am neither for nor against that development, but I have been strongly against the process which the government has gone through to approve that development. The same can be said for aquaculture, when I have moved to disallow regulations that disenfranchise the community from proper public consultation. The same can be said for Buckland Park, a major urban development outside the growth boundary. One thing on which most of us agree is that that 19-year vacant site in North Adelaide has been crying out for appropriate development and it is a good thing that it will now be developed.

What has been interesting in the media is the different commentators playing the blame game as to why the site was vacant for such a long period. Why did nothing happen over that period? We have had Adelaide City councillors defend themselves by saying that they had approved some four developments on the site and the fact that those developments did not go ahead was that the proponents decided that it was not economically viable for them to do so. This raises the very interesting point that land is worth only what you are allowed to do with it. You do not buy land that is zoned for three-storey development with an expectation that you will be able to put nine storeys on it. It is a bad business decision, if you work on that basis.

I do not have sympathy for people who say that a development that accords with the planning scheme does not stack up. It is more the case that they have paid too much for the land. We have also had some commentators complaining that third party challenges are the reason why the development has not gone ahead and, in particular, people point to challenges in the courts from business rivals. One thing that is important to note is that the law has already been reformed to deal with competitive rivals. There are serious costs and damages penalties if a commercial competitor brings an unmeritorious planning appeal. However, one thing in which people have not really engaged is whether the planning scheme for that part of North Adelaide is the reason why we have not had development.

As I have said, the planning scheme provides for three-storey development. It seems to me that, over the past 19 years, governments of all persuasions have had ample opportunity to fix those planning rules, if what the community has wanted is something bigger and better on that site. My approach to the current Le Cornu's site development would not have been to declare it a major project for the purpose of bypassing the planning scheme. I would have worked with the local council to try to revise the planning scheme and to make it more appropriate to the types of development that would be appropriate on that site.

The implications of its having been declared a major development are now that the decision is taken away from the local council. Effectively, it will now be a political decision made by cabinet and there will be no appeal rights on the part of neighbours, members of the general public or other businesses. That is not necessarily a bad thing but, if we had properly zoned that land as appropriate for that purpose, there was no need to go down the major development path.

Time expired.

MURRAY-DARLING BASIN

The Hon. SANDRA KANCK: I move:

That the Natural Resources Committee conduct an inquiry into uses of the waters of the Murray-Darling Basin and their impacts in respect of South Australia, with particular reference to:

1. The forms of agriculture which are consistent with the sustainable use of water resources (including relevant riparian, groundwater and artesian sources);
2. The extent to which the natural processes of the basin are being altered to suit the needs of irrigation, and the impact this has on South Australia's water supplies;
3. The economic value of agriculture and its impact on water and environmental sustainability;
4. Alternatives to water-intensive primary industries including:
   (a) Strategies for their continuation or cessation, and
   (b) What assistance would be required by communities and individuals reliant on crops that are identified as unsustainable;
5. The impact of managed investment schemes and large corporate agribusinesses on downstream small irrigators, rural communities and the environment in South Australia;
6. The amount of water allocated to 'sleeper licences' and the proportion of that water which is not being used;
7. The risks of and need for appropriate regulatory controls for the expansion of water trading across the basin; and
8. Any other related matter.

In the environment platform that my party released during the 2006 state election I made the following comment:

> How we deal with the challenge of saving the River Murray will be crucial in defining how we as a nation are ready to embrace an environmentally sustainable way of life.

Back then I was arguing for the Murray-Darling Basin to be brought under federal control. At that stage most people were uninterested in the concept, and those who did take any notice said, 'What?' That has now largely happened, except for Victoria. I hope that Victoria will come to the party soon and, if not, I think it should be something that could be taken at the federal election as a referendum issue by the federal government—it would be very sensible to do so.

For the past two years I have been quoting predictions from the Australian Greenhouse Office that River Murray flows will have decreased by 20 per cent by the year 2030 as a consequence of global warming, but things have heated up, so to speak, and it was just 13 days ago that we heard predictions that Australia could lose half its stream flow due to global warming. The worst case warning was that decreased rainfall, combined with higher evaporation, could see a reduction in stream flow of up to 70 per cent. I announced my intention then to move for this inquiry, but the very next day the Prime Minister announced that there would be no water for irrigators in the Murray-Darling Basin from July onwards if no substantial rain fell in the basin by June. His solution was for us to pray for rain—I think we need a little bit more than prayer.

This announcement left irrigators in four states absolutely devastated, and newspaper headlines around the country were only about this issue. *The Advertiser's* headline said, 'Dead dry'; *The Age* said, 'No waiting out the drought; growers fear extinction'; *The Australian* said, 'Drain wetlands to save towns'; and another one, 'Farmers bite dust in mother of all droughts'; the *Sydney Morning Herald* said, 'For millions the water will stop mid year'; the *Courier Mail* said, 'Nation could run out of food'; here in South Australia *The Murray Valley Standard* said, 'Zero allocation will lead to dire straits'; and across the border in Mildura a very simple headline in the *Sunraysia Daily* was, 'Water emergency'.

We need to examine whether irrigation in its current form is in any way sustainable. It seems to me that our economic system has been killing the goose that was laying the golden eggs for us. There is a real need for an inquiry such as this. Natural environment comes a very poor fourth after the River Murray has been used for irrigation, food production and water for domestic consumption. The consequence, environmentally, is that up in Chowilla, in the upper reaches of the Murray in South Australia, roughly 75 per cent of the river red gums on that flood plain are likely to die in the next 10 years or so.

South Australia is at the end of the Murray-Darling sewer. I have always been proud to boast to my interstate friends that despite this we do better than Sydney: for instance, we have not had the cryptosporidium outbreaks such as Sydney has had. I know South Australians like to boast that we use less than 5 per cent of the water from the Murray-Darling Basin, but our irrigators produce a greater dollar value per kilolitre of water than the other states. For a number of years, in that context, I have been calling for a replacement of cotton and rice crops grown upstream, and each time I have done that I have been attacked by irrigators in other states.

What do we know about irrigation? It seems we know very little. We do know that 80 per cent of the Murray-Darling Basin waters are used for irrigation, and we do know that the whole of the Murray-Darling Basin is over-allocated. Given the problems we now have, it is not going to be as

simple as turning off a tap; it cannot be so because the Murray-Darling Basin is our food bowl. This crisis must surely make us stop and think about what is produced with the 80 per cent of water that is taken from the Murray-Darling Basin for irrigation.

CSIRO's professor of irrigation, Wayne Meyer, in an article entitled 'Water for Food; The continuing debate' provides some figures regarding how many litres of water are used to produce one kilogram of various crops. To get one kilogram of dry wheat we use somewhere between 715 and 750 litres of water; for maize we need between 540 and 630 litres; and for rice (and this is under fairly carefully controlled conditions in the Murrumbidgee Irrigation Area) 1 550 litres of water gets you one kilogram of dry rice. Soy beans take between 1 650 to 2 200 litres of water; for one kilogram of beef we need somewhere between 50 000 to 100 000 litres of water; and for one kilogram of clean wool we need 170 000 litres of water.

These are very provocative figures, but they are figures that we need to keep in mind if we are to look towards having a Murray-Darling Basin that is in any way sustainable. We in the metropolitan area cannot divorce ourselves from that water usage; we cannot say that urban usage is X and rural usage is Y. When we eat a very basic hamburger (bread with a bit of beef and some lettuce) we are responsible, each one of us each time, for 5 000 litres of water use. As well as being a source of so much of what we eat, the Murray-Darling Basin's irrigation systems are the livelihood of thousands of farmers. Many of them are in a dire predicament at the moment and, economically, we cannot afford for them to go to the wall.

I want to refer to some articles about the experience of farmers who are dependent on the Murray-Darling Basin. The first comes from the *Herald Sun* of 13 December 2006 and talks about farmers around Swan Hill in Victoria, as follows:

> Mr Glowrey, who runs a dairy farm with dad John and brother Michael, said unscrupulous corporations were running drought-stricken family farms into the ground through water trading. . . 'If they don't get the water for $1 200 per megalitre, they will pay $1 300 just like that. They have got a pot of investors' money and are going in hard. But as farmers, we are going out there and we are borrowing money to try and secure the water that we need.'

The article continues:

> Mr Glowrey said managed investment schemes had ruined the idea behind water trading, which began among Victorian farmers in 1997.

In *The Sunday Telegraph* of 25 February this year there was an article entitled 'MacBank targets water rights' (and it is a different 'Mac' than you may be thinking, because we are talking about Macquarie Bank). The article states:

> Macquarie Agribusiness, set up three years ago, is in the midst of a buying spree, relieving—

That is an interesting word—

> farmers along the River Murray of their permanent water rights. . . Farmers say big-city investors have helped drive water prices to record levels, squeezing small family farms out of the market. In south-western New South Wales, funds such as Macquarie Agribusiness now own more than 20 per cent of the water rights, Western Murray Irrigation chief executive Cheryl Rix says. The funds have bought enough water in the western Murray alone to fill 12 200 Olympic-size swimming pools and transferred much of it to new crops south of the border . . . Water prices have reached record levels in the wake of the corporate buy-up, according to George Warne, chairman of the Bondi Group of private irrigators and general manager of Murray Irrigation Limited. Permanent water rights have doubled to $2 200 a unit in severely drought-hit areas, and temporary water was trading as high as $700 a unit, up from $45 three years ago, Mr Warne said.

In an article in *The Age* dated 21 April, two days after the Prime Minister's announcement, there was a report of a meeting that was held near Mildura. I suspect, from the article, that it was held at Merbein. Some 500 very angry irrigators turned up to that meeting. They are despairing about the impacts of water trading. As prices have dropped for their citrus products, wine grapes, table grapes and dried fruits, they have turned to water trading to keep themselves in the black.

As an example of the anger that some of the farmers were feeling, *The Age* journalist who was at this meeting copped a bit of a shower, as follows:

> 'Do you like steak?' one farmers asks *The Age*. 'City people are all worried about whether to press the half or full-flush button on their toilet, or how to save 20 litres of water in the shower. It's pointless. It takes 55 000 litres of water to make a kilo of beef. That's where your water goes, to make food.'

The article goes on to state:

> In the past eight years 15 per cent of Merbein's water rights have been sold out of the district, the second-largest percentage loss of any district in the state. As water rights leave, money and people follow. Locals estimate that about 50 farmers have left the land in that time, leaving ghost properties.
>
> Unpicked grapes hang stunted and withered on dead vines overrun by weeds. 'For sale' signs stand outside countless properties. 'Bloke next door couldn't really take it any more and killed himself,' says one farmer matter-of-factly. 'Shook us all up a fair bit.'
>
> Those buying the water rights include managed investment schemes, fuelled by city investors taking advantage of tax laws. At a time when growers worry desperately about the water shortage, MIS operators are gobbling up water rights before the tax loophole that spawned them is wound up in a year.
>
> Merbein real estate agent Roger Walder says that once a farm's water right is traded away the land is next to worthless. 'Nobody will buy it, it just sits there. It's nothing but a horse paddock.' There are flow-on effects. In Merbein's main street, half the shops are empty.
>
> On the other side of Mildura, olive, grape and timber plantations have sprouted, many with massive private dams filled with purchased water. There is no water shortage for the cashed-up investment schemes.
>
> 'They're arrogant, they're selfish, it's totally immoral,' shouts one farmer, John, at this week's meeting. His anger is met with thunderous applause.

The article continues:

> Less water in Merbein means that remaining farmers must pay more for the upkeep of water channels. This puts more financial pressure on them, and ultimately, pressure on them to sell their water rights.

I read those sections of articles because part of the terms of reference that I am suggesting here are that the Natural Resources Committee should look at water trading and its impact on the River Murray.

I downloaded what I think is the prospectus for the Timbercorp Primary Infrastructure Fund from ABN AMRO Morgans, again, just to put that contrast between what the farmers are experiencing and how things look for the investors. Under the heading 'Forecast distribution to yield approximately 8.5 per cent—9 per cent (tax deferred)' it states:

> Half yearly distributions, expected to include a tax deferred component of 55% in the forecast period, are expected to yield approx. 8.5%-9% pa. Rental income underpins earnings, which are set to grow as the current projects pipeline come to fruition. The fund aims to maintain a gearing level in the range of 65% to 75%.

In the executive summary under the heading 'Potential increase in value of water rights' it states:

> The fund is a substantial owner of permanent water rights, a unique asset which has the potential to significantly increase in value. The fund currently has rights to a total of 43 680 megalitres across its three properties.

Somehow, it seems to me that there is something terribly immoral about large corporations such as this constructing

new and large dams upstream for the purpose of timber plantations, for instance, while we are in the grip of drought, if not semi-permanent climate change. You can understand why some of these irrigators are almost beside themselves with frustration and anger.

A few months ago the Hon. Malcolm Turnbull, the federal Minister for the Environment and Water Resources, said:

> Water is a highly profitable business. Costs are largely fixed and, as a consequence, marginal costs of supplying additional water are low.

It is a totally pragmatic approach, and where does the environment get a look-in? Again, you can understand why irrigators become so angry when they see the way the managed investment schemes are using the water in the way they are.

Water trading is not a quick fix to our water problems. It benefits the big end of town. It has a positive, I suppose, in that it puts a value on water. In the past we seemed to think water was a resource that was always going to be there, and we have allowed our population to grow as if the amount of water would grow with it. There is another positive, I suppose, in that it could encourage more environmentally sustainable use of the water when it has a higher value but, of course, these managed investment schemes do not seem to be much interested in the environment, judging by some of the crops that they are growing.

I believe that market solutions do have a place but, without very strong controls, all they will succeed in doing is to create a new class of get-rich-quick paper shufflers, while the small farmers and the growers, who do the real work in the real world, are driven out of their businesses. Creating a futures market for water will not do a thing to put water back into the Murray, either. This inquiry would investigate the right sort of land use to allow us to use our water sustainably.

Even though I have been calling for the removal of rice and cotton crops over time, I have never said, 'Let's just close them down.' I have said, 'Let us explore suitable crops', because I know that, for these people, it is their livelihood. I have suggested on numerous occasions that we should be growing industrial hemp instead of cotton. If parliament supports an inquiry into irrigation it will be a first step towards protecting the environment and country communities from unsustainable irrigation and from the cashed up corporate pirates who are waiting to profit from our water. The water crisis we now face is a clear demonstration that state and even international borders count for little.

As I am a firm believer that what we are seeing here is not merely severe drought but the first evidence of climate change, getting a better understanding of this is crucial, because the problems will be long term. As MPs we will be in the position of making legislative decisions about water. We must understand how we have got to this situation, what changes can be made for the better and the implications of any decisions that we make. Why the Natural Resources Committee? That committee was established as part of the River Murray Act. Part of the functions of the committee are described as being 'to consider the extent to which the objectives for a healthy River Murray are being achieved under the River Murray Act 2003'.

The River Murray is very unhealthy at present. Certainly, when we see river red gums dying at their present rate this can lead only to salinity. We are a long way now from achieving those objectives. As an inquiry, it effectively fits very nicely with the functions of the committee as set out in the River Murray Act when first established. This is a very substantial reference, and I intend it to be a very substantial reference. It will not be done in a matter of weeks and, probably, it will require the committee to produce a series of interim reports. It will require the committee to travel interstate.

I suggest and I hope that the committee will visit places such as Cubbie Station; that it will look at the major tributaries that are part of the Murray-Darling Basin system; and that it will talk to the various irrigator associations in those areas whether they be growing cotton, rice or fattening cows. We need to talk to all the representatives so that we get a clear picture. I think that, as members, this committee will see and hear things that will make us very uncomfortable, because I do not think that we will hear many good news stories in the course of this inquiry. I do not say it often but, in the case of this inquiry, I urge members to give this motion their positive consideration, because this is a vital inquiry for South Australia.

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

MOTOR VEHICLES (EXPIATION OF OFFENCES) AMENDMENT BILL

The Hon. D.G.E. HOOD: I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

SUMMARY PROCEDURE (PAEDOPHILE RESTRAINING ORDERS) AMENDMENT BILL

The Hon. D.G.E. HOOD: I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

CRIMINAL LAW CONSOLIDATION (SERIOUS CRIMINAL TRESPASS) AMENDMENT BILL

The Hon. D.G.E. HOOD: I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

MENTAL HEALTH FUNDING

The Hon. J.M.A. LENSINK: I move:

That this council expresses its grave concern at the government's failure to provide ongoing funding for non-government mental health providers.

This motion is a response to the continued delay by this government in providing a commitment to current funding for the non-government sector in South Australia. I think that all sides of politics acknowledge that mental health does need a lot of additional funding, that the shape of mental health services is changing and that it needs to change. I will not go into the windfall revenue that this government has received since it came to office five years ago, because that has been well documented. I have mentioned it previously, as have a number of other members.

Suffice to say that we do not think there is any excuse for the non-government sector not to be funded in this state,

particularly because it has already received some one-off funds of some $25 million provided in the 2005-06 budget, which runs over a two or three year period, depending on the program under which it comes and to which non-government provider it is being provided. I have visited quite a number of those services, and they are very enthusiastic. They have been busy recruiting people, making sure that they have the right training and skills and that the workers they put in place are the sort of people who want to be involved in the challenging work of helping people with mental health difficulties.

They provide an absolutely critical service to a number of those people in the sector because they are a regular point of contact for people who are living in the community and receiving services from them, whether advocacy, taking them shopping, providing home help or a bit of social support. A whole range of things are helping people to stay better, stay out of hospital and avoid crises. In a lot of ways, if we look at it in an economic sense rather than a human sense it makes sense to fund the non-government sector to provide services in the community because it pays great dividends in the long run.

We all should be well aware of the crisis we have at the acute-end sector—which in an economic sense is the more expensive end—in the hospitals and at Glenside. It is under huge pressure and it does not make sense not to fund the non-government sector adequately. A number of providers have raised with me, as early as 18 months ago, that their great wish—and this was raised in the lead up to the last election—is for the funds they are receiving currently to be made recurrent. One starts to wonder when some of them will run out of money. Some will start to run out of funds on 30 June this year.

When I have raised these questions in the past in relation to the non-government sector, I have been told, 'Wait until the next budget.' There was nothing in last year's budget—which was delivered late—so it did not provide certainty to non-government providers. We then had the device of the Cappo report from which the minister was able to deflect any response to the non-government sector by saying 'they could wait for that'. That was late so we had yet another delay.

I think the Cappo report has failed the non-government sector quite miserably in its response to the needs of the sector. In reality, what is happening in the non-government sector is that they have recruited staff and taken on clients. Some of them are new to South Australia, although they might have been providing services in other states. They may have to cease operations if they do not know what is happening. That is an incredibly unfair situation in which to put them. These are not large corporations that can afford to absorb operational money or shift them around. They are non-government organisations and they should be respected as such. I wonder what will happen to their clients and their staff who face uncertainty because this government has not given them a high enough priority.

The funds provided to mental health services by this government have certainly favoured the government sector; and that is a great philosophical difference between the Liberal and Labor parties. We have the wherewithal to trust the non-government sector. Some of the non-government providers have told me that they are almost harassed by the government in terms of providing compliance reports about how many clients and new clients they have, service reports, the number of hours, and so on, to the point where they are spending a great deal of time fulfilling compliance requirements imposed on them by government. In fact, that is taking them away from their core business—which is to provide services to people who need them.

I did ask the minister a question about what was in the Cappo report for them. At the time I said I could find only weasel words—and that is still the case. From my reading of it, two pages refer to it. The report states that it 'strongly supports the continued development of capacity in the non-government sector'. That statement is meaningless without funds. I turn now to comments from SACOSS (South Australian Council of Social Services) that has ramped up a campaign entitled 'Strong community: healthy state'. Along with a number of members, including the Greens Hon. Mark Parnell, I attended the launch. Its recent publication, in relation to mental health, the Cappo report and what it was hoping to get out of it, states:

> . . . what it [the Cappo report] does not do is cost the plan or deal in any meaningful way with the complications or implementation challenges of such reform. . . the plan, if executed poorly, will only serve to rearrange the deck chairs, rename acute beds to be called intermediate beds, talk up intervention and fail to deliver.

In relation to the $43.6 million investment, which completely neglects the non-government sector, it states:

> [It] does nothing to ensure the sustainability of non-government community-based mental health services. The non-government community mental health sector plays a vital role in supporting people in the community and is perhaps the most critical link in transferring the focus from crisis care to preventative and early intervention care. Well, we are told that we should wait until the state budget is released on 7 June. . .

Which provides some 21 days until the end of the financial year when some of them might have to shut down. It continues:

> We are told the relevant ministers and senior bureaucrats are doing everything they can and the final decision will be made in the number crunching of what the government thinks it can afford.

It then goes on to ask a couple of rhetorical questions, as follows:

> Will the funding required for the full implementation of the plan be forthcoming? Will the community-based supports get over the line? Substantial recurrent funding must be guaranteed to ensure that the [non-government sector} receives funding.

It is not just SACOSS. A number of other very important stakeholders, including the mental health coalition, have called many times. I will not repeat the quotes, but they have also called for the money to be made recurrent. Jonathan Phillips, who is a well-respected figure in mental health and a former director of mental health here, said:

> It is imperative to get the rest of the money, and particularly out there to the NGOs or we will not have the building blocks in place.

We have some national commentators who have something to say about this issue as well. A national report was produced by the Mental Health Council of Australia which made comparisons at a national level between different states and their funding to different organisations. One of the key proponents of that report is Professor Ian Hickie of the Brain and Mind Research Institute, and he is referred to in an article in *The Weekend Australian* of 22 October 2005 entitled 'Crying Out in Despair', in reference to a report produced by the Mental Health Council called 'Not for Service'. *The Australian* says:

> Hickie says much of any extra funding should go to non-government organisations, which are the most effective at delivering many crucial mental health services. This is also one of the report's recommendations, along with big increases in overall mental health funding. The report says funding to NGO service providers should

increase from the present 6 per cent to about 15 per cent of mental health funding. Victoria is often held out as the leader in the nation on non-government services to supplement other services as it is quite innovative. Victoria puts about 10 per cent of its mental health budget into the non-government sector, which it began doing under the Kennett government. States such as New South Wales and South Australia, Hickie says, are 'down the bottom of the list'.

He then says:

> [NGOs are] very cost-effective infrastructure and it's also people who care. It's the Wesley Missions, Mission Australia's Catholic Health Care, Brotherhood of St Lawrence, St Vincent de Paul. It's all the people who care, and they stick at the job, put [in] their own infrastructures and they use volunteer workforces and they use people who are skilled.

That is very germane. I could not agree more in relation to the NGOs I have visited. They are always enthusiastic. They are very keen to ensure that they provide quality services and are very well aware of the service standards. When they recruit people they are careful to select those who will seek support if they get into trouble and to ensure that they do not suffer the burn out that can occur when working in the community sector. They do everything they can to provide a service to people who need one. They try not to exclude people who need a service.

With the vagaries of some government providers (and I will not reflect on the community mental health services in South Australia, as they are under such huge pressure) it is natural that non-government services are far more flexible and will find reasons to include people rather than exclude them. I mentioned a figure from Ian Hickie's quote and the not for service report in which it says that funding for NGOs should increase from 6 to 15 per cent. South Australia sits at the bottom of the table with 2 per cent. If the government would bother to make the funds recurrent, it may be able to push up the figure and put out a press release. I do not for the life of me understand why it has failed to do so. What is the alternative? What does it think will happen if it does not make these funds recurrent? Where will those people go? Some will end up in crisis and will be knocking on the door of our emergency departments and needing beds in the acute system, which we already know is overrun and in crisis.

I do not understand what this government is playing at by not letting the non-government sector know what on earth will happen to its funding post 30 June. It is unfair, when many run on the smell of an oily rag, with volunteer boards and so forth, to leave them hanging out to dry when what they are doing is such an important community service, yet it can find money to fund all sorts of other priorities. With those words, I urge other members to support the motion.

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

PARLIAMENTARY SERVICE, DISABLED

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

> That the Legislative Council, at the Sesquicentenary of Responsible Government, acknowledges the contribution of members of the parliament of South Australia who have served and continue to serve with a disability and commits itself to promoting the full participation of people with a disability in the life of the parliament and the state.

Last week the parliament of South Australia celebrated its Sesquicentenary—150 years of responsible government. Last year the Disability Information and Resource Centre launched a project on the history of disability in South Australia to celebrate its 20th anniversary. The project seeks to record the experience of people with a disability in South Australia and will acknowledge, commemorate and celebrate their lives and contributions to the South Australian community. In this motion I seek to link these two milestones by proposing that the council acknowledge the contribution of people with a disability to the South Australian community through the parliament of South Australia.

I move this motion today as it is the first private member's business day after the opening of the new session. In acknowledging the contribution of members of the parliament of South Australia who have served with a disability, I will briefly outline the service of three members of the parliament who served with a disability. They are not the only members who have so served, but they are three who have come to my attention. It is worth noting that none of them is or was primarily perceived as a person with a disability. That is as it should be—no person should be defined by their disability.

First, I acknowledge the service of Sir Collier Cudmore who lived from 1885 to 1971. Whilst serving in the Royal Artillery in World War I, he was wounded twice. He was left with a severe back injury, which meant that he walked with significant difficulty and wore a back brace. In latter years, he was confined to a wheelchair. A University of Adelaide and Oxford graduate, Sir Collier Cudmore was a talented lawyer who practised as a solicitor at the firm he founded, Murray and Cudmore. He won a gold medal in rowing as a member of the British four in the 1908 Olympic Games.

Sir Collier Cudmore was a great advocate of liberalism. He served as a member of the Legislative Council from 1933 to 1959 and went on to serve as the leader of the Liberal and Country League in this council for 15 years. He was knighted in 1958. After his death on 17 May 1971, Ian McLachlan, the then president of the Liberal and Country League, said:

> Sir Collier Cudmore was one of the great supporters of liberalism in this state. He was a forthright person, prepared to support his own views with the courage and ability he possessed. He was a great South Australian and great Australian.

Secondly, I wish to pay tribute to the Hon. Arthur Whyte. Mr Whyte was born near Copley in the Flinders Ranges in 1921. In World War II he lost his left arm while serving with South Australia's 2/48 Battalion. He was a Rat of Tobruk and saw action at El Alamein. Mr Whyte represented the Northern District of South Australia in the Legislative Council from 1966 to 1985 and served as president of the council from 1978 to 1985. Mr Whyte was—and is—a vigorous advocate for people in regional South Australia. One of his most significant achievements in parliament was the key role he played in shepherding through the Maralinga Land Rights Bill.

Mr Whyte thought that Parliament House should act as a model building in terms of access for people with a disability. In order to access Parliament House, he had to open the door with his leg, whilst pushing his access card into a slot. In *The Advertiser* of 28 July 1977, Mr Whyte expressed his concerns about the lack of thought shown for people with disabilities in the renovation of Parliament House. He said:

> There are no amenities for disabled people in the whole scheme of renovation for Parliament House. I was an example of problems that people like me face and I was virtually sitting on their doorstep.

Mr Whyte is married and has a son and three daughters. One of his daughters, the Hon. Caroline Schaefer, continues his tradition of service in this place.

Thirdly, I wish to acknowledge the service of Mr Peter Blacker, who was the member for Flinders in another place from 1973 to 1993. Mr Blacker worked as a farmer and

grazier in Cummins prior to entering parliament. Following a vehicle accident, Mr Blacker had a leg amputated and has since worn a prosthetic leg. Since leaving politics, Mr Blacker has continued his involvement in rural issues and has taken on a number of leadership and community roles.

I will be submitting more detailed information on the lives of these three men to DIRC as part of the disability history project. I know that there are other members of parliament who have served with a disability. Some of these disabilities were not (or are not) apparent or known. I suspect for most that is the case. For example, I am aware of a current serving parliamentarian who is completely blind in one eye. Also, all the men I have mentioned served since 1933. I expect that there are other members with a disability who served in this parliament in its first 66 years, and I would welcome any information on such members.

On the national stage, people with a disability serve at the highest political level in Australia. Tony Staley is a former federal Liberal Party president. Graeme Edwards, the federal member for Cowan, previously served as leader of the opposition in the Legislative Council in the parliament of Western Australia. Beyond Australia, US president Franklin D. Roosevelt was permanently paralysed from the waist down. In spite of being confined to a wheelchair, he served as president for 12 years, including leading the United States of America during World War II. William Wilberforce succeeded in a long and hard campaign to abolish slavery, in spite of a disability brought about by an illness. William Wilberforce needed to wear a steel girdle cased in leather, and an additional part to support his arms.

So, in summary, people with a disability have served in politics and, in doing so, have led the government in this chamber; presided over this chamber; led the largest political party in Australia; held the most powerful office in the world for a record length of time; and changed the course of history. To do so they have had to overcome challenges not faced by others. In the future, other people with disabilities will follow their lead, and they too will overcome barriers to achieve their service.

This motion is an opportunity for this council, on behalf of this parliament, to commit itself to minimising those barriers. We should seek to promote the full participation of people with a disability in the life of the parliament and the state. People with a disability do not want to be victims; they want to be involved. To the extent that barriers remain with respect to the participation of people with a disability, we deny ourselves the opportunity to benefit from their service and we narrow our choices at the ballot box. I commend the motion to the council.

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

VICTIMS OF CRIME (VICTIM PARTICIPATION) AMENDMENT BILL

The Hon. NICK XENOPHON: I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

ROAD TRAFFIC (PREVIOUS CONVICTIONS) AMENDMENT BILL

The Hon. NICK XENOPHON: I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

GAMING MACHINES (CLUB ONE) AMENDMENT BILL

The Hon. NICK XENOPHON: I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

LOTTERY AND GAMING (BETTING ON LOSING) AMENDMENT BILL

The Hon. NICK XENOPHON: I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

ROAD TRAFFIC (COMPULSORY BLOOD TESTS) AMENDMENT BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

This bill arises out of information which I received recently, following a report by John Kerrison on ABC TV news on 21 April last. It indicated that it appears that not all blood samples provided as a result of section 47I of the Road Traffic Act are being tested for drugs. That is an area of significant concern for me. I say at the outset that I appreciate the candour of the Minister for Road Safety (Hon. Carmel Zollo) in relation to the answers that she gave today to questions asked by a colleague the Hon. Mr Wade, a supplementary question that I asked and also questions that I asked of her last week. It appears that, under the current wording of the legislation in section 47I and amendments made further to the drug testing regime for on-road random testing which was introduced last year, whilst there is a provision for drugs to be tested in addition to alcohol, there is no requirement for drug testing necessarily to take place—and that concerns me.

I believe that the minister is absolutely genuine in her concern to do all that can be done to reduce the road toll in this state. Indeed, I believe that is a concern which is shared by every member of this parliament. I think that it is absolutely imperative that we deal with this issue. This is not about ascribing blame or pointing the finger at anyone; it is about fixing up what I consider to be a fundamental loophole in the legislation. I believe that, as legislators, we all have a responsibility for that. I say that the imperative for dealing with this is multifaceted, as a result of the information that we have before us regarding the clear link between drug driving and accidents on our roads.

I will outline, in order, what the current legislation provides. Under section 47I of the Road Traffic Act (a section which has been in force since the 1970s), there are provisions for a blood sample to be taken if you are admitted to hospital as a result of a road crash. That is very clear: a blood sample must be taken. As has been pointed out by one of my colleagues, it is an intrusive procedure. A needle is inserted, blood is taken and you presume that, as a result of that

intrusive procedure, that sample will be analysed. Previously it was tested for alcohol only, but now it is tested for drugs, given that we are now testing drivers for drugs.

However, it appears that that is not the case. The answers given by the minister indicate that only a very small proportion of samples are being tested, and that is very concerning. When the government introduced the Road Traffic (Drug Driving) Amendment Bill 2005 on 19 October 2005, the Leader of the Government (Hon. Mr Holloway) said:

> Drug driving is one of a number of contributors to road deaths in South Australia. Statistics show that on average for the period 2000-2004, 23 per cent of drivers and motorcycle rider fatalities tested post-mortem had either THC (the active ingredient in cannabis) and/or methamphetamines in their blood at the time of the crash.

They are very concerning figures.

I refer to a report released just last month which was funded by the National Drug Law Enforcement Research Fund (an initiative of the National Drug Strategy) and which is headed, 'The impact of drugs on road crashes, assaults and other trauma—a prospective trauma toxicology study', Monograph Series No. 20. It is a study of Royal Adelaide Hospital admittees and it points out that alcohol was found in 22.6 per cent of injured car drivers; THC was found in 17.4 per cent of injured car drivers; benzodiazepines were found in 14.7 per cent of injured car drivers; amphetamines were found in 6.9 per cent; and opiates were found in 3.3 per cent. It also makes the point that the use of alcohol and other drugs is associated with an increased risk incidence of trauma, more severe trauma, longer hospital stays, higher hospital admission rates and a worse clinical condition on arrival at hospital.

It further states that the use of drugs (other than alcohol) is associated with an increased incidence of trauma, a greater number of injuries, more severe injuries and longer hospital stays. When we consider what the cost of road trauma is to this state—it runs into the many hundreds of millions of dollars—and the cost to our third party scheme, let alone the human cost, it is a very significant issue and it must be dealt with. I do not believe that there is any question of the concern that we ought to have as a parliament about the links between alcohol and other drugs in relation to road trauma. The information which I received as a result of the report on the ABC news of 21 April—that is, not all samples are being tested—surprised me, notwithstanding that there is a requirement under section 47I for testing of the sample to take place.

The reason I believe it is more imperative is as follows—and I am grateful to my colleague the Hon. Ann Bressington for the material that she has provided to me. More recent material from the UN World Drug Report indicates that the prevalence levels of drug use in Australia are dramatically higher, in fact, they are the highest in the Western world in the OECD nations. With respect to overall drug use—amphetamines, opiates, cocaine, cannabis—overall, we are at the highest level of prevalence. These are not my figures and not the Hon. Ms Bressington's figures but figures from the UN World Drug Report. According to the UN World Drug Report 2006, volume 2, the annual prevalence of amphetamines in Sweden is 0.02 per cent, while in Australia it is 3.8 per cent. In relation to ecstasy, in Sweden it is 0.04 per cent, and in Australia it is 4 per cent. They are just two figures, and overall we know that it is dramatically higher.

Given that we have such high levels of drug use and given that we all agree that it is highly undesirable, from a road safety perspective, that there are people on our roads in control of motor vehicles under the influence of any drug that can affect driver performance and under the influence of alcohol, we need to take the whole issue of testing very seriously. The fact that there is no requirement for testing as presently exists under section 47I indicates, I believe, a fundamental flaw in the legislation, and it is something I believe we need to rectify.

In terms of the minister's response—and, again, not being critical of the minister—I understand that she has provided the response on the basis of the information and briefings she has obtained. She said that a small proportion are being tested and that it is in the order of a bit over 10 per cent, with respect to the answer that she gave last week in terms of the number of blood tests that are carried out. My concern is that, if we want to tackle the road toll as strongly as possible, it is important that we know statistically how many drivers who have been injured have been influenced by drugs or alcohol. If a blood sample has already been taken pursuant to section 47I, surely the marginal cost of that blood being tested for alcohol and other drugs, in the scheme of things, cannot be onerous. There is a budget for that testing, and for there not to be the funds available for that is a false economy of the worst kind.

When you consider—and I say this as the proprietor of a law firm, albeit with minimal practical involvement in that firm—that the cost of a catastrophic road injury can run into the millions of dollars, if we are talking about tetraplegia, for instance, then the cost of providing these tests is a very good investment in terms of ensuring that it sends a very clear message that the use of alcohol or drugs is just not accepted and not tolerated by our community, particularly when you are behind the wheel of a motor vehicle. That is why this legislation simply sets out that we ought to ensure that those blood samples are not just sitting there in some storage area or in some laboratory but that they are actually tested for drugs as well as alcohol.

Given that we are undertaking roadside drug tests, this is just a natural extension of that, for the very good public policy reasons given by the government, and supported by the opposition. I should acknowledge that the member for Schubert, Ivan Venning, has introduced his legislation on this before the government. So, this is something that has had bipartisan cross-bench support. If we want to get the message across—and I acknowledge my colleague the Hon. Ms Bressington with her front-line experience in dealing with drug addition and providing rehabilitation services to individuals affected by drugs—this is all part of an overall strategy to ensure that we take this issue seriously, that we have the information and that there are consequences that flow from being on the road under the influence of drugs.

If you are injured and a blood sample is taken, you must be tested, I believe, for drugs and alcohol, otherwise what is the point of section 47I? What is the point of having a blood sample taken? So, I urge honourable members to support this legislation. I believe the current threshold, as set out in section 47I, is adequate. I know the minister, in her response, has discussed the issue of serious injuries and whatever, but I think that if it has reached the stage where you are in a hospital, then your blood should be taken and tested for drugs and that way we, as legislators, can know the full extent of the problem with respect to drivers being under the influence on our roads. I urge honourable members to support this legislation to close what I consider to be a loophole.

The Hon. S.G. WADE secured the adjournment of the debate.

EDUCATION (RANDOM DRUG TESTING) AMENDMENT BILL

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

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

AUSTRALIAN ELECTORAL COMMISSION

The Hon. R.I. LUCAS: I move:

That this council notes the recent Australian Electoral Commission disclosure returns and other related matters.

This is a simple motion which asks that the council note the recent Australian Electoral Commission disclosure returns and other related matters, and I can advise that I shall speak today and seek leave to conclude when we return in three weeks.

The most recent Australian Electoral Commission returns are interesting from a number of aspects, but I particularly want to concentrate on the aggregate donations, receipts and payments for the two major political parties. For the year 2005-06 (the most recent disclosure period) the Australian Labor Party in South Australia disclosed donations of $4.9 million, while the South Australian division of the Liberal Party disclosed donations of just $2.7 million.

I think the facts of the 2006 election campaign—in terms of the relative expenditures of both the major parties—speak for themselves, and I am sure members will be aware that on the one hand there was a very well-resourced and funded campaign by the Australian Labor Party, while on the other hand there was a poorly resourced campaign by the Liberal Party. To give the facts again, during that election campaign the Liberal Party had, I think, one of what those in the industry call a retail ad (the more cheaply produced ads) which ran on television for just the last three nights of the campaign. It also had two or three relatively inexpensively-produced radio commercials on a theme that ran a few days longer than that—I think they started on the Thursday or Friday of the second last week of the campaign and ran for approximately five days prior to the electronic media close-down on the Wednesday before the election.

Having been associated with election campaigns in South Australia for many years, both as a member and prior to that as a party officer, I think the facts demonstrated that, in terms of electronic media output and expenditure by the central campaign, this was the most frugally funded (I think that is a kind way of putting it) Liberal campaign since the early 1970s. I paint that picture as background because in my view it is a danger to democracy when there is such a clear disparity between the government and the alternative government, or the two major political parties, in terms of their capacity to put a proposition to the electorate.

I accept that we within the Liberal Party and the state parliamentary party, and also the organisation, need to accept some responsibility for that; nevertheless, an important part of the democratic process is the capacity to mount an argument, put a case, defend one's position and mount an attack during the critical four or five weeks of an election campaign period. Obviously, the electronic media (television and radio) is critical to that, and in that last election campaign what we saw was one side fighting with both arms tied behind its back in relation to its capacity to respond and mount an attack or argument.

The second background point I would like to make relates to the very clear understanding that we in the Liberal Party have regarding fundraising and fundraising responsibilities. For many years the Liberal Party has had a clear fundraising code and has always agreed to observe a number of conditions in relation to fundraising, and these conditions are regarded as being absolutely fundamental to the maintenance of the integrity of the Liberal Party, its organisation and its parliamentary members. The Liberal Party does not accept funds that are donated subject to political conditions of any kind; under no circumstances will the Liberal Party accept funds which, even if only by inference, are intended to obtain the Liberal Party's support for specific actions or attitudes. A donor has a right to put his views to the Liberal Party but a right to no more than that.

There are much more specific provisions in relation to the Liberal Party fundraising code which place very specific restrictions on what members of parliament, in particular, can or cannot do in relation to fundraising, and I can honestly say that in all my time I have never formed a policy position based on whether or not donations had been given by a particular organisation or individual. I will also say that, in my view, if there were ever to be any suggestion—indeed, any evidence—that that particular provision of the code was being breached in any way it would be an unacceptable breach of Liberal principles and an unacceptable breach of the fundraising code of the party.

The Hon. R.P. Wortley interjecting:

The Hon. R.I. LUCAS: Well, if you know who they are tell me.

The Hon. R.P. Wortley interjecting:

The Hon. R.I. LUCAS: I do not know, but we can talk about that when we go through the donations list if you like. In my view it would be an unacceptable breach of Liberal principles and an unacceptable breach of the fundraising code and I, for one, would never agree to that. I have raised before one of the key issues in relation to the most recent disclosures—that is, for the first time in South Australia we have had introduced into South Australian electoral politics fundraising (I should say in terms of the size of the donation) a body which donates an extraordinarily large part of the total receipts of any particular political party. I am referring there to previous public statements I have made about ALP Holdings Pty Ltd which, in 2005-06, donated more than $1.6 million to the Labor Party. That was more than a third of the total receipts of the Australian Labor Party in that particular year, from ALP Holdings Pty Ltd.

ASIC company searches revealed that the current directors (at the time of the searches) were Labor MP Chloe Fox and other Labor identities such as Noel Paul and Susan Close. From the ASIC company searches, past directors include current Labor MPs such as Tom Koutsantonis, Bob Sneath and John Hill, as well as a long line-up of former Labor MPs, Labor Party state secretaries and union leaders. I note that Labor MP Ms Fox has certainly been telling everybody that she is not a director of ALP Holdings Pty Ltd. I am happy to hear what she says in relation to that but, at this stage, all one can be guided by is the ASIC company searches. If Ms Fox is in a position to indicate that those company searches are wrong in some way, then I am sure she can place it on the record. If I speak again on the issue I will be happy to include that clarifier, but she certainly has been and was currently

listed (when the search was done in March/April of this year) as a director of ALP Holdings Pty Ltd.

It is true to say that similar bodies to ALP Holdings Pty Ltd have existed at the federal level for some time; both the Labor Party and the Liberal Party have had similar bodies. The Labor Party has had a body called John Curtin House Ltd, and the federal Liberal Party has had, I think, a body called Free Enterprise Foundation, or something along those lines, which operated at the federal level. The distinction that I make there, having looked at the John Curtin House Ltd contributions, is that the total contributions in terms of the total income is just about 10 per cent of the total amount of income that has been accepted by the federal Labor Party; whereas, in relation to ALP Holdings Pty Ltd, we are talking about (as I said) more than a third of the total income being accepted from ALP Holdings Pty Ltd to the state division of the Labor Party.

Back in March I called for Mr Rann to come clean and to indicate where the money for ALP Holdings Pty Ltd had come from, in terms of transparency and accountability. It will not surprise you, Mr President, that when the heat is on the Premier is gone, and there was no response from the Premier. He referred all questions to the state secretary, Mr Brown. I will have further to say on Mr Brown's position perhaps on another day in relation to this issue because, frankly, in relation to this, the responsibility rests, ultimately, with the Premier, Mr Rann, in relation to his own party.

We have seen in recent times in the other states the shadowy world of political contributions, graft or corruption, because in those states there are the equivalents of an ICAC (Independent Commission Against Corruption) or a Criminal Justice Commission or other commissions which have, in part anyway, revealed that shadowy world of lobbying, political donations and influence on government decision-making.

We have seen the recent controversies in relation to Mr Brian Burke in Western Australia. Those who saw *Four Corners* this week and a number of other recent revelations will have been well informed as to how business was being done by the Labor Party in Western Australia. Of course, we do not have an Independent Commission Against Corruption here in South Australia.

The Hon. R.P. Wortley interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Wortley says 'Thank God'. One can only wonder why the Hon. Mr Wortley would be saying 'Thank God' to not having an independent commission. Perhaps at another stage the Hon. Mr Wortley will explain why he has that particular view and what he thinks he and his colleagues have to hide from an independent commission against corruption. But I will leave that to the Hon. Mr Wortley.

The Hon. R.P. Wortley interjecting:

The Hon. R.I. LUCAS: There are no Liberal ministers—

The PRESIDENT: The Hon. Mr Wortley should stop interjecting, and the Hon. Mr Lucas should stop responding to the interjections.

The Hon. R.P. Wortley interjecting:

The Hon. R.I. LUCAS: I am indebted to the Hon. Mr Wortley for his contributions, but it does lead me to the connections between Mr Brian Burke and the Labor Party here in South Australia. It is worth noting that Mr Brian Burke's connections to Mr Rann's Labor Party in South Australia were placed on the public record back in 1995. *Hansard* shows that former premier Dean Brown put the following question to Mr Rann in 1995:

> What is more pertinent is that here is the Leader of the Opposition, a candidate in the 1985 election, one who directly benefited from $95 000 that was given to Brian Burke in a brown paper bag, which was then directly passed on to the Labor Party here in South Australia for the state election.

That allegation or claim was never denied by Mr Rann in 1995. Evidently, there was significant evidence of Mr Burke's brown paper bag donations being distributed. There was also other evidence of brown paper bag donations going to the national secretariat of the Labor Party out of what was known as 'the leader's account' in Western Australia. We do not know whether or not, over the past 10 years or so, money from Mr Burke and his more recent connections has been channelled through brown paper bags into the South Australian branch of the Labor Party. Certainly, when we put that question to Mr Rann in March he issued no denial in relation to it and provided no rebuttal of that situation. That is the background, as I said, to the shadowy world of political donations and where we have seen many examples in other states of corruption and impropriety.

I turn now to the Australian Electoral Commission's disclosure records for the past year. First, the results I will outline today have come from two weeks of company searches, web searches and discussions with people and associates of a number of donors to try to establish the true connections of various companies and their association with other aspects of government decision making in South Australia. My contribution today will not do anything other than address the material I have been able to collect to this point and place it on the public record. In doing that, I do want to say that this speech will make no accusation of illegality or improper behaviour against any of the companies or individuals that are listed on the Australian Labor Party Financial Disclosure Return. Also, I indicate that a small number of the companies did give money to both major parties although, as the returns would indicate, in some cases significantly less to the Liberal Party and significantly more to the Labor Party, which is absolutely a discretionary decision that has been and will be taken by businesses for reasons that would be obvious to them at that time, and I want to make that quite clear.

In going through, therefore, the Australian Labor Party's electoral disclosure return for 2005-06, clearly, the biggest donor by far—and I put this in a separate category—was ALP Holdings Pty Ltd donating $1.658 million. Exactly where that money has come from no-one knows. The Premier will not say and Mr Brown will not say. That is by far and away—in a separate category—the biggest contribution to the Australian Labor Party. I then want to turn to the rest of the donations by individuals, companies or groups of companies. Putting aside ALP Holdings Pty Ltd, the largest contributor to the Australian Labor Party in 2005-06 (and this includes unions) was a group of companies associated with the Makris Group.

Earlier today my colleague the Hon. Mr Parnell indicated that the Australian Electoral Commission returns revealed that just $32 000 had been donated by the Makris Group to the Australian Labor Party in 2005-06. Indeed, when one looks at just the term 'Makris Group' and does not do company searches, web searches, newspaper searches and discussions with others with knowledge of the Labor Party and industry that is all that one sees. A company called Balgara Shopping Centre Management, listed at level 6, 32 Grenfell Street, Adelaide donated $70 000 to the Australian Labor Party. Another company called Acanana Pty Ltd

donated $50 000 to the Australian Labor Party, which is also listed at level 6, 32 Grenfell Street.

The Hon. R.P. WORTLEY: I rise on a point of order, Mr President. All the information the Hon. Mr Lucas is giving is on the public record. Under parliamentary privilege, he is trying to draw some connection against decent people and trying to insinuate that there is something shadowy.

The Hon. T.J. Stephens interjecting:

The Hon. R.P. WORTLEY: What's your problem? The problem with the Liberals is that the business world has turned its back on them because they are incompetent.

The PRESIDENT: Order! The honourable member cannot debate a point of order. The Hon. Mr Lucas is quoting a document. He is given the same privilege as anyone else. There is no point of order.

The Hon. R.I. LUCAS: There is no point of order, and I am not sure why the Hon. Mr Wortley is so sensitive about this issue. What does the Hon. Mr Wortley have to hide? I will repeat what I said, because the Hon. Mr Wortley chose not to hear—or perhaps the hair got in his ears! This speech makes no accusation of illegality or improper behaviour against any of the companies or individuals listed on the Australian Labor Party return or referred to by me, and that gives the lie to any claim that I am defaming anyone.

Acanana Pty Ltd made a donation of $50 000 to the Australian Labor Party; and its address is also Level 6, 32 Grenfell Street. Another company or organisation, Gawler North Market, is listed on the return only with an address of GPO Box 2760. My information is that it is also associated with the Makris Group or is an associated entity of the Makris Group and Makris Group of companies. When one adds up the Makris Group specific receipts of $32 000, the Balgara Shopping Centre Management $70 000, Acanana Pty Ltd $50 000, Gawler North Market $30 000, a total of $182 000 is donated by those companies to the Australian Labor Party.

It might be surprising to some because, in terms of the quantum of donations, that is greater than the list of donations from all the individual unions—which I will list shortly and which made donations to the Australian Labor Party. I am also advised—and I think the Hon. Mr Wortley during question time might have interjected when the Hon. Mr Parnell was asking his questions—that the Makris Group had given funds to both parties. The Liberal Party return does not record donations from any of those entities.

I also understand that some of those companies or individuals might have donated moneys less than the disclosable amount to individual candidates and campaigns. I am told that, in addition to the $182 000 that is listed, other donations were made to Australian Labor Party individual candidates and campaigns that were less than the disclosable amount. As I understand it, there were similar donations to some Liberal Party candidates as well. I hasten to add that the group of companies to which I have referred, if we can take them at their word, have donated to both major parties but, clearly, one particular party to a much greater extent than the other; and that is entirely the prerogative of the company to make those decisions.

The second highest donor was the LHMU (Liquor Hospitality and Miscellaneous Union), which in three separate contributions during that year is recorded as having made a contribution of approximately $119 000 to the Australian Labor Party. The fourth highest contributor—at least, disclosed—was the SDA (Shop, Distributive and Allied Employees Association SA Branch)—Mr Farrell's union—which made a contribution of approximately $108 000. The next highest contribution was from the AMWU (Australian Manufacturing Workers' Union) with a contribution of approximately $67 000. The next highest contribution was from companies associated with the Lowe Group, in particular, Westfield Shopping Centres, that made a contribution of almost $57 000 to the Australian Labor Party. The next highest contribution was from the Australian Hotels Association, which made a contribution of $50 000. The next highest was from the Australian Workers Union, which donated approximately $41 000. The next highest was the Gandel Group, another property—

The Hon. R.P. Wortley: What's that smell over there?

The Hon. R.I. LUCAS: The Hon. Mr Wortley (who is very sensitive on this issue) keeps saying there is a smell to this. All I am doing is listing what is on the publicly disclosed returns of the Australian Labor Party. If he believes there is a smell, he may want to explain later what that smell is. All I am doing is sharing the information that he has got. The ninth highest contributor was the Gandel Group under two separate companies—Northgan Pty Ltd and Lewiac Pty Ltd—for a total of $37 600. The next highest was a New South Wales company, Strategic Contacts Pty Ltd, with $33 000. The next highest was the CFMEU with a contribution of just over $25 000.

Then another development group, the 12th highest, was the Walker Corporation, again an interstate company, which made a contribution of $25 000. The 13th highest group was the Adelaide Bank with $25 000, and it certainly contributed to both political parties, as did the AHA. The 14th highest group, both individually and through companies associated, was Mr Roostam Sadri, both individually and then through a company called MDS Australia Pty Ltd. If one combines those two it gives a total contribution of just over $24 000. Finally, the 15th highest is Babcock and Brown, with just over $24 000. I have listed only the top 15 contributors to the Australian Labor Party, and the cut-off point was roughly $24 000 or $25 000. Those who are interested can see a variety of other names of companies and individuals who made contributions of less than that amount on the Australian Labor Party website.

That is an interim update based on the company searches and web searches we have been able to do over the past two weeks, linking some of these companies together and looking at other aspects of the Australian Labor Party's electoral disclosure for 2005-06. When the parliament resumes in three weeks I hope to be in a position to add something further in relation to ALP Holdings Pty Ltd if possible and SA Progressive Business, the fundraising arm of the Australian Labor Party, and any other information that might come to light. With that I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 1 May. Page 55.)

The Hon. D.W. RIDGWAY (Leader of the Opposition): I rise as the lead speaker for the opposition in this debate. There are a couple of things I will mention initially. First up, the Minister for Police referred today to one of the comments I made during the urgency motion yesterday in relation to an allegation that had not been investigated by the police. I put on the record that I was contacted by these people, who were very concerned that after three weeks their

police investigation had not taken place, and they expressly asked me not to identify them or where it had taken place. They rang me and said, 'You're the new police shadow minister; how can we make this happen?' I said, 'I can raise it anonymously in parliament for you if you would like me to.' They said, 'Would that work?' I said, 'Look; I don't know whether it will work, but I am happy to do it.' It is interesting to note that I rang them yesterday evening to tell them what I had done and they said that at about 4.35 p.m. they were contacted by the police investigating and an appointment was made for some time this afternoon. It was not that I was being cowardly or that, as one member on the back bench said, I had made it up. It was true, and I was protecting the interests of these South Australian people as they asked me to do, and I am pleased that the investigation is now taking place.

I thank the Governor for the great work she has done in the past 12 months and also thank the Governor's Deputy for the work he has done. It was a very important day, the 150th anniversary of the parliament, when the session was opened last week on 24 April. It was unfortunate that we did not have more of a celebration. Observations have been made that, while it was important to have descendants of some of the first members of the South Australian parliament, about 800 people now have been members of the South Australian parliament over the past 150 years, so there is a huge number of their descendants, a great number of whom are still with us. It would have been good to commemorate it with a larger function—a picnic or afternoon tea in the grounds of Government House—to commemorate that and thank all who have made a contribution over the past 150 years.

I now turn to the Lieutenant-Governor's speech, in particular, the points raised by the Governor's Deputy and the agenda the government has laid out for this session of parliament. The first point raised was that large scale transport infrastructure will continue in the northern and north-western regions of Adelaide and that the extension of the Glenelg tram line will soon see trams run along North Terrace again. The tramline extension has seen a number of very good trees—trees that are important to the environment and the streetscape—already gone from North Terrace. We can see the disaster out there at the moment, with the traffic congestion and disruption. We know that this will not be the end of the traffic congestion, and I suspect we will see significantly more congestion once the tramline is operating.

Clearly, the government is hell bent on wasting the $31 million of taxpayers' money. It is a low priority project. This Government is all about wrong priorities. A whole range of much more important projects need money spent on them before $31 million is spent on extending the tramline along North Terrace. If the Rann government had a genuine 20-year infrastructure plan which priortised many of the public works challenges we face, such as new roads, public transport and water infrastructure, this tram project would be well down the list. Let us not forget the $400 million of road maintenance backlog in this state. Approximately 200—

An honourable member interjecting:

The Hon. D.W. RIDGWAY: The Leader of the Government interjected and said, 'Yes, let's not forget it.' The thing is, the government has forgotten it. We just do not see it putting any priority there. If one gets out of the city and drives on some of the country roads (which you spoke about in your previous time on the back bench, Mr President), one will see that country roads in this state are a disgrace. The government is just not spending the money. It has neglected this area, and there is a backlog of maintenance.

The amount of money that this government has spent on the tram project is now some $115 million. The trams were purchased in haste, to attract a headline before the last election. I understand that, if we had chosen the same trams as Melbourne, we could have jumped on the back of the purchase contract for trams that the Victorian government had and probably saved something like $2 million to $2.5 million per tram. On an 11 tram purchase, that equates to $25 million to $30 million. But the government had to have them in time for the last election. We know of the problems that have been experienced with respect to the airconditioning in our trams. I understand that the government has tampered with the airconditioning in an attempt to try to rectify the problem and has voided the warranty, so now the government and the taxpayers of South Australia will have to pay for a complete refit of the airconditioning.

Significant traffic congestion will take place, as I mentioned earlier. A ban will be placed on vehicles turning right from King William Street when the tram begins operation. There will be significant delays. Between 25 000 and 30 000 vehicles a day travel through the intersection of King William Street and North Terrace. If those vehicles are delayed for some 30 seconds because of a tram going through the intersection, when one works out the number of hours lost with vehicles just sitting waiting for trams to go through the intersection—25 000 or 30 000 vehicles both ways across the intersection is about 50 000 vehicles a day, and at 30 seconds each it is 25 000 minutes—one will see that it will cause a significant loss of productivity. Those people will be sitting in their car waiting to get through the city. It will cause significant disruption to their daily lives, not to mention the significant greenhouse and pollution effects. We already have a free Beeline bus service that runs from Victoria Square down along North Terrace.

It seems strange that the government is hell-bent on this course, but we understand that that is what it plans to do. It often talks about the possibility of an extension of the tramline down to Port Adelaide. I have heard that mentioned. These trams simply will not do that: they cannot be coupled together, and they just simply will not move the same volume of passengers. It would be insane for this government to make a move to run the tramline to Port Adelaide and then do away with the existing metropolitan rail service. The Deputy Governor also said as follows:

> The quality, breadth and relevance of the state's skill base will be improved through the implementation of my government's Skills for South Australia program.

South Australia is suffering a well documented skills shortage, with little to suggest that the Skills for South Australia program has represented an advance over any previous government announcements. The announcements by the Rann government of the Skills for South Australia package is little more than a collection of reannouncements dating back to February 2006. The reannouncements are simply a roll-out of the government's training program, with nothing to indicate any new thinking as to how the Rann government will handle the task of broadening the South Australian economy and making any real impact on the state's skills shortage. The Deputy Governor went on to state:

> . . . the government will introduce legislation to make the State Public Service more responsive to the needs of South Australians.

More than three years ago, Mike Rann promised to introduce reforms to the state's Public Service, including the use of contracts for senior public servants. In fact, in a media release dated 8 September 2004, Mike Rann said:

> The current system of Public Service management needs to change for the better and we intend to deliver. . . As part of the reform package, we intend to end permanent tenure for our executive workers.

The reannouncement is symptomatic of the Rann government's inability to manage and its passion for reannouncements. In 2004, Mike Rann talked about using employment contracts to keep Public Service bosses on their toes and to make them more responsive to the state's needs and expectations. Three years later, he is still talking about the same things. One might ask: what would have happened to one of those contracted public servants if they had failed to implement the government's pledge after three years?

We have read in *The Advertiser* that the Public Service Association is very concerned about the government's plan to save $60 million through shared services between departments. It has said that it may be five years before any savings are made through the process, and that any savings will be largely due to staffing cuts. It is predicted that there will be a public sector staffing crisis by 2011, when I believe some 30 000 people will be ready to retire. Of course, Treasurer Foley has passed off this warning as the usual 'doom and gloom' that is peddled out before the budget.

The Deputy Governor also said that a new South Australian Certificate of Education will be implemented, 'and my government will legislate during this parliament to lift the school leaving age to 17 by 2010'. Students would not be able to fail exams under the proposed Labor government plan to overhaul the South Australian Certificate of Education. So, in effect, the worst student could receive an assessment result of 'not yet achieved'. Results of any one assessment would be counted towards the next exam, ensuring that ultimately the student must pass. A student could resume study of that subject at any time during his or her life.

The Labor government commissioned report states that student assessments should ensure that there is a 'culture of success for all'. We know that in life there is nothing like success for all. This measure is a serious dumbing down of South Australian education standards, and it has been driven by a desire to get more students to complete their SACE, without any regard for the effect on overall standards. The proposed SACE will mean little. Our shadow minister (Vickie Chapman, the member for Bragg) got it right when she said that it will most likely give teachers a warm, fuzzy feeling, because no-one is failing examinations. Under Labor's new SACE, we will have a generation of youth with no concept of competition or striving to be the best. This will be the cruellest possible preparation for the real world. Welcome to Labor's world of non-competition!

The Aboriginal community also received a mention in the Deputy Governor's speech, with the placement of more police and social workers, and improved safety for Aboriginal communities. It is interesting to note that, in August 2006, the ABC reported that the United Nations official, Milloon Kothari, described the Australian indigenous community's housing situation as amongst the worst in the world. Mr Kothari's comments should be of no surprise to the South Australian public, who are now used to the Rann government's rhetoric without any action. The federal Minister for Indigenous Affairs, the Hon. Mal Brough, announced in June that Mike Rann and his government were all talk and no action. The government underspent Aboriginal housing funds by $18.32 million in the year 2005.

The state of Aboriginal housing, especially in the Yalata and APY lands, is just abysmal. It is about time we dropped the 'out of sight, out of mind' mentality and started to improve things significantly. I indicate that I will be writing to the Minister for Police and the Minister for Aboriginal Affairs and Reconciliation to arrange an opportunity for me, in my capacity as the new shadow minister for police, to visit the APY lands and to have a look first hand. Adequate housing is needed in these communities for residents and also to help with the recruitment of staff to provide essential services such as policing and health. Without sufficient housing, communities are unable to attract service providers. We have seen this with the government's difficulty in recruiting permanent police to many of the regional areas in South Australia.

Most of these houses in the indigenous areas are overcrowded, creating health and domestic violence problems. For example, in 2005 the community of Watarru had only 11 community houses for a population of 97. For far too long administrators have paid lip service to this issue and have done little else. It was part of the Liberal Party policy, in the lead up to the recent state election, to provide improved housing on the lands through the Aboriginal Housing Authority. It is high time the Rann government stopped issuing press releases, running talk fests and instigating reviews and got on with the job.

The Rann government is also continuing to fail Aboriginal women and children who are victims of abuse. Safe housing for victims of domestic violence have been so badly administered that many women have no alternative but to return to the remote communities where the violence has occurred. It is widely acknowledged that domestic violence is an issue in all Australian communities, including Aboriginal communities. However, instead of providing proper and safe housing for victims of—in some cases—the most horrific examples of domestic violence, the Rann government has found another use for what would be ideal 'cluster' housing at Ceduna. Aboriginal people suffer disadvantage in many areas. What this illustrates is that the Rann government has completely failed to provide adequate protection and recovery accommodation for Aboriginal victims of domestic violence.

The interesting issue of the River Murray was the next topic addressed by the Deputy Governor in his speech of 24 April. He said:

> My government will finalise negotiations with the commonwealth, and then introduce complementary legislation to transfer the management of the River Murray to an independent commission responsible to a federal minister, with appropriate guarantees of environmental flows to South Australia.

Premier Rann saw Prime Minister Howard's National Plan for Water Security as simply an opportunity to oppose the Liberal government with a suggestion that it was in fact a recommendation made by the River Murray select committee of this parliament—not Premier Rann's but a select committee of this parliament—to hand over the authority of the Murray-Darling Basin to an independent body.

The Premier has made such a point of taking the politics out of this issue, so why is it that this recommendation was not noted before we hit crisis point? We have had this recommendation for some five years. The Premier is well aware of the crisis we are facing with water. As I mentioned yesterday in the urgency motion, in 2003 the Premier made a speech to the National Press Club where he said 'two good

winters will not restore the river', the river was at all-time low flows, and that the Murray Mouth had been closed for some 19 months and was not likely to open for another couple of years. We have heard the Premier talk about the crisis, but he has done nothing about it. He has shown no leadership on it and, in fact, it was only after—

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: Well, he didn't. The Leader of the Government starts to laugh and scoff at that comment. If he had shown real leadership he would have actually taken up the suggestion of the select committee—he did not do that; he tried to score a political point. The Premier effectively suggested that the federal government should involve itself in the responsibility of the River Murray. We saw the Premier come out and talk about having a truly independent body, independent of government, so that it had no government influence. The leader of the Liberal Party at the time, the Hon. Iain Evans, suggested that we should have an independent body that could report to the federal minister. It was his call for that particular position that put that on the table. That is what we ended up with: an independent body reporting to the federal minister. It is exactly what the Hon. Iain Evans asked for; it is not what Premier Rann and minister Maywald said they would be arguing for in the first place. I have a number of other matters I would like to address, so at this point I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

PSYCHOLOGICAL PRACTICE BILL

Second reading.

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

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill is one of a number of Bills to regulate health professionals in South Australia. Like the *Podiatry Practice Act 2005*, the *Physiotherapy Practice Act 2005*, the *Chiropractic and Osteopathy Practice Act 2005* and the *Occupational Therapy Practice Act 2005*, the Psychological Practice Bill is based on the *Medical Practice Act 2004*. This Bill is therefore very similar to the *Medical Practice Act* and the provisions are largely familiar to the House.

The *Psychological Practice Bill 2006* replaces the *Psychological Practices Act 1973*. Consistent with the Government's commitment to protecting the health and safety of consumers, the long title of the Psychological Practice Bill states that it is a Bill for an Act "to protect the health and safety of the public by providing for the registration of psychologists and student psychologists…" At the outset it is made clear that the primary aim of the legislation is the protection of the health and safety of the public and that the registration of psychologists is a key mechanism by which this is to be achieved.

The current Act was reviewed in line with the requirements of the National Competition Policy Agreement. The Review indicated that the case for regulated title protection as a public benefit was adequate for the profession of psychology. There are apparently many similar services offered in the community and therefore the protection of the title "psychologist" will enable consumers to identify a practitioner with appropriate training and skills. In addition, the National Competition Policy Review Panel acknowledged the importance of the protection of this title. It noted that there are several classes of clients, including abused children, young people with serious mental health problems and persons exhibiting potentially dangerous behaviour who could be exposed to unacceptable risks of further harm which may be caused by inappropriately or inadequately trained persons. The degree of trust afforded clinical psychologists, for example, to work privately and extensively with such clients, is greater than for most other counselling professionals.

The Bill removes the restriction on the "practice of hypnosis" that exists in the current *Psychological Practices Act 1973*. In the current Act, the "practice of hypnosis" is restricted to registered psychologists, medical practitioners, individually approved dentists and "prescribed persons". The National Competition Review Panel recommended the deletion of all references to hypnosis noting that there was no demonstrable evidence of harm and that people in a number of professions and disciplines may wish to use hypnosis for fee or reward but have been restricted from doing so by section 39 of the current Act. The restriction on the practice of hypnosis therefore failed the public benefit test required for regulation to be consistent with the National Competition Policy Principles.

A further reason for removing this restriction includes the difficulty of drafting a definition of hypnosis that can be applied to the Act. No interpretation of hypnosis has been given in the current Act or regulations. This has limited the effectiveness of the restriction by allowing other providers to offer a related or identical service to hypnosis provided that there is no reliance on the use of the term "hypnosis". The effectiveness of section 39 is further questionable as it has allowed some registered practitioners to use hypnosis, regardless of their lack of specific training in that field.

The continuing difficulty in defining "hypnosis" and related terms such as "hypnotherapy" and the lack of justification based on demonstrable public benefit are the main reasons why, in similar legislation in other States and Territories, the practice of hypnosis is no longer regulated.

Whilst the Bill incorporates "psychometric testing" as part of the definition of psychology, unlike the current Act, it will not seek to create the potential for the restriction of a prescribed psychological practice by including a power to further define or prescribe types of practices or tests or inventories of tests that can only be performed by psychologists.

The current Act has a restriction on practice which has the effect of requiring the Board to specifically identify those "tests of intelligence" or "personality tests" or develop "inventories" of tests that should be restricted. The Board has never done so due to the inherent difficulties of putting into regulations and maintaining a complete and up-to-date list of all such instruments at any given time. While the Act has been in force since 1973, no evidence of harm to the public which could have been avoided by practice protection has been demonstrated.

In practice, access to certain psychological tests is restricted by the companies or organisations that publish or provide those tests to registered psychologists. A person seeking to purchase a certain test should provide evidence of their qualifications to administer the test to the supplying company or organisation.

While psychological associations have asked that access, administration and interpretation of certain psychometric tests be restricted by regulation to registered psychologists, this practice restriction does not pass the public benefit test required by the National Competition Policy Agreement which the Council of Australian Governments (COAG) has agreed to continue to apply.

This Bill does not change in practice the current circumstances regarding psychometric testing. It recognises the reality that there has not been any regulation of this testing in South Australia for at least the past 23 years. It is also consistent with the regulation of psychologists in other States and Territories.

Provided that the title "psychologist" continues to be protected, employers, clients and other persons seeking a service will continue to know who is most likely to be a reputable psychologist or psychological services provider.

Provision for the creation of a specific specialist register is not included in this Bill as sought by some professional associations. The Bill is consistent with the approach taken by the majority of other Australian jurisdictions in not establishing specialist registers in their psychological practice Acts.

This Bill provides a definition of psychology that recognises the broad scope of services provided by the profession and the regulation of psychologists continues to provide the public with confidence in those practitioners who are registered and describe themselves as "psychologists". Consistent with Government's commitment to public health and safety, registration also maintains safe and competent standards of practice for those who hold themselves out to be "psychologists", similar to all other registered health professionals.

The Bill also applies to persons who are not registered psychologists but provide psychological services through the instrumentality of a registered psychologist. The Bill includes the same measures that exist in the *Medical Practice Act 2004* and the other aforemen-

tioned Acts to ensure that non-registered persons who own a psychological practice are accountable for the quality of psychological services provided. These measures include:

- a requirement that corporate or trustee psychological services providers notify the Board of their existence and provide the names and addresses of persons who occupy positions of authority in the provider entity and of the psychologists through the instrumentality of whom they provide psychological services;
- a prohibition on psychological services providers giving improper directions to a psychologist or a psychological student through the instrumentality of whom they provide psychological services;
- a prohibition on any person giving or offering a benefit as inducement, consideration or reward for a psychologist or psychological student referring patients or clients to a health service provided by the person, or recommending that a patient or client use a health service provided by the person or a health product made, sold or supplied by the person;
- a requirement that psychological services providers comply with codes of conduct applying to such providers (thereby making them accountable to the Board by way of disciplinary action).

The definition of ***psychological services provider*** in the Bill excludes "exempt providers". This definition is identical to that in the *Medical Practice Act 2004* and the other Acts and the exclusion exists in this Bill for the same reason. That is, to ensure that a recognised hospital, incorporated health centre or private hospital within the meaning of the *South Australian Health Commission Act 1976* is not accountable to both the Minister and the Board for the services it provides. Under that Act the Minister has the power to investigate and make changes to the way a hospital or health centre may operate, or vary the conditions applying to a private hospital licensed under the Act. Without the "exempt provider" provision, under this Bill the Board would also have the capacity to investigate and conduct disciplinary proceedings against these bodies, should they provide psychological services. It is not reasonable that services providers be accountable to both the Minister and the Board, and that the Board have the power to prohibit these services when the services providers were established or licensed under the *South Australian Health Commission Act* for which the same Minister is responsible.

However, to ensure that the health and safety of consumers is not put at risk by individual practitioners providing services on behalf of a services provider, the Bill requires all providers, including exempt providers, to report to the Board unprofessional conduct or medical unfitness of persons through the instrumentality of whom they provide psychological services. In this way the Board can ensure that all services are provided in a manner consistent with a code of conduct or professional standard and that the interest of the public is protected. The Board may also make a report to the Minister about any concerns it may have arising out of the information provided to it.

While the Board will have responsibility for developing codes of conduct for services providers, the Minister will need to approve these codes, to ensure that they do not limit competition, thereby undermining the intent of this legislation. It also gives the Minister some oversight of the standards that relate to both services providers and the profession.

Similar to the *Medical Practice Act 2004*, this Bill deals with the medical fitness of registered persons and applicants for registration and requires that where a determination is made of a person's fitness to provide psychological services, regard is given to the person's ability to provide psychological services without endangering the health or safety of the patient or client. This can include consideration of the mental fitness of a psychologist or student psychologist.

This approach was agreed to by all the major medical stakeholders when developing the provisions for the *Medical Practice Act 2004* and is in line with procedures in other jurisdictions. It is therefore appropriate that similar provisions be included in this Bill.

The Bill establishes the Psychology Board of South Australia, which replaces the existing South Australian Psychological Board. The new Board will consist of 9 members, 4 being psychologists elected by their peers through an election conducted by the State Electoral Office, 1 psychologist who teaches in the field of psychology chosen from a panel of 3 jointly nominated by the 3 universities in South Australia that teach psychology, 1 legal practitioner, 1 health professional other than a psychologist and 2 persons who can represent the interest of others, in particular, those of consumers.

In addition there is a provision that will restrict the length of time any member of the Board can serve to 3 consecutive 3 year terms. This provision will ensure that the Board has the benefit of fresh thinking. It will not restrict a person's capacity to serve on the Board at a later time but it does mean that after 9 consecutive years they will be required to have a break for a term of 3 years. This Bill also includes provisions for elections to the Board using the proportional representation voting system and for the filling of casual vacancies without the need for the Board to conduct another election.

Standards and expectations by Government in regard to transparency and accountability are now much more explicit than in the past and the *Public Sector Management Act 1995*, as amended by the *Statutes Amendment (Honesty and Accountability in Government) Act 2003*, provides a clear framework for the operation of the public sector, including the Psychology Board of South Australia.

Provisions relating to conflict of interest and to protect members of the Board from personal liability when they have acted in good faith are included in the *Public Sector Management Act 1995* and will apply to the Psychology Board of South Australia.

Consistent with Government commitments to better consumer protection and information, this Bill increases transparency and accountability of the Board by ensuring information pertaining to psychological services providers is accessible to the public.

Currently most complaints are taken to the Board by the Registrar acting on behalf of the complainant. Complainants do not usually take their own case to the Board because of the possibility of having costs awarded against them and, because they are not a party to the proceedings, they do not have the legal right to be present during the hearing of those proceedings. This is obviously an unsatisfactory situation and the Government has had the relevant provisions of the *Medical Practice Act 2004* mirrored in this Bill to give the complainant a right to be present at the hearing of the proceedings. This will ensure that the proceedings, from the perspective of the complainant, are more transparent. The Board will be able however, if it considers it necessary, to exclude the complainant from being present at part of the hearing where, for example, the confidentiality of certain matters takes precedence and may need to be protected.

New to the *Psychological Practice Bill 2006* is the registration of students. This provision is supported by the South Australian Psychological Board. It requires that students undertaking a course of training in psychology from interstate or overseas be registered with the Board prior to any clinical work that they may undertake in this State. This provision will ensure that students of psychology who are undertaking a course of study leading to registration are subject to the same requirements in relation to professional standards, codes of conduct and medical fitness as registered psychologists while working in a practice setting in South Australia.

Psychologists and psychological services providers will be required to be insured, in a manner and to an extent approved by the Board, against civil liabilities that might be incurred in connection with the provision of psychological services. In the case of psychologists, insurance will be a pre-condition of registration. The *Psychological Practice Bill 2006* ensures that the insurance requirement is consistent with the *Medical Practice Act 2004* and that there is adequate protection for the public should circumstances arise where this is necessary. The Board will also have the power to exempt a person or class of persons from all or part of the insurance requirement, for example, where a person may wish to continue to be registered but no longer practice for a time.

This Bill balances the needs of the profession and psychological services providers with the need of the public to feel confident that they are being provided with a service safely, either directly by psychologists or by a provider who uses a registered psychologist.

It is reiterated that the *Psychological Practice Bill 2006* is based on the *Medical Practice Act 2004* and the provisions in the *Psychological Practice Bill 2006* are in most places identical to it. One exception is that unlike the *Medical Practice Act*, this Bill does not establish a Tribunal for hearing complaints. Instead, like the current practice, members of the Board can investigate and hear any complaint.

By following the model of the *Medical Practice Act*, this Bill and the other health professional registration Acts will have consistently applied standards for all services provided by registered health practitioners. This will be of benefit to all health consumers who can feel confident that no matter which kind of registered health

professional they consult, they can expect consistency in the standards and the processes of the registration Boards.

This Bill will provide an improved system for ensuring the health and safety of the public and regulating the psychological profession in South Australia and I commend it to all members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines key terms used in the measure.

4—Medical fitness to provide psychological services

This clause provides that in making a determination as to a person's medical fitness to provide psychological services, regard must be given to the question of whether the person is able to provide the services personally to a patient or client without endangering the patient's or client's health or safety.

Part 2—Psychology Board of South Australia

Division 1—Establishment of Board

5—Establishment of Board

This clause establishes the Psychology Board of South Australia as a body corporate with perpetual succession, a common seal, the capacity to litigate in its corporate name and all the powers of a natural person capable of being exercised by a body corporate.

Division 2—Board's membership

6—Composition of Board

This clause provides for the Board to consist of 9 members appointed by the Governor, including 4 psychologists chosen by election and 1 psychologist who teaches psychology nominated jointly by the 3 universities. The remaining members, to be nominated by the Minister, will be 1 legal practitioner, 1 member of another health profession and 2 other persons. The clause also provides for the appointment of deputy members.

7—Elections and casual vacancies

This clause requires an election to be conducted under the regulations in accordance with the principles of proportional representation. It provides for the filling of casual vacancies without the need to hold another election.

8—Terms and conditions of membership

This clause provides for members of the Board to be appointed for a term not exceeding 3 years and to be eligible for re-appointment on expiry of a term of appointment. However, a member of the Board may not hold office for consecutive terms that exceed 9 years in total. The clause sets out the circumstances in which a member's office becomes vacant and the grounds on which the Governor may remove a member from office. It also allows members whose terms have expired, or who have resigned, to continue to act as members to hear part-heard proceedings under Part 4.

9—Presiding member and deputy

This clause requires the Minister, after consultation with the Board, to appoint a psychologist member of the Board to be the presiding member of the Board, and another psychologist member to be the deputy presiding member.

10—Vacancies or defects in appointment of members

This clause ensures acts and proceedings of the Board are not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

11—Remuneration

This clause entitles a member of the Board to remuneration, allowances and expenses determined by the Governor.

Division 3—Registrar and staff of Board

12—Registrar of Board

This clause provides for the appointment of a Registrar by the Board on terms and conditions determined by the Board.

13—Other staff of Board

This clause provides for the Board to have such other staff as it thinks necessary for the proper performance of its functions.

Division 4—General functions and powers

14—Functions of Board

This clause sets out the functions of the Board and requires it to perform its functions with the object of protecting the health and safety of the public by achieving and maintaining high professional standards both of competence and conduct of registered persons and psychological services providers.

15—Committees

This clause empowers the Board to establish committees to advise the Board or the Registrar, or to assist the Board to carry out its functions.

16—Delegations

This clause empowers the Board to delegate its functions or powers to a member of the Board, the Registrar, an employee of the Board or a committee established by the Board.

Division 5—Board's procedures

17—Board's procedures

This clause deals with matters relating to the Board's procedures such as the quorum at meetings, the chairing of meetings, voting rights, the holding of conferences by telephone and other electronic means and the keeping of minutes.

18—Conflict of interest etc under Public Sector Management Act

This clause provides that a member of the Board will not be taken to have a direct or indirect interest in a matter for the purposes of the *Public Sector Management Act 1995* by reason only of the fact that the member has an interest in the matter that is shared in common with psychologists generally or a substantial section of psychologists in this State.

19—Powers of Board in relation to witnesses etc

This clause sets out the powers of the Board to summons witnesses and require the production of documents and other evidence in proceedings before the Board.

20—Principles governing proceedings

This clause provides that the Board is not bound by the rules of evidence and requires it to act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms. It requires the Board to keep all parties to proceedings before the Board properly informed about the progress and outcome of the proceedings.

21—Representation at proceedings before Board

This clause entitles a party to proceedings before the Board to be represented at the hearing of those proceedings.

22—Costs

This clause empowers the Board to award costs against a party to proceedings before the Board and provides for the taxation of costs by a Master of the District Court in the event that a party is dissatisfied with the amount of costs awarded by the Board.

Division 6—Accounts, audit and annual report

23—Accounts and audit

This clause requires the Board to keep proper accounting records in relation to its financial affairs, to have annual statements of account prepared in respect of each financial year and to have the accounts audited annually by an auditor approved by the Auditor-General and appointed by the Board.

24—Annual report

This clause requires the Board to prepare an annual report for the Minister and requires the Minister to table the report in Parliament.

Part 3—Registration and practice

Division 1—Registers

25—Registers

This clause requires the Registrar to keep certain registers and specifies the information required to be included in each register. It also requires the registers to be kept available for inspection by the public and permits access to be made available by electronic means. The clause requires registered persons to notify a change of name or nominated contact address within 1 month of the change. A maximum penalty of $250 is fixed for non-compliance.

Division 2—Registration

26—Registration of natural persons as psychologists

This clause provides for full and limited registration of natural persons on the register of psychologists.

27—Registration of student psychologists

This clause requires persons to register as student psychologists before undertaking a course of study that provides qualifications for registration on the register of psychologists, or before providing psychological services as part of a course of study related to psychology being undertaken outside the State, and provides for full or limited registration of student psychologists.

28—Application for registration and provisional registration

This clause deals with applications for registration. It empowers the Board to require applicants to submit medical reports or other evidence of medical fitness to provide psychological services or to obtain additional qualifications or experience before determining an application. It also empowers the Registrar to grant provisional registration if it appears likely that the Board will grant an application for registration.

29—Removal from register

This clause requires the Registrar to remove a person from a register on application by the person or in certain specified circumstances (for example, suspension or cancellation of the person's registration under this measure).

30—Reinstatement on register

This clause makes provision for reinstatement of a person on a register. It empowers the Board to require applicants for reinstatement to submit medical reports or other evidence of medical fitness to provide psychological services or to obtain additional qualifications or experience before determining an application.

31—Fees and returns

This clause deals with the payment of registration, reinstatement and annual practice fees, and requires registered persons to furnish the Board with an annual return in relation to their practice of psychology, continuing psychological education and other matters relevant to their registration under the measure. It empowers the Board to remove from a register a person who fails to pay the annual practice fee or furnish the required return.

Division 3—Special provisions relating to psychological services providers

32—Information to be given to Board by psychological services providers

This clause requires a psychological services provider to notify the Board of the provider's name and address, the names and addresses of the psychologists through the instrumentality of whom the provider is providing psychological services and other information. It also requires the provider to notify the Board of any change in particulars required to be given to the Board and makes it an offence to contravene or fail to comply with the clause. A maximum penalty of $10 000 is fixed. The Board is required to keep a record of information provided to the Board under this clause available for inspection at the office of the Board and may make it available to the public electronically.

Division 4—Restrictions relating to provision of psychological services

33—Illegal holding out as registered person

This clause makes it an offence for a person to hold himself or herself out as a registered person of a particular class or permit another person to do so unless registered on the appropriate register. It also makes it an offence for a person to hold out another as a registered person of a particular class unless the other person is registered on the appropriate register. In both cases a maximum penalty of $50 000 or imprisonment for 6 months is fixed.

34—Illegal holding out concerning limitations or conditions

This clause makes it an offence for a person whose registration is restricted, limited or conditional to hold himself or herself out, or permit another person to hold him or her out, as having registration that is unrestricted or not subject to a limitation or condition. It also makes it an offence for a person to hold out another whose registration is restricted, limited or conditional as having registration that is unrestricted or not subject to a limitation or condition. In each case a maximum penalty of $50 000 or imprisonment for 6 months is fixed.

35—Use of certain titles or descriptions prohibited

This clause creates a number of offences prohibiting a person who is not appropriately registered from using certain words or their derivatives to describe himself or herself or services that they provide, or in the course of advertising or promoting services that they provide. In each case a maximum penalty of $50 000 is fixed.

Part 4—Investigations and proceedings

Division 1—Preliminary

36—Interpretation

This clause provides that in this Part the terms ***occupier of a position of authority***, ***psychological services provider*** and ***registered person*** includes a person who is not but who was, at the relevant time, an occupier of a position of authority, a psychological services provider, or a registered person.

37—Cause for disciplinary action

This clause specifies what constitutes proper cause for disciplinary action against a registered person, a psychological services provider or a person occupying a position of authority in a corporate or trustee psychological services provider.

Division 2—Investigations

38—Powers of inspectors

This clause sets out the powers of inspectors to investigate suspected breaches of the Act and certain other matters.

39—Offence to hinder etc inspector

This clause makes it an offence for a person to hinder an inspector, use certain language to an inspector, refuse or fail to comply with a requirement of an inspector, refuse or fail to answer questions to the best of the person's knowledge, information or belief, or falsely represent that the person is an inspector. A maximum penalty of $10 000 is fixed.

Division 3—Proceedings before Board

40—Obligation to report medical unfitness or unprofessional conduct of psychologist or student psychologist

This clause requires certain classes of persons to report to the Board if of the opinion that a psychologist or student psychologist is or may be medically unfit to provide psychological services. A maximum penalty of $5 000 is fixed for non-compliance. It also requires psychological services providers and exempt providers to report to the Board if of the opinion that a psychologist or student psychologist through whom the provider provides psychological services has engaged in unprofessional conduct. A maximum penalty of $10 000 is fixed for non-compliance. The Board must cause reports to be investigated.

41—Medical fitness of psychologist or student psychologist

This clause empowers the Board to make an order suspending the registration of a psychologist or student psychologist or imposing registration conditions restricting practice rights and requiring the person to undergo counselling or treatment or enter into any other undertaking. The Board may make an order if, on application by certain persons or after an investigation under clause 40, and after due inquiry, the Board is satisfied that the psychologist or student is medically unfit to provide psychological services and that it is desirable in the public interest.

42—Inquiries by Board as to matters constituting grounds for disciplinary action

This clause requires the Board to inquire into a complaint relating to matters alleged to constitute grounds for disciplinary action against a person unless the Board considers the complaint to be frivolous or vexatious. The Board may make an interim order suspending registration or imposing conditions restricting practice rights pending hearing and determination of the proceedings if the Board is of the opinion that it is desirable to do so in the public interest. If after conducting an inquiry, the Board is satisfied that there is proper cause for taking disciplinary action, the Board can censure the person, order the person to pay a fine of up to $10 000 or prohibit the person from carrying on business as a psychological services provider or from occupying a position of authority in a corporate or trustee psychological services provider. If the person is registered, the Board may impose conditions on the person's right to provide psychological services, suspend the person's registration for a period not exceeding 1 year, cancel the person's registration, or disqualify the person from being registered. If a person fails to pay a fine imposed by the Board, the Board may remove them from the appropriate register.

43—Contravention of prohibition order

This clause makes it an offence to contravene a prohibition order made by the Board or to contravene or fail to comply with a condition imposed by the Board. A maximum penalty of $75 000 or imprisonment for 6 months is fixed.

44—Register of prohibition orders

This clause requires the Registrar to keep a register of prohibition orders made by the Board. The register must be

kept available for inspection at the office of the Registrar and may be made available to the public electronically.

45—Variation or revocation of conditions imposed by Board

This clause empowers the Board, on application by a registered person, to vary or revoke a condition imposed by the Board on his or her registration.

46—Constitution of Board for purpose of proceedings

This clause sets out how the Board is to be constituted for the purpose of hearing and determining proceedings under Part 4.

47—Provisions as to proceedings before Board

This clause deals with the conduct of proceedings by the Board under Part 4.

Part 5—Appeals

48—Right of appeal to District Court

This clause provides a right of appeal to the District Court against certain acts and decisions of the Board.

49—Operation of order may be suspended

This clause empowers the Board or the Court to suspend the operation of an order made by the Board where an appeal is instituted or intended to be instituted.

50—Variation or revocation of conditions imposed by Court

This clause empowers the District Court, on application by a registered person, to vary or revoke a condition imposed by the Court on his or her registration.

Part 6—Miscellaneous

51—Interpretation

This clause defines terms used in Part 6.

52—Offence to contravene conditions of registration

This clause makes it an offence for a person to contravene or fail to comply with a condition of his or her registration and fixes a maximum penalty of $75 000 or imprisonment for 6 months.

53—Registered person etc must declare interest in prescribed business

This clause requires a registered person or prescribed relative of a registered person who has an interest in a prescribed business to give the Board notice of the interest and of any change in such an interest. It fixes a maximum penalty of $20 000 for non-compliance. It also prohibits a registered person from referring a patient or client to, or recommending that a patient or client use, a health service provided by the business and from prescribing, or recommending that a patient or client use, a health product manufactured, sold or supplied by the business unless the registered person has informed the patient or client in writing of his or her interest or that of his or her prescribed relative. A maximum penalty of $20 000 is fixed for a contravention. However, it is a defence to a charge of an offence or unprofessional conduct for a registered person to prove that he or she did not know and could not reasonably have been expected to know that a prescribed relative had an interest in the prescribed business to which the referral, recommendation or prescription that is the subject of the proceedings relates.

54—Offence to give, offer or accept benefit for referral or recommendation

This clause makes it an offence—

(a) for any person to give or offer to give a registered person or prescribed relative of a registered person a benefit as an inducement, consideration or reward for the registered person referring, recommending or prescribing a health service provided by the person or a health product manufactured, sold or supplied by the person; or

(b) for a registered person or prescribed relative of a registered person to accept from any person a benefit offered or given as a inducement, consideration or reward for such a referral, recommendation or prescription.

In each case a maximum penalty of $75 000 is fixed.

55—Improper directions to psychologists or student psychologists

This clause makes it an offence for a person who provides psychological services through the instrumentality of a psychologist or student psychologist to direct or pressure the psychologist or student to engage in unprofessional conduct. It also makes it an offence for a person occupying a position of authority in a corporate or trustee psychological services provider to direct or pressure a psychologist or student through whom the provider provides psychological services to engage in unprofessional conduct. In each case a maximum penalty of $75 000 is fixed.

56—Procurement of registration by fraud

This clause makes it an offence for a person to fraudulently or dishonestly procure registration or reinstatement of registration (whether for himself or herself or another person) and fixes a maximum penalty of $20 000 or imprisonment for 6 months.

57—Statutory declarations

This clause empowers the Board to require information provided to the Board to be verified by statutory declaration.

58—False or misleading statement

This clause makes it an offence for a person to make a false or misleading statement in a material particular (whether by reason of inclusion or omission of any particular) in information provided under the measure and fixes a maximum penalty of $20 000.

59—Registered person must report medical unfitness to Board

This clause requires a registered person who becomes aware that he or she is or may be medically unfit to provide psychological services to immediately give written notice of that fact of the Board and fixes a maximum penalty of $10 000 for non-compliance.

60—Report to Board of cessation of status as student

This clause requires the person in charge of an educational institution to notify the Board that a student psychologist has ceased to be enrolled at that institution in a course of study providing qualifications for registration on the register of psychologists. A maximum penalty of $5 000 is fixed for non-compliance. It also requires a person registered as a student psychologist who completes, or ceases to be enrolled in, the course of study that formed the basis for that registration to give written notice of that fact to the Board. A maximum penalty of $1 250 is fixed for non-compliance.

61—Registered persons and psychological services providers to be indemnified against loss

This clause prohibits registered persons and psychological services providers from providing psychological services unless insured or indemnified in a manner and to an extent approved by the Board against civil liabilities that might be incurred by the person or provider in connection with the provision of such services or proceedings under Part 4 against the person or provider. It fixes a maximum penalty of $10 000 and empowers the Board to exempt persons or classes of persons from the requirement to be insured or indemnified.

62—Information relating to claim against registered person or psychological services provider to be provided

This clause requires a person against whom a claim is made for alleged negligence committed by a registered person in the course of providing psychological services to provide the Board with prescribed information relating to the claim. It also requires a psychological services provider to provide the Board with prescribed information relating to a claim made against the provider for alleged negligence by the provider in connection with the provision of psychological services. The clause fixes a maximum penalty of $10 000 for non-compliance.

63—Victimisation

This clause prohibits a person from victimising another person (the victim) on the ground, or substantially on the ground, that the victim has disclosed or intends to disclose information, or has made or intends to make an allegation, that has given rise or could give rise to proceedings against the person under this measure. Victimisation is the causing of detriment including injury, damage or loss, intimidation or harassment, threats of reprisals, or discrimination, disadvantage or adverse treatment in relation to the victim's employment or business. An act of victimisation may be dealt with as a tort or as if it were an act of victimisation under the *Equal Opportunity Act 1984*.

64—Self-incrimination

This clause provides that if a person is required to provide information or to produce a document, record or equipment under this measure and the information, document, record or equipment would tend to incriminate the person or make the person liable to a penalty, the person must nevertheless

provide the information or produce the document, record or equipment, but the information, document, record or equipment so provided or produced will not be admissible in evidence against the person in proceedings for an offence, other than an offence against this measure or any other Act relating to the provision of false or misleading information.

65—Punishment of conduct that constitutes an offence

This clause provides that if conduct constitutes both an offence against the measure and grounds for disciplinary action under the measure, the taking of disciplinary action is not a bar to conviction and punishment for the offence, and conviction and punishment for the offence is not a bar to disciplinary action.

66—Vicarious liability for offences

This clause provides that if a corporate or trustee psychological services provider or other body corporate is guilty of an offence against this measure, each person occupying a position of authority in the provider or body corporate is guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless it is proved that the person could not, by the exercise of reasonable care, have prevented the commission of the principal offence.

67—Application of fines

This clause provides that fines imposed for offences against the measure must be paid to the Board.

68—Board may require medical examination or report

This clause empowers the Board to require a registered person or a person applying for registration or reinstatement of registration to submit to an examination by a health professional or provide a medical report from a health professional, including an examination or report that will require the person to undergo a medically invasive procedure. If the person fails to comply the Board can suspend the person's registration until further order.

69—Ministerial review of decisions relating to courses

This clause gives a provider of a course of education or training the right to apply to the Minister for a review of a decision of the Board to refuse to approve the course for the purposes of the measure or to revoke the approval of a course.

70—Confidentiality

This clause makes it an offence for a person engaged or formerly engaged in the administration of the measure or the repealed Act (the *Psychological Practices Act 1973*) to divulge or communicate personal information obtained (whether by that person or otherwise) in the course of official duties except—

(a) as required or authorised by or under this measure or any other Act or law; or

(b) with the consent of the person to whom the information relates; or

(c) in connection with the administration of this measure or the repealed Act; or

(d) to an authority responsible under the law of a place outside this State for the registration or licensing of persons who provide psychological services, where the information is required for the proper administration of that law; or

(e) to an agency or instrumentality of this State, the Commonwealth or another State or a Territory of the Commonwealth for the purposes of the proper performance of its functions.

However, the clause does not prevent disclosure of statistical or other data that could not reasonably be expected to lead to the identification of any person to whom it relates. Personal information that has been disclosed for a particular purpose must not be used for any other purpose by the person to whom it was disclosed or any other person who gains access to the information (whether properly or improperly and directly or indirectly) as a result of that disclosure. A maximum penalty of $10 000 is fixed for a contravention of the clause.

71—Service

This clause sets out the methods by which notices and other documents may be served.

72—Evidentiary provision

This clause provides evidentiary aids for the purposes of proceedings for offences and for proceedings under Part 4.

73—Regulations

This clause empowers the Governor to make regulations.

Schedule 1—Repeal and transitional provisions

This Schedule repeals the *Psychological Practices Act 1973* and makes transitional provisions with respect to the Board and registrations.

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

SESSIONAL COMMITTEES

The House of Assembly notified its appointment of sessional committees.

PUBLIC WORKS COMMITTEE

The House of Assembly appointed Mr D.G. Pisoni to fill the vacancy on the committee caused by the resignation of Mr M.L.J. Hamilton-Smith.

ADJOURNMENT

At 6.01 p.m. the council adjourned until Thursday 3 May at 11 a.m.