LEGISLATIVE COUNCIL

Wednesday 20 June 2007

The PRESIDENT (Hon. R.K. Sneath) took the chair at 2.18 p.m. and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the fourth report of the committee.

Report received.

PAPER TABLED

The following paper was laid on the table:

By the Minister for Police (Hon. P. Holloway)—

Australian Energy Market Commission—Report, 2005-06.

COMMUNITY RECOVERY CENTRES

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

Leave granted.

The Hon. G.E. GAGO: I am pleased to inform the chamber that the second of our three planned community recovery centres is to be named in honour of the late mental health consumer advocate Trevor Parry. Located in Noarlunga, the new centre will be known as the Trevor Parry Centre. Trevor Parry had a high profile in the local area and was known throughout the southern metropolitan area as an ambassador for the rights of people with mental illness.

I would like to pay tribute to Trevor Parry, who was a passionate advocate for people with mental illness and who made a significant contribution to ensure that mental health services focused more on those using the services—on the consumers themselves. As chair of the Noarlunga Mental Health Advisory Group and a member of the Flinders Mental Health Consumer Advisory Group, Trevor was a leader in consumer advisory group activities and initiatives in southern Adelaide. He was also the treasurer of the Australian Mental Health Consumer Network and was well known around Australia for having brought the phrase 'Nothing about me without me' to the attention of service providers. He was a true champion. His outstanding contribution to the mental health sector, both locally and nationally, earned him a Margaret Tobin award last year, and I was pleased and honoured to have the privilege of actually presenting Trevor with that award. He was a dedicated, impassioned mental health consumer advocate and truly worthy of the award he received.

Work is currently underway on building the new Trevor Parry Centre, which is expected to be completed towards the end of this year. This recovery centre is the second of three jointly funded state and commonwealth projects planned across metropolitan Adelaide. When completed, the Trevor Parry Centre will be able to accommodate, at any one time, up to 20 people who are recovering from mental illness. People who choose to live in the Trevor Parry Centre will do so on a voluntary basis and will reside there for somewhere between three and six months. These recovery centres will provide much needed support for people with a mental illness, to help them become well, relearn day-to-day living skills, and regain confidence before returning home. Similar recovery centres have been operating successfully in residential communities interstate for some time. Indeed, since becoming Minister for Mental Health and Substance Abuse, I have had the pleasure of being able to visit some of these centres in both Victoria and Western Australia.

The model of care that will be used at the new Trevor Parry Centre is a key component of our new Stepping Up Mental Health Reform agenda. Honourable members will recall that the state government initially committed $43.6 million towards implementing the Social Inclusion Board's plan for mental health reform, from the report Stepping Up. The 2007-08 budget brings funding that has been announced for mental health reform this year to $107.9 million, of which $93.5 million will be spent over the next four years. I am pleased that this new centre will now be named in honour of Trevor Parry and will carry his legacy on, continuing to put mental health consumers at the centre of our reformed mental health system.

NAVANTIA DECISION

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

QUESTION TIME

NATIONAL ACTION PLAN

The Hon. D.W. RIDGWAY (Leader of the Opposition): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about National Action Plan funding.

Leave granted.

The Hon. D.W. RIDGWAY: As I am sure all members are aware, in the South-East there is the Upper South-East Dryland Salinity and Flood Management program and, in particular, a portion of that program is funded by the National Action Plan. I have a copy of the Upper South-East Dryland Salinity and Flood Management Program, National Action Plan Priority Project Proposal. That proposal talks about a funding arrangement whereby the funding required to implement the whole program, as proposed in the various project elements, is approximately $45 million over the next five years of National Action Plan funding. Under the conditions of the approval section, condition 3.2 states:

> The proposed management structure, including the establishment of an Environmental Management Advisory Group (EMAG), to ensure environmentally efficient and effective management for the USE Plan, must be implemented with the proviso that an independent auditor, to be agreed by the Program Board, to be appointed to audit the implementation of the management package on an annual basis whilst Commonwealth financial assistance is being provided, and that this must not be a role for EMAG.

Condition 3.3 is that 'The Upper South-East Program Board must present on an annual basis a documented formal report to the commonwealth on the status of the major elements of the Upper South-East plan'. My questions to the minister are:

1. Has the independent environmental auditor been appointed in accordance with condition 3.2 of the funding agreement?

2. Has a formal documented report been forwarded to the commonwealth on an annual basis as a condition of 3.3 and, if so, will the minister please table a copy of that report in this place?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his important questions. I am pleased to take those questions on notice and bring back a response. Given the absolute sensitivity of these matters at this time, and the fact that there has been a series of court actions taken around these matters, it is most important that any information I bring to this chamber, put on the record or say publicly is absolutely correct. I need to ensure that the details are checked and that the information I outline is specifically correct—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: —given the incredible sensitivities of this. I am happy to take the question on notice and bring back a response.

The PRESIDENT: The Hon. Ms Lensink.

The Hon. D.W. RIDGWAY: Is that both questions you are taking on notice?

The PRESIDENT: Order! You did not indicate that you wanted to ask a supplementary question—you simply got up and asked a question.

APY DETOX CENTRE

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation prior asking the Minister for Mental Health and Substance Abuse a question about the APY detox centre.

Leave granted.

The Hon. J.M.A. LENSINK: Along with two of my colleagues, the Hon. John Dawkins and Vickie Chapman, I went to the APY lands from 22 to 24 May and am grateful for the assistance we had in understanding some of the health issues on the lands. We met with Nganampa Health while there and discussed one of their key issues, namely, the lack of coordinated program planning, in that the coordination takes place between DAARE, the Department of Health, Country Health and Glenside, which is not necessarily in relation to the APY detox centre. Nganampa Health told us that there is a significant issue with acute psychosis and poly-substance abuse and, in relation to the planning of the detox centre, they were invited to be on the steering committee which, unfortunately, meets in Adelaide.

Some information provided to me when I was a member of the Aboriginal Lands Standing Committee from DAARE last year stated that the goal of the facility was to provide a range of treatment and rehabilitation services, referral to hospital where intensive medical support was required for detox and a mobile outreach service, and that SAPOL and DASSA were working on the protocols for the diversion program. My questions are:

1. Will the minister outline the differences in service provisions for drug and alcohol services to be provided on the lands between Nganampa Health and the new centre?

2. Which hospitals will provide those detox services?

3. Which service will have responsibility for crisis services for people experiencing drug induced acute psychotic episodes?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for her important questions. In relation to the APY facility, the commonwealth government has—

The Hon. R.I. Lucas interjecting:

The Hon. G.E. GAGO: Not at all—I am not passing the buck. I am actually giving them acknowledgment, but if you do not want me to, that is fine; I will withdraw those comments. The commonwealth government has provided funds to build a substance misuse facility and associated staff housing on the APY lands, and the South Australian government has agreed to fund the recurrent costs of running the facility.

The Department of Health has agreed to establish and manage the facility and has nominated DASSA as the lead organisation to actually operate that particular facility. It will provide a range of treatment and rehabilitation services for people from the APY lands who have experienced problems, particularly in relation to substance misuse, and the service focus is on combating dependence and assisting people to reintegrate back into their communities and their homes. The model is based on both the formal research that has been undertaken and on what has actually worked in other drug and alcohol programs, particularly those in indigenous communities as they indeed contain some of their own particular challenges.

Two rounds of consultation have been undertaken throughout May with the community and Anangu organisations on the service model that would be most appropriate for the facility and its location. So, we very much involved local community representatives and their views about this. That is part of the reason why it has taken so long to bring it to fruition, because it has involved quite a lot of sensitive discussions and negotiations. The APY executive nominated a Malpa (an indigenous guide) to assist DASSA in the second round of consultations.

The residential facility and outreach service will complement existing state funded community petrol sniffing programs and also youth programs that provide healthy activities for young Anangu to help prevent petrol sniffing. Consultations regarding the location of the facility have been completed and building has commenced. The Murray River North Construction Company was the successful tenderer, and I have signed the lease agreement with the APY executive. DASSA has appointed two very experienced nurses and three Anangu staff in a mobile outreach service. The mobile program currently has approximately 25 referrals from a variety of sources, including SAPOL.

In terms of the services that I was asked about, it is proposed that this facility will provide:

- assessment by facility staff;
- referral to hospital if intensive medical support is required for detoxification;
- residential rehabilitation programs for up to three months;
- treatment and rehabilitation for people who misuse petrol, alcohol, cannabis and other substances on the APY lands; and
- as a secondary focus, a period of respite for families of people with substance misuse issues and the broader community.

A range of residential rehabilitation and treatment services will be provided at the facility and in the community, based on varying client needs. The first stage in the work of the facility is a mobile outreach service, which visits communities and provides:

- assessments in communities;
- counselling and support for individuals, families and communities that are affected by substance misuse;
- referral to hospital or clinical primary health care if needed;
- assistance in case management and in designing individual management plans;

- support for diversionary programs, particularly the Police Drug Diversion Initiative; and
- a range of community drug and alcohol education services.

In relation to the other questions which I was asked, I am happy to take those on notice and bring back a response.

MAIN NORTH ROAD

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Road Safety a question in relation to Main North Road.

Leave granted.

The Hon. S.G. WADE: Mr David Fawcett, the excellent federal member for Wakefield, announced on 18 May that the Australian government has committed $6 million to upgrade sections of Main North Road between Gawler and Tarlee, with the particular goal of improving road safety. I understand that this money will be focused on removing undulations and will allow some shoulder work to be undertaken. Mr Fawcett has called on the state government to match the federal government commitment on what is, after all, a state road. I am informed that a $6 million commitment from the state government would allow the completion of the shoulder work and some widening, which would have significant road safety benefits. My question is: will the government match the federal funding to allow the completion of road safety treatments to Main North Road between Gawler and Tarlee?

The Hon. CARMEL ZOLLO (Minister for Road Safety): I understand the upgrade of Main North Road is a project which is being funded under AusLink and which falls under the AusLink act. The funding is obtained by local government submitting proposals to the federal government's Minister for Local Government, Territories and Roads (Hon. Mr Jim Lloyd). The state government also submitted bids for the Outback road network on this occasion.

I understand that the first round of strategic regional projects was announced at the end of 2006, with a total value of $127 million. South Australian projects received $8.6 million. A second round of strategic regional projects was announced as part of the 2007 budget by the Australian government. The total funding allocated to South Australia in this second round was $27 million. So, it would be fair to say that South Australia has again not fared all that well in relation to the funding from the federal government. In most cases, the projects are joint funding agreements. In this latest round, councils submitted several projects located on state arterial roads. It should be noted that DTEI was not consulted when these submissions were made and, in any one's language, that is somewhat unusual.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: Yes, I understand that we have something like that happening. As we have just heard, Light Regional Council submitted a funding request for a $6 million upgrade of Main North Road between Gawler and Tarlee (a state arterial road), with the main focus to be on improving road conditions to improve safety. As we have heard, the submission was in response to a petition in the local area for increased funding to improve this section of the road.

We have also heard that the federal member for the area has been calling publicly on the South Australian government to match the federal government's funding. Clearly, there is no requirement at this time for the South Australian government to match the $6 million from the federal government. The state government was not even consulted.

Members interjecting:

The Hon. J.S.L. Dawkins: Quiet; I want to hear this.

The PRESIDENT: If his colleagues will be quiet, the honourable member will be able to hear what the minister is saying.

The Hon. CARMEL ZOLLO: I understand that another problem is that the project submitted by Light Regional Council in relation to Main North Road did not detail the works to be carried out in relation to the $6 million funding. A meeting was held between Light Regional Council officers and DTEI officers to discuss the scope of works, and it was agreed that priority should be given to completing shoulder sealing where necessary on this section of the road, followed by improvements to rectify road roughness. It is likely that these two activities will use the $6 million funding available. DTEI is currently working on assessing the available pavement treatments to rectify the roughness of this road. The Light Regional Council was required to agree to the funding conditions last week, and it is required to submit details of the project scope to the Australian government four weeks after this date. So, it would be fair to say that DTEI has been actively involved in assisting Light Regional Council.

DAVID BLIGHT MEMORIAL FUND

The Hon. I.K. HUNTER: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the David Blight Memorial Fund.

Leave granted.

The Hon. I.K. HUNTER: Honourable members were saddened to hear of the sudden passing of Dr David Blight, the much respected former executive director of PIRSA's Minerals and Energy Division in October 2005. Dr Blight had a long and distinguished career in the public and private sectors in South Australia, Western Australia and the Northern Territory, and he was a driving force behind the mineral sector in both states and he is credited as being one of the masterminds of the government's highly successful PACE scheme. Will the minister provide details of a new fund that has been established in honour of Dr David Blight?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I thank the honourable member for this important question. There is no question that David Blight was one of the key people who helped to shape the exploration and mining boom being experienced in South Australia today. As the honourable member mentioned in his question, we were all shocked to hear of his sudden death in Perth on 3 October 2005. In honour of David's vital contribution to the minerals and resources sector in this state, I am delighted to announce that an educational fund (the David Blight Memorial Fund) has been established. The fund will be used to sponsor students who wish to pursue a career in geosciences and to sponsor research and exploration geology. I believe this is an ideal way to honour David's important legacy. I can also announce today that, to kick off the fund, the state government will contribute $30 000 in order to encourage the resources sector to get behind this excellent initiative. The fund has a fundraising target of around $500 000.

As many honourable members would be aware, Dr David Blight was a man of great conviction and great passion for the resources industry. He was responsible for fostering signifi-

cant growth within the state's resources industry, including taking a leading role in the implementation of the internationally successful plan for accelerating exploration. He spent a lifetime supporting the industry in numerous roles, both in government and industry locally, and in the Northern Territory and Western Australia.

Born in Melbourne in 1947, David graduated from the University of Adelaide with a bachelor of science (honours), majoring in geology and chemistry. He was awarded his PhD in 1975 and began his career as a geologist in the Western Australian government's Geological Survey. Between 1982 and 1994, he was involved in managing exploration and development for a number of mining companies operating in Western Australia, the Northern Territory and here in South Australia. He then became the Director of Western Australia's Geological Survey and, in 2000, joined PIRSA where he became the inaugural Executive Director of the division of minerals and energy. He resigned in 2004 to become Managing Director of the Western Australian based exploration company Abra Mining Limited.

A number of people in organisations have already stepped forward to support the David Blight Memorial Fund. The University of Adelaide will administer the fund with advice from the mining industry, while fund-raising will be coordinated by Mick Muir, the Chairman of Arafura Resources Limited and NuPower Resources Limited. All of these organisations and individuals, along with PIRSA's minerals and energy division, deserve recognition and thanks for the work they have put in to establish this fund. Donations can be made to the University of Adelaide.

MORIALTA CONSERVATION PARK

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Environment and Conservation a question about Morialta Conservation Reserve.

Leave granted.

The Hon. SANDRA KANCK: Morialta Conservation Reserve is one of Adelaide's most accessible and most popular conservation parks. It is part of the greater Mount Lofty Parklands, which is critical to the survival of many threatened plants, animals and ecological communities found nowhere else in this state. Privately owned land of 29.6 hectares adjoining the conservation reserve has now been put up for sale and the Morialta Residents Association has called for the government to buy this land. The land runs from above the gorge on the northern side of the reserve and down to Fourth Creek, including to within several centimetres of the bitumen road that runs into the gorge. This means that people walking from the free carpark along Fourth Creek are trespassing if they go off the road, and they create a traffic hazard if they remain on the road. It also means that a developer could build a substantial house above and clearly visible to the gorge, and put in an access road to fence off private property from the road, graze stock along Fourth Creek, clear trees or fail to control weeds and other pest plants.

The Advertiser reported yesterday that a Mr Haegi of DEH has stated that the government would not purchase this land. My questions are:

1. Can the minister confirm that the landowner gave the government first option to purchase this land?

2. What criteria does the department use to assess whether or not to acquire land adjoining reserves and parks?

3. Is the minister aware of current access and safety issues created by land adjoining the road?

4. Will the minister be able to prevent a private owner from fencing off land, thereby restricting pedestrian access to the park?

5. Has the minister sought advice on potential liability from any accident as a result of unsafe access arrangements?

6. If the minister is not able to prevent the private land being fenced off, how will she manage other conflicts between the reserve and adjoining privately owned land?

7. Will the minister review any decision made by her department to not buy this land?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for her important questions. I know that particular groups develop relationships with their local parks and reserves. Indeed, they become very passionate about the interests and future of those reserves. I do appreciate that and, certainly, I do respect those people who have a driving and passionate interest in this. Unfortunately, the government is not able to take up every proposal an interested group of residents may think is a good idea. We weigh up a number of factors. I have been advised that the current market price for the 30 hectares of land adjacent to the Morialta Conservation Park is about $1.9 million.

The local residents have asked the government to consider purchasing that land for addition to that reserve system. The Department for Environment and Heritage (DEH) is responsible for planning and establishing South Australia's system of protected areas. In fact, I remind members that, in this place, I have put on record many times the thousands of extra hectares this government has put towards our reserve system to conserve and protect very important animal and plant populations. Many factors are taken into account when considering acquisition of significant numbers of properties which, from time to time, do become available for potential addition to our reserve system.

It is important to achieve the greatest benefit for the reserve system overall within an available but limited resource. In the case of the land in question, it is a very high asking price, which makes the purchase highly unlikely. As it is located within the hills face zone, the land is not under threat of extensive development; so, that is something we certainly consider in our planning. I have also been advised that the prolific weeds on the land would create a significant management burden for the government. The combination of the small size, the high price, the degraded state, the absence of threat from development and the presence of existing parks in the immediate vicinity means that the property on offer rates low, I have to say, in comparison with other opportunities for additions to our reserve system. However, I understand that DEH officers are currently investigating a range of possibilities in relation to access to that land.

METROPOLITAN FIRE SERVICE, PORT LINCOLN

The Hon. J.S.L. DAWKINS: Will the Minister for Emergency Services advise the council of the progress and breakdown of costs in establishing a new site for the South Australian Metropolitan Fire Service at Port Lincoln?

An honourable member: Good question!

The Hon. CARMEL ZOLLO (Minister for Emergency Services): That is a very good question. I thank the honourable member for the opportunity to place on record the MFS

commitment to Port Lincoln. If I do not have all the financial details, I will take that on in estimates, which will be held in early July. The design and construction of the new Port Lincoln station will replace the 45-year old station, and it will cost $5 million over two years. It does bring forward the construction of this station by two years, so that it will be completed within the same time frame as the CFS and SES in the co-sited emergency services precinct concept for Port Lincoln.

The construction is to commence during the 2007-08 financial year and it is due for completion in June 2009. Since becoming minister, I have known of plans to build all three emergency services in Port Lincoln. Various sites have been spoken about, and I have visited all three at different times. I am very pleased to say that we will now see collocation or co-siting of the three emergency services in Port Lincoln. I understand that it has been a long time coming to fruition—probably about four years or so. So it is entirely good news.

The budget process has also meant that we can announce a Skyjet aerial appliance for Port Lincoln—$1 million over two years. This is, of course, to meet the increased risk in the area from continuing growth, including residential expansion and large, new industrial facilities as well as commercial developments, including the high-rise development that we are now seeing at Port Lincoln. So, I am pleased that this government has been able to make this commitment to the people of Port Lincoln and surrounding districts.

The Hon. J.S.L. DAWKINS: I have a supplementary question. Has the land for the new site been purchased by the government?

The Hon. CARMEL ZOLLO: The land on which the co-sited facilities will be built is actually crown land, but it was in the care of the local Port Lincoln council. Negotiations are continuing between the Land Management Corporation and the City of Port Lincoln.

MENTAL HEALTH REFORM

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about the government's mental health reform agenda.

Leave granted.

The Hon. R.P. WORTLEY: On coming to government, the Rann government discovered a mental health system in South Australia that had gone from—

Members interjecting:

The Hon. R.P. WORTLEY: Mr President, I seek the protection of the chair from these disgraceful, shameful opposition members.

Members interjecting:

The PRESIDENT: Order! If opposition members want to waste their question time that is fine. Perhaps you would like to start again, Mr Wortley.

The Hon. R.P. WORTLEY: On coming to government, the Rann government discovered a mental health system in South Australia that had gone from leading the nation to lagging behind other states due to years of Liberal neglect. The Rann government inherited a mental health system that was in tatters because of the disgraceful measures that—

Members interjecting:

The PRESIDENT: Order! The honourable member will not put so much opinion in his question.

The Hon. R.P. WORTLEY: The Social Inclusion Board's report into our mental health system has now documented a number of gaps in the current system and made a number of recommendations for reform in the way that mental health services are delivered in South Australia, and the government's initial response to the Stepping Up report has already been widely discussed. My question is: will the minister update the chamber on any additional progress made in the government's mental health reform agenda, with specific reference to much-needed funding to the non-government sector?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for his very important question. It is with great pleasure that I talk about the 2007-08 budget, which has brought a very welcome funding boost to South Australia's mental health sector. I am pleased to inform the chamber that, since the release of the Social Inclusion Board's report in relation to mental health, the Rann government has committed $107.9 million of new money for improvements across our mental health system. Of this new funding, $93.5 million will be allocated over the next four years and will make a great contribution towards our mental health reform agenda. The funding includes a $50.5 million package for mental health reform over the next four years which was announced on budget day, and this is on top of the $43 million over four years that we announced in February as part of our initial response to the Social Inclusion Board's Stepping Up report.

In recognition of the vital role of non-government organisations in the mental health system, the state government has allocated $36.8 million for NGOs to provide packages of care in the community over the next four years. Nearly $6 million of this will be allocated in the first year alone. These NGO packages and programs will support the stepped model of care for mental health reform by offering more support in the early stages of mental illness in order to help reduce repeated hospital admissions and keep people well. This is also in line with the Generational Health Review, which recommended a focus on early intervention and prevention, and access to health services closer to where people live.

In recognition of the need to provide better early intervention for young people, especially those experiencing their first episode of mental illness, the recent budget provided $1.6 million over the next four years to establish a dedicated team to provide outreach services. The team will also focus on improving access and reducing delays in initial treatment, reducing the frequency and severity of relapses, and providing extra support for carers. An amount of $376 000 has been allocated in the 2007-08 budget for this team.

The Social Inclusion Board's report recommended a mental health system with a stepped system of care, with community services at its centre. That is why I am very pleased that $12.1 million has also been allocated in the budget to establish six community mental health centres across Adelaide over the next four years, with an additional $13.8 million in the forward capital program to complete the centres, at a total cost of $25.9 million. The six centres will bring mental health facilities closer to where people live, with the aim of providing increased access to early intervention and recovery services, helping to reduce the number of acute hospital bed admissions. The community mental health centres will provide a base for clinical and allied health staff who will provide increased after-hours access to community mental health care.

In terms of mental health reform, the 2007-08 budget has provided the much needed resources to continue with the implementation of the Social Inclusion Board's stepped model of care, and I am very pleased to put on record further evidence of the Rann government's commitment to mental health reform.

The Hon. J.M.A. LENSINK: I have a supplementary question. Will the minister confirm that the NGO funding is merely a continuation of what was actually provided in 2005-06, and when will the government include those funds in a recurrent allocation so that it will stop making these disingenuous statements in parliament?

The Hon. G.E. GAGO: It is very sad that honourable members opposite cannot read a budget; it is a very sad indictment, but I will not dwell on that. Indeed, the NGOs were offered (as members know) a one-off payment of $25 million back in 2005-06. It was delivered as one-off funding. Since that time we have delivered a blueprint reform agenda and we have delivered a vision for mental health reform for this state which includes NGO funding, as I have outlined. It is recurrent funding. It is really sad that honourable members opposite are unable to read a budget.

NEEDLE EXCHANGE PROGRAM

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question regarding the AIDS Council of South Australia's SAVIVE program.

Leave granted.

The Hon. A.L. EVANS: It has come to Family First's attention that the government-funded SAVIVE needle exchange program has now joined an organisation called the Australian IV League. This fact is mentioned on the AIDS Council of South Australia's website, and articles obtained from the service also confirm this fact. My questions are:

1. Is the minister aware that the Australian IV League calls itself 'an international network of activists who use drugs'?

2. Is the minister aware that SAVIVE is distributing an Australian IV League petition prepared by international drug user activists (as they call themselves) which states the following:

> No group of oppressed people ever attained liberation without the involvement of those directly affected by this oppression. Through collective action, we will fight to change existing local, national, regional and international drug laws.

3. Is any government funding reaching the Australian IV League through SAVIVE, either in membership fees paid or other donations?

4. Is the SAVIVE service operating within government guidelines or is it out of control?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I spoke yesterday on the issue of SAVIVE and the services that I was aware of that it was currently supplying to the AIDS Council. The information I had related to the provision of a clean needle exchange program and nothing else. Since then I have ascertained that, in relation to the question the Hon. Dennis Hood asked in relation to body piercing kits, it is not part of the SAVIVE program at all—it is an issue the council has taken up, but it is certainly not part of the drug and alcohol program provided through SAVIVE in terms of supplying those kits. I put that on the record.

In relation to the relationship with IV League and funding its activities, I can only put on record that to the best of my knowledge the funds that DASSA provides to the AIDS Council pertain to a clean needle program and that is all. I am not aware of these other activities. I would be most surprised if they are linked to DASSA services, but I am happy to investigate the allegations and claims the honourable member has made and bring back a response.

The Hon. S.G. WADE: By way of supplementary question, in relation to the minister's comments on the issues raised by the Hon. Mr Hood yesterday, will she clarify whether, when she tells us the government is not funding the provision of body piercing needles, she is assuring us that not only the needles themselves are not being funded by the state government but also that state government workers are not providing body piercing needles?

The Hon. G.E. GAGO: The information I gave pertained to the funding and services that DASSA provides to the AIDS Council. I cannot speak for any other public sector workers employed there through other departments such as health and so on. There may be Families SA staff there—I do not have that detail. I cannot speak for other government departments or workers. I was asked a question in relation to Drug and Alcohol Services Council funding and staff. I have put the information I have and have been advised of on the record, namely, that the Drug and Alcohol Services Council does not provide body piercing kits to that service or, to the best of my knowledge, to any other service here in South Australia.

The Hon. A.M. BRESSINGTON: By way of supplementary question, if the minister discovers that DASSA funded employees are actually providing body piercing kits, will she demand as the minister that that practice stop?

The Hon. G.E. GAGO: I have already put on record that the information I have is that the Drug and Alcohol Services Council does not—how many times do I have to say this?—provide these services.

The Hon. A.M. Bressington: Look into it.

The Hon. G.E. GAGO: I have already stated that as from yesterday and today I have been informed that the Drug and Alcohol Services Council does not supply them—end of story.

AUDITOR-GENERAL

The Hon. R.I. LUCAS: I seek leave to make a brief explanation prior to asking the Leader of the Government, representing the Premier and the Attorney-General, a question about the Auditor-General and the Ombudsman.

Leave granted.

The Hon. R.I. LUCAS: Members would be aware that earlier this year the Auditor-General retired and at around that time both the Attorney-General and the Premier made a number of public statements acknowledging the long years of service of the Auditor-General. In particular, in *The Australian* of 21 March the Attorney-General was mentioned, as follows:

> 'Ken MacPherson has been an outstanding Auditor-General for 17 years; I respect his opinion very much', Mr Atkinson told ABC radio.

A number of other statements were made at the time by the Attorney-General and the Premier. In recent days we have seen the resignation of the Ombudsman, Mr Eugene Biganovsky. There was a very curious story buried in the

back pages of *The Advertiser* under the heading 'Personal reasons, Ombudsman resigns':

> State Ombudsman, Mr Biganovsky, has resigned for personal reasons. He had served under Labor and Liberal governments for more than two decades. He said he was resigning for well being and family reasons.

There was no statement from the Attorney-General or, indeed, the Premier at that time or, as far as I can ascertain, thereafter acknowledging the long period of service of the Ombudsman. My questions are:

1. Why did the Attorney-General and the Premier make public statements acknowledging the service of the Auditor-General but not make any similar public statements in relation to the Ombudsman?

2. Was the Attorney-General, any other Rann government minister or any of their advisers advised recently of concerns relating to the behaviour of the Ombudsman; if so, what action was taken in relation to any such concerns; and, in particular, were any inquiries initiated into any such concerns?

3. Were the communications staff with the Department of the Premier and Cabinet briefed on any such issues and involved in providing advice on handling any possible media issues resulting from those concerns?

The Hon. P. HOLLOWAY (Minister for Police): The Ombudsman, just earlier this week, appeared before the Statutory Officers Committee. I chair that committee and the Attorney-General is a member, as is the Hon. Robert Lawson, and all of us recorded through that, in his farewell appearance before that committee, our appreciation of the significant work that the Ombudsman has made to this state over 21 years. So, let it not be said that no-one in the government has acknowledged the significant contribution that the Ombudsman has made, because, in fact, that happened at the committee earlier this week, and I guess the report of that will come out from that committee later on this year.

I am not really much interested in what gossip goes on in the communications department of the government, but the first question the Hon. Rob Lucas asked was why the government made a statement about the Auditor-General. I think that is because the Auditor-General, after holding such a significant position in this state, was richly deserving of it. We know what the Hon. Rob Lucas's views are on the previous Auditor-General; he has made those clear on a number of occasions. He is entitled to his view on that, but I think this government and most of the members of the Public Service and, indeed, members of the South Australian public greatly appreciate the contribution that Ken MacPherson made over many years, even if the Hon. Rob Lucas does not.

EMERGENCY SERVICES PARTNERSHIPS

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the establishment of partnerships between industry and emergency services organisations.

Leave granted.

Members interjecting:

The PRESIDENT: Order!

The Hon. B.V. FINNIGAN: There seems to have been a trend in industry, particularly in regional areas, recognising the benefit of well trained local rescue services. Has any collaboration occurred in the establishment of mutually supportive training and operational systems which are of direct benefit to the local industry in regional communities?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his important question.

Members interjecting:

The Hon. CARMEL ZOLLO: I am a good mind reader—and very enthusiastic. I am always very happy to place on record the appreciation that this government has in relation to its volunteers. In mid 2005, NRG Flinders approached the State Emergency Service (SES) to determine the availability of specialist rescue training for its plant response team at the Port Augusta power station. At that time, SES advised NRG Flinders to contact commercial training providers, who were predominantly located interstate. NRG made a further approach to SES in late 2005 to seek the assistance of rescue trainers, as it believed that SES was the most appropriately qualified agency to provide such a service. NRG also wished to forge a relationship between the response team at the power station and the emergency services in Port Augusta. In this relationship, the emergency services based locally could support operations within the plant, and the plant response team could respond to the community in times of great need.

During these discussions, it was established that SES volunteers who are nationally accredited specialist rescue trainers would be able and willing to provide this level of training over a three-year period. In January 2006, the SES and NRG Flinders signed an agreement whereby four SES volunteer trainers would provide technical rescue training to the NRG response team over a three-year schedule. SES would then continue to work with NRG to ensure that skills were adequately maintained. Recognising that the entire SES operation would be provided voluntarily, NRG agreed to totally fund a rescue training scholarship for the volunteers involved. The total value of this scholarship fund provided by NRG is $60 000.

At this halfway mark in the three year program, four SES trainers have voluntarily provided technical rescue training for the NRG response team members. I am advised that several significant exercises have been conducted and that skills maintenance is ongoing. At this time, negotiations have commenced to link the NRG response team with community emergency services in Port Augusta to complete the partnership agreement.

On 28 May 2007, the four SES trainers left Adelaide on a four-week rescue study tour of the United States of America. The volunteers attended an advanced structural collapse course from 4 to 8 June, closely followed by a five day disaster technical search specialist course. In America, the trainers worked with a broad range of fire and rescue services, concentrating on technical rescue, particularly with respect to structural collapse and vertical rescue, and they will return to South Australia this weekend with skills and expertise of a particularly high standard. These skills will be of direct benefit to the community of Port August and, indirectly, to the state. The funding of this study tour by NRG Flinders recognises the quality of the training provided to the power station response team and the extraordinary commitment and high level of skill of the volunteer trainers.

The NRG response team provides a high standard of rescue coverage for the Port Augusta power station and for the community. The scholarship funding of the SES volunteers by NRG Flinders will bring back to South Australia a high level of technical rescue expertise that would otherwise

not be readily obtainable. This is proving to be a highly successful partnership.

WATER SUPPLY

The Hon. M. PARNELL: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the SA Water Bolivar to BHP Billiton recycled effluent proposal.

Leave granted.

The Hon. M. PARNELL: Last year, SA Water put together a proposal for taking treated effluent from the Bolivar sewage treatment works up to the BHP Billiton mine at Roxby Downs. As I understand it, detailed specifications were prepared as part of this proposal. The conclusion that SA Water reached was that it was a cost-effective program that guaranteed sufficient security of supply and water of sufficient quality to meet the needs of the mine. However, BHP Billiton appears to have rejected that model, preferring instead its proposed desalination model. In relation to the issue of its being cost effective, SA Water said that the cost per litre would be equivalent to the cost of desalination, yet BHP Billiton has said that it believed the water would be more expensive. Under freedom of information SA Water has declined to provide seven pages of detailed costings which would prove to the community once and for all what the relative costings of the two proposals were. Will the minister report to the council on the detailed costings that were undertaken by SA Water in relation to providing treated effluent to BHP for the Roxby Downs mine?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): The provision of information in relation to anything SA Water might do is the responsibility of my colleague in another place, and I will refer that question to him. I point out that just last week, or the week before, BHP Billiton had an information session for members of the upper house who wished to attend when those matters were addressed. I note that the Hon. Mark Parnell was there. Of course, at that briefing session, BHP Billiton made clear and was quite happy to explain its reasons for making the choice it did. There has been subsequent further confirmation of that in the media recently.

The BHP prefeasibility study in relation to Roxby Downs has been looking at a number of sources, and BHP has come to the conclusion that its preferred way to go is with a desal plant. I think the reasons for that are fairly clear and understandable. In relation to the matter of studies that SA Water has done, I will refer that question to my colleague.

GREAT ARTESIAN BASIN

The Hon. CAROLINE SCHAEFER: My question is to the Minister for Environment and Conservation. What is the government policy for, and commitment to, the rehabilitation of bores in the Great Artesian Basin region of South Australia.

The Hon. G.E. GAGO (Minister for Environment and Conservation): Recently, in response to a question from another honourable member, I outlined some of the problems that we were having in relation to bores in the Great Artesian Basin. A great deal of work has been done on those bores. Some casings that were placed on those bores have not yielded the results that were expected, so some of those bores now require replacement before it was anticipated.

There have been two phases involving federal government contributions and a program of rehabilitation of bores throughout the basin, and that includes, I understand, state funding or contributions as well. I am informed that stage 3 is still being negotiated. The work is being done to reprioritise the current bore replacement program that is underway, given that, as I said, the casings of some of these bores have broken down and need to be replaced before expected. I know that departmental officers are working very hard to reprioritise the bore replacement program initiatives that are outstanding.

The Hon. CAROLINE SCHAEFER: In spite of the fact that at least 12 bores have had no rehabilitation on them, why has no money been allocated in the budget for this ongoing work?

The Hon. G.E. GAGO: It is an ongoing program. It has involved joint work with both the federal and state governments. We will continue to explore those opportunities with the federal government. The Great Artesian Basin is a joint responsibility. It is not just the responsibility of the state government, and this government has shown very clearly its commitment to the environment. It has released its commitment to the marine parks initiative. It has attached new money to that initiative, which is a very positive thing to do. We have put in place a range of other environmental initiatives involving a commitment to wind energy and solar energy. There is a huge commitment to our environment.

We are also a very responsible government. As we know, the government has to weigh up a wide range of priorities and commitments every budget time. Unfortunately, our public purse is not a bottomless pit, and one of the tough things about being in government is making the hard decisions, setting the hard—

Members interjecting:

The PRESIDENT: The minister might want to wait until the council comes to order.

The Hon. G.E. GAGO: As I said, a responsible government must weigh up priorities across government. We often have to make difficult decisions in setting those priorities. We have a set of quite limited resources and we set out priorities according to our planning agendas, and the current priority for this government is about health reform. We have committed significant funds for the improvement and long-term security of our health system—general health as well as mental health. The budget makes a significant financial contribution to those areas. As I said, a responsible government has to be able to make difficult decisions.

The Hon. CAROLINE SCHAEFER: I have a further supplementary question. Is the minister therefore confirming that there will be no rehabilitation of bores in the Great Artesian Basin for this financial year due to no funding?

The Hon. G.E. GAGO: The honourable member needs to clear out her ears. I made the position quite clear, and I am happy to repeat the answer. I said that, to the best of my knowledge, I believe that phase 3 of the commonwealth-state partnership is currently under negotiation. I know that I have a range of skills, but certainly telepathy is not one of them, so I am unable to predict what the outcome of those future negotiations might be. I have put that very firmly on the record. Those negotiations will continue. When we have a result from those negotiations, I will be very happy to bring that information to the chamber.

As I have stated, the Great Artesian Basin is a joint responsibility: it is not just a matter for the state government. It is a joint responsibility for those landholders who are making a living from water taken from that Great Artesian Basin. There are the landholders, the state and federal governments, as well as other states, because other states also share in some aspects of the Great Artesian Basin.

MATTERS OF INTEREST

INDEPENDENT COMMISSION AGAINST CORRUPTION

The Hon. R.I. LUCAS: As members will be aware, in recent months there has been increasing clamour from a number of commentators and others for an independent commission against crime and corruption in South Australia. I think many people are asking why in particular Attorney-General Atkinson and Premier Rann are so fearful of the establishment of a commission against crime and corruption in South Australia. We are aware that this is the most secretive government that we have ever seen in the state's history. Its performance in relation to freedom of information, questions on notice and answering questions in the chamber, together with its secrecy right across the board, is testimony to that title. I was interested to see in the past 48 hours a most important statement from the Director of Public Prosecutions, Mr Stephen Pallaras. For the record, I refer to an interview with Bevan and Abraham. Matthew Abraham asked:

> Have there been issues here, and obviously for obvious reasons we can't name them, but have there been issues that have come up in the public domain here in South Australia. . . that you have thought. . . 'a corruption commission would have a bit of fun with that one or it would be interesting. . . sifting down through that one'?

Mr Pallaras answered:

> On the basis that I can't name them the answer is yes, there have been. And I'm sorry I can't go much further than that.

David Bevan asked, 'Serious issues?' Pallaras answered yes. David Bevan asked:

> . . . let's be quite clear, I don't want to be unfair to you, you're saying that in the two years you've been in Adelaide you've become aware of things which you think should be the subject of an independent commission into corruption or crime. . . and you consider those things to be serious?

Mr Pallaras's answer is a simple, unequivocal, yes. Here we have in South Australia the man touted by the Rann government as Eliot Ness asking for an independent commission against crime and corruption. He says quite clearly that, in his important and privileged position, he is aware of instances which should have gone to a commission against crime and corruption. All of us in this chamber are aware of the issues that Mr Pallaras is hinting at. We are all aware of what some of those particular issues might be.

Indeed, members of this chamber are hard at work looking at issues which, clearly, if there was a commission against crime and corruption in South Australia, would have been referred to that commission. There is no doubt that if we had a crime and corruption commission in South Australia the issues of Atkinson, Ashbourne and Clarke would have been the subject of—

The Hon. P. HOLLOWAY: On a point of order, Mr President.

The Hon. R.I. LUCAS: Here we go again. The Attorney-General is here so they have to perform for the Attorney-General.

The PRESIDENT: Order!

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: A wholly-owned subsidiary—up they pop!

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

The Hon. P. HOLLOWAY: My point of order is that the Hon. Rob Lucas should be naming members of parliament by their correct descriptions.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: The Hon. Mr Lucas will come to order. Start the clock.

The Hon. R.I. LUCAS: Are you going to perform?

The PRESIDENT: Order! Start the clock; he is on his feet.

The Hon. R.I. LUCAS: There is no doubting that, if there had been a commission against crime and corruption in South Australia, the Attorney-General, the Premier and others would have been required to give evidence in relation to a number of circumstances that have been the subject of public debate over recent periods, and—

The Hon. P. HOLLOWAY: Point of order, Mr President. It is my understanding that a select committee is still in place in relation to the matters to which the Hon. Rob Lucas is now referring. I suggest to you that it is out of order for him to refer to the business before that select committee.

The PRESIDENT: The honourable member will not refer to any business that is being heard by any select committee. The Hon. Mr Lucas knows the rules and the standing orders, and he knows he is not to refer to any evidence or any matter that might be discussed before the select committee.

The Hon. R.I. LUCAS: The government's wholly-owned subsidiaries in this chamber for the Labor right are very sensitive about issues that relate to the puppet-master, the Attorney-General, the organ-grinder. The sensitivity of the Leader of the Government and, indeed, the Hon. Mr Finnigan on these issues knows no bounds. There is no doubt, as I said, that they would have been required to give evidence. In closing, again I refer to the statements from the Director of Public Prosecutions yesterday. Let me finish on this note, which is relevant to this notion of a commission against crime and corruption. Mr Pallaras said:

> It seems to strike fear into the hearts of principally politicians who fear the footsteps or the knock on the door.

I refer those comments to the Attorney-General and to the Premier.

Time expired.

DROUGHT

The Hon. R.P. WORTLEY: I rise today to speak about the impact of drought on rural communities in our state.

Members interjecting:

The Hon. R.P. WORTLEY: I know that the opposition thinks it is a laughable matter, but we actually care about the communities in our rural areas. The encouraging rainfall in South Australia in recent weeks has been a cause of relief and gratitude for many rural communities. Whilst May inflows to the Murray were still below average, for the first time in

nearly a year they were above record lows, offering hope for many. It is important that during this encouraging time community organisations and government continue to support rural communities impacted by the drought. One region that has faced severe impacts from the drought is the Riverland. Irrigators have faced particularly hard times as water allocations have been cut in response to the dire state of the Murray. In recent times the region has also been affected by the grape oversupply, a skilled labour shortage, and extreme weather conditions such as the Renmark storm.

The state government is providing assistance to many rural communities impacted by the drought. On 24 May 2007 a new $7.76 million package was announced, which brings the state government's drought relief response commitment to $60 million. Included in this package were both financial relief and measures aimed at long-term benefits, including research into drought-tolerant crops and strategies to reduce the impact of lower water allocations on permanent horticulture. Additionally, funding has been announced to provide incentives to rural businesses to retain apprentices in significant skill areas. I hope such measures will provide immediate relief for communities in addition to laying foundations for the future. Inquiries for support can be made to the Drought Hotline on 1800 20 20 or through the Service SA website.

Another drought consideration is the mental health and social well-being of residents in our regions. In an article in the summer 2007 issue of the Australian Law Reform Commission journal *Reform*, entitled 'The changing face of drought', author John Voumard drew attention to this matter. Mr Voumard stated:

> There is a very human story to be discovered behind the very bland observation that our national GDP is likely to decline by 0.7 per cent in 2006-07 due to the adverse seasonal conditions.

While recent reports suggest that the impact of the drought on GDP may not be as strong as initially suspected, this human impact of the drought is a matter of grave concern, and the government has provided further funding for counselling and mental health support in response to these needs.

On 4 June this year an article in *The Advertiser* stated that farming groups were urging irrigators suffering from depression to act now and avoid letting their condition worsen. The national depression initiative, beyondblue, is running a campaign focused on the drought and can be contacted on 1300 224 636. Additional information is available on its website at www.beyondblue.org.au. Other available services include Lifeline, SANE and the Kids Help Line, which can be contacted on 1800 551 800. I encourage those who feel the need to seek help from the available services.

As South Australia responds to the drought it is important that we continue to support those communities that have been impacted. Despite these challenges, we should not underestimate the potential of our rural communities and our state to respond and, with the support of the community, we can hope that our state will overcome these challenges. We should continue to work to these ends. This was highlighted recently by Mr Voumard in the article I mentioned earlier, and I will conclude with another quote from that piece:

> Many of our farmers are now better informed, better educated and better able to withstand the impacts of drought. We must ensure that they are supported by government, business and the community to continue their work in providing food and fibre for our nation and the world.

Time expired.

SUICIDE PREVENTION

The Hon. J.S.L. DAWKINS: I rise today to speak about suicide prevention in general and the Community Response to Eliminate Suicide (CORES) scheme in particular. Late last year I was interested to note a segment on the *Landline* show on ABC television in relation to the CORES program in Northern Tasmania. It is a community-based suicide prevention program which engages people from across the community in two local government areas in that state: the Kentish Shire and the Circular Head Shire. That scheme commenced following a significant problem in the Kentish council area in 2000, when the community (which consists of 5 500 people) suffered five suicides in that year. The community became concerned and initially sought federal funding and, following that, funding from the Tasmanian Community Fund to establish a program. Local government has also been very supportive of the program.

I visited the area in January this year and was very impressed with the manner in which the people from across these communities have become involved with suicide prevention and the identification of people who are at risk and the ability to point them in the direction of health professionals. I should add that the people involved in the CORES scheme are not health professionals themselves but are from the community and mix with the people who are largely at risk. The scheme has been very successful because, in the last year in which statistics were taken (and that is the previous financial year), there was only one suicide in that area. It was a person who had not lived in the area for many years but, unfortunately, had come back to where they had grown up to take their life.

I asked a question of the minister (Hon. Gail Gago) in this place in February and, subsequently, wrote a letter to her inviting the government to consider the establishment in this state of a pilot scheme similar to the CORES program. I have, at this stage, had no response. The director of the CORES program, Ms Coralanne Walker, is in South Australia at the moment. She is seeing some of my constituents here today, and tomorrow she will be briefing members of parliament and their staff in this building. Later tomorrow she will be addressing a public meeting in Berri. I am very grateful to the Berri Barmera Council and to other local government and community members in the Riverland for their interest in this program.

As I move around the state (and I have done quite a bit of that in the past few weeks) I note that there is significant concern about the effects of suicide on communities. As the Hon. Mr Wortley said in his speech a minute ago, we all recognise the significant impacts that the drought and the restrictions on irrigation allocations have had on many of our rural communities. It is not just the impact on farmers but also the impact on small business people, on families and right across the board.

I also believe that the CORES program will have great merit in many of our metropolitan communities. It is certainly not just in rural areas where there are enormous concerns about the effect of suicide, and the threat that it does have to families in those areas as well. Once again, I commend the CORES scheme and I do hope that the government will soon find its way clear to provide me with a response.

STEM CELL LEGISLATION

The Hon. B.V. FINNIGAN: There has been some recent public debate regarding comments by His Eminence George Cardinal Pell, the Archbishop of Sydney, in reference to stem cell legislation in New South Wales. I am at a loss to understand why it should be considered controversial for a Catholic prelate to remind souls in his charge that they should take care to inform their conscience on such an important matter for judgment as the bill that was before the legislature.

My understanding of what Cardinal Pell said is this: that a member of parliament who professes to be in communion with the Catholic Church is in the same position as any other person who professes such, namely, that if he or she dissents from the substantive teaching of the church that person must carefully consider the integrity of their standing with the church. I am unsure why it should be considered that political parties, sporting clubs and other voluntary associations are entitled to establish the rules by which persons may understand themselves as members but not churches.

I heard some parliamentarians interstate positing what they thought Jesus would do in relation to stem cells. Cardinal Pell's point was that Catholics are not left second guessing what our Lord would do: in his wisdom he left us the authentic magisterium of the church for which the Cardinal speaks, and that is a guiding principle for Catholics. Whether any member, Catholic or otherwise, chooses to listen to their pastors is up to them. No member is compelled to vote one way or another on any bill before parliament—we can exercise our free will. The consequent relationship of a parliamentarian with any voluntary association with which he or she associates, be it a church, political party or local community club, is entirely a matter for them.

Some suggest that bishops seriously endanger the separation of church and state or even threaten the sovereignty of parliament by speaking of the church's view on stem cells and other bioethical issues. I find this an extraordinary proposition. Are members really so fragile that they can take no representations from clergymen on a piece of legislation? Like all members, I receive constant representations on many bills that come before this place, as is proper in a democracy where we are the people's representatives. Some of these representations are couched in far more robust terms than those offered by the bishops and other church leaders.

There were some suggestions that some members believe Cardinal Pell's remarks in New South Wales to be counterproductive and may have led some to vote for the stem cell legislation in that jurisdiction. I sincerely hope this is not true and would be alarmed if it were. If a desire to teach a cardinal a thing or two is the key determinant for someone on what to do about such a fundamental ethical decision, that would be an abrogation of our duty to make informed and considered decisions on the weighty matters that come before us in parliament.

I commend Cardinal Pell for his comments and respect his right and the right of any other church leader to make a contribution to matters they consider to be in the public interest. As in any other matter, it is up to a member to make their own judgment, taking into account the representations made to them, the view of their church or religion if they profess one, the view of their political party, the view of organisations in the community and their own conscience.

WATER SUPPLY

The Hon. M. PARNELL: I will speak briefly today about the idea of sending treated effluent from Bolivar up to the Olympic Dam mine as an alternative to desalination. I thank the minister for taking to his colleague in another place the question I asked earlier today in relation to the costings of that project. I put on the record why I think this is a sensible idea that deserves a more thorough look and should not easily be dismissed. First, we have a major problem already in Gulf St Vincent with the discharge of treated effluent from Adelaide's waste water treatment plants directly into the gulf. The problems are at their most acute in the decline of seagrass communities throughout the coastal strip of Gulf St Vincent, which has flow-on effects for the release and mobilisation of sand, which has impacts on our sandy beaches and which, at the end of the day, requires us to spend millions of dollars per year carting sand from one end of metropolitan Adelaide to the other.

The Adelaide coastal waters study in its final report is about to recommend that SA Water reduce its nutrient load in the effluent it discharges from the three main treatment plants, being Christies Beach, Glenelg and Bolivar, by up to 60 per cent. It is estimated that to do that will cost something like $500 million. In other words, we are to spend half a billion dollars to clean up the water to a more acceptable standard before we pump it out to sea. Yet we have SA Water, to its credit, trying to make the most of the opportunity presented by that waste and putting its proposal to BHP Billiton to pipe that water up to the Roxby Downs mine so it can save us $500 million. The cost of the pipeline is estimated at about $1 million per kilometre, or $700 million. That is comparable with the cost of a desalination plant. Yet, as well as the benefit of saving Gulf St Vincent from further degradation, we can also save the upper parts of Spencer Gulf from having to cope with the hypersaline brine discharge that would come from a desalination plant.

Members would be aware of the unique nature of that environment and the giant cuttlefish in particular, which is now the focus of quite a large tourist industry, and yet we are putting that at risk with pollution from a desalination plant being injected directly into Upper Spencer Gulf. So, it is a win for Gulf St Vincent, a win for Upper Spencer Gulf and also a win for the mine if, as SA Water claims, it can produce water of sufficient quantity and quality, with security of supply to meet the bulk of the needs. SA Water was quoted as saying, 'The cost of the treated water effluent would be similar to the cost of desalinated water.' Yet what we are talking about is horses for courses. We do not need pure A class quality drinking water to process the products of a mine; recycled water is good enough.

BHP Billiton has been in the media recently saying that one reason this SA Water project is no good is that it ignores the plight of those northern gulf cities. My response to that is to say: let us focus on providing the amount of water those cities need at the quality they need, separate from the water that is needed by the mine, and that may in fact mean desalination in the Upper Spencer Gulf region. There are two things: first, we can site the plant more appropriately so it is not in that Upper Spencer Gulf marine environment—it could be on the West Coast—and, secondly, we need only desalinate sufficient water for the needs of those communities, in particular, their drinking water needs. So, it seems to me that there is a lot to be gained from pursuing this proposal, for the

reasons I have stated. One other reason which I will mention briefly in the seconds remaining is that it will use only half as much energy to send the water from Adelaide to the mine that it will take to desalinate seawater on site.

Time expired.

CRISIS ACCOMMODATION

The Hon. I.K. HUNTER: Mr President, I rise to assist you in relation to a petition which was addressed to you but which was not in the proper format to be considered with petitions. In April this year a petition of about 50 signatures was received at parliament which outlined various reasons why a proposed crisis accommodation site was unsuitable for a certain area. The lead petitioners were Mark and Elizabeth Russo, and it is my understanding that they led the charge to prevent the construction of the proposed facility at that site. At the same time they also approached their local MP, Mr Leon Bignell, who put the petitioner's case to the Minister for Families and Communities. I pay tribute to Mr Leon Bignell for his quick and proactive work on behalf of the petitioners, and in doing so highlighting this government's commitment to both crisis accommodation and public consultation.

Shortly after Mr Bignell's representations to the minister the plan was revised, and a survey is currently underway to find a more appropriate location. This small episode illustrates Mr Bignell's commitment to his local residents and this government's willingness to listen to and act upon genuine community concerns. It also illustrates the power of local residents pointing out in no uncertain terms aspects of a plan which bureaucrats may have missed. On this occasion all parties agreed that the proposed site was unsuitable. I would like to take this opportunity to add some comments about the worth of such accommodation facilities in our suburbs.

Seven years ago Muggy's accommodation service was established by the Salvation Army Ingle Farm in the northern metropolitan area, with funding from what is now the Department of Families and Communities Guardianship and Alternative Care Unit (GACU). Muggy's in the north currently provides an accommodation and support service for up to 20 young people at any time who are under the guardianship of the minister. These young people are homeless or at risk of becoming homeless, have complex needs and have generally exhausted all other care options.

As members would be aware, young people in this situation are not only to be found in our northern suburbs. I am advised that the government will allocate crisis accommodation program funding of up to $650 000 to help the Salvation Army Ingle Farm to create a similar service in the south to provide accommodation and support for young people who are homeless or who are at risk of homelessness. The service in the north has a proven 85 per cent success rate in supporting these young people to make the transition of living independently in the community. This is significant when one considers the complexity of the needs of the young people in question.

The Salvation Army says that an essential ingredient of the success of the program is having these facilities located within a residential area to give as much normality and stability as possible. Alan Steven, Director of Community Services with the Salvation Army Ingle Farm, said, 'Many of our kids have been tossed around in all sorts of placements unsuccessfully before they were sent to us.' As well as accommodation, Muggy's offers these young people a range of support services, including living skills, budgeting and help with education, as well as counselling and emotional support. Mr Steven also said:

> I think we do see that we can make a real difference to these young lives. We have one client who had something like 15 placements in one year. You can imagine the kind of mess that would create. . . For him to actually be out in a unit on his own, to have bought his furniture, to have sorted himself out, got himself a job and to be working regularly is just marvellous.

I am hopeful that the Salvation Army will soon be able to provide this service to young people at risk in our southern suburbs. When a suitable site is found, it is hoped that the southern service will have the same great success that its northern counterpart has had over the past seven years.

I commend the petitioners for their efforts in writing to you, Mr President, particularly Mark Feldman, Elizabeth Russo, Mark Russo, Paul Tippins, Belinda Bartos, Margreet Scheid, Barbara Beare, Luke Beare, Robin Beare, Maria Stevens, Lloyd Stevens, M. Buchanan, P. Buchanan, J. Buchanan, Dianne Kenney, K. Stewart, S. Tippins, Phil Scheid, Petra Quinn, Michael Quinn, David Stevens, Alby Kenney, Lee Johnson, Robert Bartos, Nick Stewart, Hans Zuidland, Jean Retter, Mark Eastwood, I. Martin, H. Dellow, George Haver, Ruby Heinrich, Michael James, Ron Greal, Margaret Smith, Diane Thorpe, Ryan Thorpe, Wade Thorpe, Kezna Draper, J. Peterson, A. Hammer, R. Daams, S. Gywinske, Bill Hawkes, Rosa Daloioi, Vicki Dopheide, John Dopheide, Josh Dopheide, Rosemary Millard, Amy Southern, Ingemar Bowen, Michael Neen and Gary Gosden.

LAW AND ORDER

The Hon. A.M. BRESSINGTON: Today, I want to speak briefly about the issue of public safety, which is of interest to the majority of South Australians. This issue has been brought closer to home since the violent and unprovoked attack on my 24 year old son two weeks ago. My son was guilty of nothing more than waiting outside a venue to be picked up by his girlfriend. He was set upon by six or seven thugs who came out of the reserve opposite the Tea Tree Gully Hotel. He was punched repeatedly in the face and head, knocked to the ground and then kicked around the body and in the head. As a mother, I feel sick when I think about how this could have ended up if the security guards from the hotel had not intervened when they did—and it was sheer good luck they happened to go outside at the time of the attack.

Since I have been in this place, I have raised issues in relation to gang-related violence and antisocial behaviour. I have raised such issues as those at North Haven School and about a person from Parafield who was harassed and abused by what he described as drug-raged neighbours, as well as matters relating to the 'RTS' gang in the northern suburbs. Just last week I visited a mother of three in her home at Golden Grove. She said that she was thinking of moving out of her home of six years because of out of control youth. I have asked questions of the police minister in this place only to hear responses that indicated that the police will not or cannot get involved in every neighbourhood dispute and that the police cannot take any action if they do not witness acts of harassment or physical or verbal abuse. Yesterday, the minister made the astounding statement in this place, when referring to the Tonic Nightclub, that it is not the role of police to act as security guards, so I am left wondering

exactly what is the role of the police. Last time I looked, their motto was to 'protect and serve'.

I find it concerning that two nightclub owners are now expected to hire security guards to deal with bikies. On two occasions now, bikies have been involved in shootings and stabbings on the premises—and this is a place where the general public go to have a simple night out. I would like to think that it is not the role of security guards to enforce law and order. The owners of the club are at a loss as to what to do next. They cannot find security guards who are willing to work because of the lack of police presence.

Exactly what responsibility does this government take for the current lawlessness of this state? Restaurant owners in the city have pulled me aside and have made the comment to me that Adelaide, by night, is starting to resemble Beirut. I note that the Premier was on the ABC News last night suggesting that the Prime Minister should assist with developing legislation and strategies for a national organised crime problem. We have in this state right now an individual who has extensive experience in dealing with organised crime—Mr Pallaras, our own Eliott Ness, as he was dubbed by the Premier's office. However, it appears that nobody is willing to listen to or consult with this man. Furthermore, it seems that our Eliot Ness has now been isolated and classified as an untouchable.

Why is action not being taken? Western Australia did not need commonwealth intervention. That state did away with this notion of intelligence-led policing—as did Great Britain—and went back to front-line policing and implemented a modified version of the Racketeering Influenced Criminal Organisations Act (or RICO Act). We need a taskforce that is trained to disarm, arrest and eliminate illegal motorcycle gangs.

Mr Rann, our very own Premier, has set the agenda with his 'tough on law and order' rhetoric and the Minister for Police continues to deliver the spin in this place about reduction in crime. Moving figures from one column to another, downgrading categories of crime and choosing what crimes will go on record is not the actions of a government committed to public safety. It appears to be the actions of a government content with cheating, a government content to ignore public angst and portray people who are driven to the brink of despair and frustration as unbalanced.

This does not appear to be a government that has the will to solve problems. There does not seem to be a plan. There does not seem to be a vision for a better tomorrow and it seems that the best that we can expect is a tramline that goes nowhere. It does not take a genius to recognise that we are in the midst of a systems failure and, if the Rann government was a horse, the kindest thing we could do would be to shoot it and put it out of its misery.

CLIMATE CHANGE AND GREENHOUSE EMISSIONS REDUCTION BILL

The House of Assembly agreed to amendments Nos 1 and 2, 4 to 11 and 13 to 16 made by the Legislative Council without any amendment; disagreed to amendments Nos 12 and 17; and disagreed to amendment No. 3 and made the alternative amendment indicated in the following schedule in lieu thereof:

Clause 5, page 5, line 13—Delete 'Two' and substitute:
Three

Clause 5, page 5, after line 13—Insert:
(aa) an interim target to the SA target, that is to reduce by 31 December 2020 greenhouse gas emissions within the State to an amount that is equal to or less than 1990 levels;

Clause 5, page 5, after line 19—Insert:
(2a) The targets under subsection (2)—
(a) are to be achieved in a manner that is consistent with the principles reflected in this Act; and
(b) are set recognising that their achievement will be influenced by national and international developments that are outside the control of the State Government.

Consideration in committee.

Amendments Nos 12 and 17:

The Hon. G.E. GAGO: I move:

That the Legislative Council do not insist on amendments Nos 12 and 17.

Amendment No. 12 provides that advice to the minister by the Premier's Climate Change Council should be in writing, and that that advice be tabled in parliament along with a statement by the minister as to the outcome of that advice. The requirement that written advice from the Premier's Climate Change Council to the minister be provided each quarter to the parliament would make its operations cumbersome and unworkable. It would therefore formalise the council's operations in a way which could compromise the provision of timely and frank advice. In addition, there is sufficient scope in the bill to make the council's independent views known to the parliament through its annual report to the parliament.

In relation to amendment No. 17, this clause concerns a review of the act to deal principally with whether or not the framework of the act is still relevant and, in particular, whether targets need to be modified or made measured. The concept behind this clause is to give the government and industry four years to work together in a collaborative and voluntary way and, after that length of time, to consider whether additional legislative measures are required, such as performance standards and other legislative resources.

The amendment proposes to bring this point forward from July 2011 to the end of 2009. It is the government's view and the view of the representatives of the business community that bringing the review forward would be premature. The government has already agreed to bringing forward the first of the two yearly reports to the end of 2009, and it has also agreed to having the first and each alternate report of the two-yearly reports subject to independent assessment. This is in addition to the requirement to include a report in the annual report of the department and the independent annual report from the Climate Change Council. On top of all this, the acceleration of the first review to 2009 is unnecessary and introduces a degree of uncertainty which we believe is unwarranted.

The Hon. D.W. RIDGWAY: I indicate that the opposition will not be supporting the minister's motion to not insist but will be insisting on our amendments. First, I thank the minister's adviser. I am not quite sure which department Mr Tim O'Loughlin is with. I should know, but I do not know the details. I do thank him because this morning we had a briefing and we asked for some details and information in relation to the base line emissions for 1990 and the chronological order of those through to 2005. We have some information here. I have not read it yet, but I do thank Mr O'Loughlin for providing that to us.

I also thank the government for allowing us to debate this now as I will not be here this evening; I have another engagement. The opposition intends not to support the government on these amendments, in particular the tabling of advice given to the Climate Change Council. We assume that advice would always be given in writing. Obviously, on advice of the minister, the Climate Change Council would meet and then advise the minister. We do not expect that advice to be dressed up in any way but, when it is given, that advice be tabled in parliament, as well as what actions the minister has taken as a result of that advice.

We must accept that this legislation will be with us now for some considerable time. I expect that, in the future, it may be amended, but this is setting in train a practice of keeping the parliament and the people of South Australia well-informed on that advice. Likewise with respect to amendment No. 17, a first review must be completed by the end of 2009. We have some sympathy with the government in terms of that potentially being a little cumbersome and the bill and the act not being implemented. However, with this government we have seen a trend of reviews of a whole range of things (the State Strategic Plan is one, and the targets) that are not reviewed until after March in an election year. So, a government can make all sorts of claims about what it will achieve in its term of office but only report after it should have been held accountable by the people. We understand that the end of 2009 is only some 18 or 20 months away and that we are less than two years from an election, but our aim here is to set in place a reporting process that occurs prior to elections so that the community can fairly judge the government on its performance.

The Hon. M. PARNELL: Rest assured that I will be briefer today than I was the last time we discussed this bill. I will deal with both the amendments together. The Greens believe that the council should insist on its amendment No. 12. I acknowledge that it is a more onerous reporting requirement than would normally be required of a government board, but I believe it is justified because of the seriousness of the subject. Certainly the government will need to rethink some of the resources that are given to the climate change council, but I do not think that is a bad thing. I also say that this very regular reporting need not be onerous to the extent of expecting hundreds of pages of a report every quarter.

The advantage (which I believe outweighs the disadvantage) is that it keeps this issue of climate change at the forefront of the political agenda. All of us in this place know that when you stop talking about something it goes away for a while; it goes away until the next report is delivered, when we see it back on our agenda. Whilst I do accept that this amendment is onerous, it keeps the issue of climate change on the agenda. That is why it should be supported and that is why I believe we should insist on amendment No. 12.

Regarding amendment No. 17, I believe this amendment is critical and that the Legislative Council should also insist on this amendment (which we passed). The science of climate change is moving rapidly, and the range of responses coming from different jurisdictions is changing rapidly as well. The more we follow the debate on the issue of climate change the more we realise that the urgency is increasing rather than decreasing. We have had the Intergovernmental Panel on Climate Change say that we need to peak our emissions by 2015 if we are to stop dangerous climate change, and I notice that, even in today's newspaper (if we are to get the most up-to-date information we can), lawyer Katherine Wells from the sustainability round-table is again calling for tougher action.

I believe the main mechanism for tougher action will be that we revisit the legislation—in particular, that we revisit aspects of it that are now voluntary and consider making those matters mandatory. If members are still in some doubt as to whether voluntary measures will do the trick, and if they are still unconvinced that climate change is as serious as we thought, then I refer them to the transcript of today's *The World Today* on the ABC (I know many members listen to this program). One of the reports related to a paper that has just been published by five eminent climate change scientists, who say that the risk of sea level rise has been understated by the Intergovernmental Panel on Climate Change. Now, that is an authority to which I have referred several times in this place but, in fact, these other scientists are now saying that they have it wrong and that we are looking at a rise in sea level of up to four metres this century. So the original estimates of centimetres, or maybe up to a metre, over a very long time frame now appear to be understated.

Bringing the bill back before this council for review in 2009 will be a chance for us to put some spine back into this legislation. We can look at the voluntary measures and we can look at making them compulsory. I note that Stephen Schneider, Thinker in Residence, was back in Adelaide recently launching his report, and one of the things he said was that we do not necessarily need to make it mandatory straight away, but we do need to announce today that within a fixed period of time it will be mandatory. It needs to be inexorable.

It is only 2½ years away, but we have to start sending the message to the community—and to the business community, in particular—that mandatory measures are on the way, and the review of the legislation will be our opportunity to put that in. At this point business in South Australia really has no option but to assume that no serious government commitment will be made to mandatory greenhouse measures. We need the long, loud and legal framework for which business has been calling for some time, and I think the period between now and the review in 2009 is a time when the community will ask whether the government is serious about climate change.

The recent budget was a huge disappointment. That was the action document; however, I am looking forward to the opportunity of reviewing this bill in 2009. Doing it sooner rather than later will give everyone an opportunity to consider how we can fix it up, if we are to take climate change seriously.

The Hon. D.G.E. HOOD: I would like to comment on both clauses. First, regarding clause 12 and the proposal for quarterly reporting, Family First does not believe that quarterly reporting is necessary; in fact, it is onerous to the point of being ridiculous. Not much changes in three months with respect to greenhouse gas emissions in an economy such as ours. We believe that a 12-month report is sufficient and, for that reason, we will support the amendment to clause 12.

However, our position is the opposite for clause 17; that is, we do believe that any government should face the people and that, when it does so, the people should have the best possible information available to them in making that decision on which way they will vote. One very important determinant for many people in the electorate when they cast their vote will be exactly what is happening with climate change, greenhouse gas emissions and the like. For that reason we would be inclined to insist on the original amend-

ments made in the Legislative Council and, therefore, oppose the current amendment moved to clause 17.

The Hon. G.E. GAGO: I can see how the numbers lie in relation to amendments 12 and 17, so I certainly will not be dividing on them. Nevertheless, I just want to express some disappointment in relation to the lack of support for not insisting on these amendments. I think it is common sense and good practice but, that being said, I also want to acknowledge that honourable members of the opposition and some of the minor parties and Independents did take the government up on its offer of a briefing today. Even though the briefing was offered a couple of months ago, nonetheless they did eventually avail themselves of the briefing and the government did commit to providing some information in writing in the form of a letter, and that information has been passed on to the parties.

The CHAIRMAN: The first question before the chair is that the Legislative Council do not insist on its amendment No. 12.

The committee divided on the question:

AYES (8)

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

NOES (11)

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

PAIR

Xenophon, N.	Hunter, I.

Majority of 3 for the noes.

Question thus negatived.

The Hon. D.W. RIDGWAY: I am not sure whether it is appropriate to raise this in between voting, but I thanked the government for providing advice about greenhouse gas emissions 1990 to 2005. During debate on the bill some weeks ago there was confusion about the baseline and where we were heading, and I seek leave to insert a table in *Hansard*.

Leave granted.

South Australian greenhouse gas emissions
Mt CO_{2-e}

	Emissions generated from within SA (Scope 1)[1]	Net emissions from import/export of electricity (Scope 2)[2]	Total (Scope 1 +2)
Baseline Year (1990)	32	0.5	33
1991	30	2.3	32
1992	31	1.3	32
1993	30	1.3	31
1994	30	1.2	31
1995	30	2.4	32
1996	29	3.8	32
1997	29	4.0	33
1998	30	4.1	34
1999	30	3.5	33
2000	28	3.6	32
2001	29	2.5	31
2002	32	1.3	33
2003	31	2.3	33
2004	28	2.8	31
2005	28	2.5	31

[1]Based on data from the National Greenhouse Gas Inventory (NGGI)

[2]Based on data from the NGGI and the Electricity Supply Industry Planning Council (ESIPC) www.esipc.sa.gov.au and NEMMCO www.nemmco.com.au.

The CHAIRMAN: The next question before the chair is:

That the Legislative Council does not insist on amendment No.17.

Motion negatived.

NATURAL RESOURCES COMMITTEE: DEEP CREEK

The Hon. R.P. WORTLEY: I move:

That the report of the committee on Deep Creek be noted.

The Hon. Sandra Kanck MLC brought this inquiry to the former committee by way of a motion moved in the Legislative Council. At the time of the last state election this inquiry lapsed but was reinstated by the current committee as a resolution of its own motion. The terms of reference of the inquiry required the committee to consider the impact of forestry, dams, water use and rainfall variations on stream flows in the upper Deep Creek sub-catchment. In more general terms, consideration was given to the impact that those activities have had on the entire Deep Creek system. We sought to examine the effects any resultant reductions in stream flows might have on the sensitive biodiversity ecosystem.

Given the extent and diversity of activities in the Deep Creek catchment, we confined the focus of this inquiry to the upper creek sub-catchment and, to a lesser degree, Dog Trap Creek. Our findings therefore tend to reflect the state of the Upper Deep Creek sub-catchment. The findings of this inquiry clearly demonstrate the need for a closer examination of the remaining sub-catchments.

In the past 15 years, flow patterns within the Upper Deep Creek sub-catchment have changed significantly. The once permanent stream has now been reduced to a seasonal stream in the sub-catchment. Many of the observers the committee met with indicated that the catchment now remains dry from mid spring right through to mid autumn. Significant reductions are also observed in other sub-catchments, such as Dog Trap Creek. From the evidence gathered by the committee, we confirmed that the appreciable reduction in the stream flows in the Upper Deep Creek sub-catchment is not primarily the result of dam construction (indeed, there are no dams in this sub-catchment). While government agencies asserted that stream flow reduction is not the result of reduced rainfall or of an increase in traditional farming activities, this is certainly not what the committee found. What is evident is that the reduced stream flows within the sub-catchment have coincided with the expansion and growth of local forestry.

During examination of the likely causes of reduced flows, and after careful consideration of evidence from a number of sources, the committee was persuaded that afforestation of the Foggy Farm area between 1988 and 1990 was the principal contributing factor to the reduced stream flow within the Upper Deep Creek sub-catchment. Among the sources were detailed observations by local landholders, film material, rainfall records, historical records of the stream dating back to the 19th century, evidence from the relevant government agencies, expert hydrological evidence and the known history of land use in the area. This material is a mixture of objective facts, opinion and direct observation evidence. Much of the evidence suggests that a dramatic reduction in stream flow occurred shortly after pine planta-

tions were established at Foggy Farm in the Upper Deep Creek sub-catchment in the early 1990s.

Comprehensive expert scientific advice from an independent hydrologist supports this conclusion, which suggested that the topography of the Foggy Farm area and the close proximity of the plantation to the tributary's important hydrologically effective area is likely to severely impede base flows into the watercourse. Forestry in South Australia is an important economic contributor and is a significant employer across the state, and it contributes towards self-sufficiency in terms of wood and paper products.

The committee recognises that an industry based around forest plantations also plays an important environmental role in protecting old growth forests from destruction. Nevertheless, we believe that when these forests are inappropriately situated or encroach on critical areas within riparian corridors, such as at Foggy Farm in the Upper Deep Creek sub-catchment, there will be significant detrimental impacts on stream flows that can lead to various other environmental concerns.

There is concern within the committee about responsible government agencies' apparent lack of knowledge of the particular impacts of forestry within the Upper Deep Creek sub-catchment. Most concerning to the committee is an apparent reluctance to consider or implement adequate strategies to minimise adverse environmental impacts. The committee is concerned that relevant agencies may be proceeding with, or acquiescing in, current forestry plans without any clear understanding of, or concerns for, the consequent environmental impacts. Given that we have recommended that forestry in the South-East of the state is a prescribed water-affecting activity under the Natural Resources Management Act 2004, we believe that forestry should be declared a prescribed water-affecting activity within the Deep Creek catchment.

In addition, we believe that there needs to be a significantly better understanding of these likely impacts at Deep Creek, and probably the Fleurieu Peninsula generally. We have recommended that appropriate research be undertaken as a matter of urgency. Much of the land within the Upper Deep Creek sub-catchment is currently used for grazing or pastoral purposes, as is also the case in the Dog Trap Creek and the Black Bullock Creek sub-catchments. Consequential to this land use is the construction of a number of dams, whose numbers and effects are poorly understood. It can be reasonably assumed that despite current ignorance about the precise amount of water being extracted through the use of dams, like forestry it is a contributing factor to reduced flows within Deep Creek.

The highest number of dams and the greatest storage capacity occur in the Dog Trap Creek and Black Bullock Creek sub-catchments. From the evidence we received, it can be concluded that dams were having a significant impact in the Dog Trap Creek sub-catchment in particular. However, it is doubtful that dams have been a contributing factor in the reduced flows within the Upper Deep Creek sub-catchment, and at Foggy Farm in particular. This assumption is based on the knowledge that Foggy Farm is situated at the head of the Upper Deep Creek sub-catchment.

Evidence was presented to the committee that there has been a slight decreasing trend in annual rainfall patterns in the region, with a more pronounced decreasing trend in summer rainfall. Undeniably, this rainfall pattern is likely to have contributed to reduced flows across the entire region to some extent. However, the rainfall data trends do not, on their own, adequately explain the dramatic change to flow patterns in the Foggy Farm tributary experienced in the early 1990s. Coincidentally, reduced stream flows have coincided with the establishment of commercial forestry in the area.

It is important to address the likely or possible impacts that this reduced flow might have on the biodiversity of the creek, particularly on water-dependent ecosystems. Important and fragile ecosystems occur in Deep Creek and is evidenced by the listing of the swamps of Fleurieu Peninsula as a critically endangered ecological community under the commonwealth Environment Protection and Biodiversity Conservation Act 1999.

The committee observed first-hand, while on a visit to the area, various watercourses and habitats that appeared to be under stress due to a lack of water. This has been confirmed by the evidence of botanists, local residents and Department for Environment and Heritage and Department of Water, Land and Biodiversity Conservation officers. This tends to suggest that there are likely to be serious detrimental consequences for the flora, fauna and water supply in the Deep Creek Conservation Park and the catchment overall. Disappointingly, nothing has been presented to us to suggest that anything is being done to adequately address endangered ecosystems. Given the environmental value of the park, any degrading of ecosystems may lead to a reduction in visitor numbers to the Deep Creek Conservation Park. This is then followed by a possible knock-on effect for small businesses in the region which cater for tourists to the reserve.

It is the belief of the committee that reduced flows from all of the Deep Creek sub-catchments will have serious consequences for the health of the watercourses and biodiversity in the entire Deep Creek system, including the Deep Creek Conservation Park. Deep Creek, its catchment and the associated Deep Creek Conservation Park are inextricably linked through the riparian system upon which both are utterly dependent.

Constituted as a conservation park in 1972, Deep Creek Conservation Park was seen to have major conservation assets, with significant landscape and recreational values. It meets the current criterion for a conservation park, which is an area protected and managed to conserve largely undisturbed or representative ecosystems, landforms or natural features, and/or habitat for species of significance. As recently as 2006 the Department for Environment and Heritage reaffirmed the combined value of the Deep Creek and Talisker conservation parks. Particularly relevant to this inquiry is that the department found that the Deep Creek Conservation Park includes major perennial creeks whose origins and source of water is from the Deep Creek catchment.

The committee places equal importance on the value of the Deep Creek Conservation Park, and it has proceeded on the basis that maintenance of natural ecosystems within the park is not to be compromised in the interests of marginal increases in the commercial profitability of adjacent land uses, such as forestry. Fundamental to any decision made in relation to this inquiry is the question of the level of importance to be placed on the park and its integral catchment ecosystems. Ignoring the impact on the park of a loss of stream flow in the Upper Deep Creek sub-catchment amounts to wilful blindness. Each is a separate entity and a part of the greater whole. The committee is of the view that the manner in which the issue of stream flows within the catchment areas is managed will clearly signal the value this government and

government agencies alike place on the preservation of this unique environment for future generations.

In the face of pressures to extract marginal additional commercial gains at the cost of irreparable environmental destruction, we must afford a protection to the Upper Deep Creek sub-catchment. For all of us, the challenge is now to preserve as best we can the park and its catchments. There are broader issues in relation to water use and forestry in South Australia. Urgent consideration needs to be given to the looming prospect of carbon trading and what that may mean for forestry proposals in sensitive environments. Investigating ways in which declining flows and the associated impacts can be addressed was an important component of this inquiry. It would seem that the National Water Initiative is relevant to the issues currently faced in the Deep Creek catchment. We believe that state government agencies should investigate the possibility of accessing the Australian Water Fund to undertake the required investigation into the hydrology of the catchment, particularly since they have acknowledged their lack of a detailed understanding of the hydrology of the Deep Creek catchment.

The provisions of the Natural Resources Management Act 2004 are another instrument for remedial action. The proposed water allocation plan for the Western Mount Lofty Ranges being prepared by the Adelaide and Mount Lofty Ranges Natural Resources Management Board can also be a useful tool in preventing further flow reductions. The committee is hopeful that the water allocation plan should be able to establish appropriate guidelines in relation to future land uses. It should also place the onus on the proponent of a future development to unequivocally confirm no further impacts on flow patterns in the locality or on other waters as the basis for approval of that development. Given the potential expansion of commercial Tasmanian blue gum plantations in the Dog Trap Creek sub-catchment and elsewhere on the Fleurieu Peninsula, we consider this particularly important.

The committee believes that there are sufficient grounds to take immediate action to address the reduced stream flow patterns within the Upper Deep Creek sub-catchment. As a matter of priority, the committee believes that those parts of commercially planted forest at Foggy Farm that encroach upon the hydrologically effective area of the Foggy Farm streamline should be removed by Forestry South Australia, with that area being maintained as a buffer zone in perpetuity. The model recommended in this report for buffer zoning should be used in the Upper Deep Creek sub-catchment and by future proponents of forestry elsewhere in the state.

I thank all those who gave their time to assist the committee with the inquiry. The committee heard evidence from 14 witnesses, received 23 submissions and also toured the region. I commend the other members of the committee, namely, Mr Rau (Presiding Member), the Hon. Graham Gunn MP, the Hon. Sandra Kanck MLC, the Hon. Steph Key MP, the Hon. Caroline Schaefer MLC, and the Hon. Lea Stevens MP, for their contribution. All members of the committee worked cooperatively throughout the course of the inquiry. Finally, I thank members of the parliamentary staff for their assistance.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

SUMMARY OFFENCES (PIERCING AND SCARIFICATION) AMENDMENT BILL

The Hon. D.G.E. HOOD obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953. Read a first time.

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

That this bill be now read a second time.

Today I introduce a simple bill that Family First believes will work to decrease the inappropriate body piercing of minors without parental consent. Family First believes that children are risking their health by receiving piercings at a young age and without parental consent. Family First is a strong advocate for parental rights and responsibilities, and we are concerned that the rights of parents in this area are currently being ignored or eroded.

Broadly, my bill does several things. First, it leaves in place the total prohibition on tattooing minors under the age of 18 which already exists in law. This is the prohibition already contained in section 21A of the Summary Offences Act 1953. It adds to that a total prohibition on the scarification and branding of minors. Clause 6 creates a new section 21B, which is drafted in the simplest possible terms. It provides that a piercing cannot be performed unless a minor is accompanied by a parent or guardian who consents to the procedure. A minor in this regard is a person under 18 years of age.

I acknowledge the work done in the other place by Mr John Rau, with whom I consulted in reintroducing this bill. Mr Rau welcomes Family First's move in reintroducing this simple and, we would say, sensible bill. Mr Rau, of course, introduced private member's bills in relation to this practice in 2002 and 2004 both of which bills met with strong support from Family First and, indeed, from other members. In fact, Mr Rau's bill of 2002 passed in the other place unanimously. However, no consensus could be reached on the bill between the houses. By way of a compromise, a select committee was formed which reported on the practice on 19 October 2005.

I note that the select committee's report strongly called for action, and yet we have been waiting for a legislative response for the past two years. It is for that reason that I introduce this bill today. The select committee confirmed that there are currently no laws prohibiting the practice, with David Peek QC confirming that in many circumstances a child can be pierced at any age as long as they are aware of the nature of the act performed on them and consent to it. Such is the current law.

The select committee report listed 15 recommendations. At the outset, I indicate that this bill does not seek to implement all of those recommendations. I generally agree with the recommendations contained in the report; however, with a view to helping ensure the success of this measure, this bill starts with a very basic benchmark. Rather than seek to implement all the recommendations of the report, it implements one that I hope all or certainly most members can agree upon. Simply put, it is this: that minors should not be put at risk through tattooing or scarification in any circumstances and should not be put at risk via body piercing where their parents do not approve of it being done. Simply, any body piercing that is conducted on a minor will require parental consent should this bill pass.

Since the preparation of the report, body scarification has become more commonplace in Australia. It is therefore included as prohibited in this bill, although the practice was

not addressed in the select committee report. My recent discussions with piercers or minors who have been pierced indicate that a number of tattoo parlours in Adelaide now provide this service, which involves cutting or branding the flesh with words, designs or the like. Apparently, this practice is becoming quite popular, and I trust that most members would agree that this practice is totally inappropriate for minors under any circumstances.

There are fundamentals and there are incidentals in all bills. Family First believes that the fundamentals are that children should not be pierced without parental consent, or tattooed or scarred in any circumstances as contained in this bill. That fundamental proposition met with wide support when debated in recent years. The incidentals concern the exact way that these prohibitions should be implemented, whether any further recommendations from the select committee report should be included, and the age at which parental consent will be required. I am not concerned about—and, in fact, welcome—members tabling amendments regarding the incidentals. However, I do not think that the argument over the incidentals should again stop us from implementing legislation to address the fundamental concern presented in this bill.

One incidental—the age issue—may be contentious. As a starting point, Family First suggests that children under 18 must require parental consent. The South Australian branch of the Australian Dental Association has publicly called for parental consent for under 18s. The select committee report divided piercings into different categories, some of which were to be prohibited for under 18s. However, the Consent to Medical Treatment and Palliative Care Act 1995 restricts medical professionals from operating on children under 16 without parental consent—and there may very well be an argument for uniformity with these provisions. However, I state for the record, and I make it clear to members, that the preference of Family First and, indeed, my personal preference is that the age remain at 18 for piercing without parental consent, as is contained in the bill at present. In any event, should this bill reach the committee stage, I would look forward to debate regarding the appropriate age and whether members are interested in different ages for different categories of piercing. However, again, I state that that is not my personal preference.

The select committee report also highlighted inadequate enforcement of current tattooing restrictions, inadequate health inspections, and the licensing of tattooing and piercing businesses. Those aspects are beyond the scope of this bill, many of them being internal Department of Health matters. However, again for the record, I state that my view is that these matters need to be looked at and, indeed, I will certainly turn my attention to those matters in due course.

Body piercing is not always a safe practice and, as a parent, I would be very upset if my daughter (albeit in years to come) came home with body piercings of any sort without my prior knowledge. Tony Maiello of Essential Beauty appeared in the media when the previous bills were debated to indicate support for a parental consent requirement. He spoke of being aware of isolated cases where beauticians had given tongue and multiple eyebrow piercings to children as young as 12. Body piercing is a minor surgical procedure and it carries with it many of the complications that surgery can entail, including severe risk of infection.

A recent survey has indicated that more than 1 000 people have been treated in the past year alone for body piercing related infections, and that is just in the southern suburbs of Adelaide. Further, a recent hepatitis C surveillance report revealed that, in 2003, 45 people contracted the disease through tattooing, while a further 51 people contracted the virus through an 'other' exposure category. I am aware that some body piercers wrote to the Minister for Health in 2004 concerned that many of those listed in the 'other' category would have contracted the disease through unsafe piercing. It is for this reason that I am very concerned to hear that the SAVIVE program is handing out body piercing needles.

SAVIVE, which is the needle exchange program of the AIDS Council of South Australia, provides a needle exchange service in Norwood, Angle Park, Port Adelaide, Noarlunga and Salisbury. I was informed by the minister yesterday in response to my question that the AIDS Council received state government funding of some $264 363 for the financial year 2006-07. In any event, we observed, along with a journalist on Monday, a young 16-year old girl attend the service and buy a body piercing needle for $3. I believe that this is very telling of our lax attitude towards body piercing, and I encourage the Minister for Health to take a harder line on this issue.

Some members might have heard me discuss this on radio yesterday. In fact, the issue has been picked up by stations as far away as Radio 2UE in Sydney and has received favourable comments. After my comments, one mother called talkback radio to say that her 14-year old son had 10 piercings, including bars through his wrist, chest and several through his lip. Now, he is apparently also piercing others. She made the comment:

> The person that's just pierced my son, not only has she pierced him without my consent, but she has now taken $500 from him and has 'trained him' to be a piercer and he's now doing piercings at her shop.

That is a 14-year old. Obviously, we have a situation that is getting out of control, and it is no wonder that our infection rates from body piercings in South Australia are so high. In fact, even young people realise that some sort of prohibition is now required, with a recent BTN poll showing that 65 per cent of young people are in support of an age restriction for body piercing.

I began by saying that Family First is a strong advocate of parents' rights. Family First believes that we are in danger of fostering a generation of strong-willed children who are fully aware of their rights (so-called), but who have little or no respect for their parents and the rights that they have. We believe that a requirement for parental consent has a positive side effect. It encourages dialogue within the family—something that can be lacking—and it requires a child respectfully to ask their parent for their permission for such a procedure to be done. At the very least, it informs the parent of the child's desire which will create that conversation.

In the near future, I will seek leave to introduce a further bill which grants more rights to parents. This bill will require schools to notify a parent if their child is absent without excuse during school hours, for example. Although the topic of the bill is different, the same result comes about, which is a restoration of parental authority and dialogue within the family unit. In very simple terms, as I said, this bill will make one simple change to the act; that is, it will require children (that is, people under the age of 18) to obtain their parents' consent should they wish to have body piercing. I commend the bill to the council.

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

The Hon. S.G. WADE: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

CONTROLLED SUBSTANCES (CULTIVATION OF CONTROLLED PLANTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 195.)

The Hon. A.M. BRESSINGTON: Today I rise to support the bill introduced by the Hon. Dennis Hood for an increase in penalties for the cultivation of cannabis plants. I note that the honourable member stated that the laws in South Australia are out of step with other jurisdictions. I also recall the statements of this government when the law was changed from having 10 plants for personal use to three plants to one plant. The perception of the general public who were not cannabis users was that the law should be clear and no plant should be allowed for personal use. Most people believed that the government was on the right track at long last, yet many people still write to me saying that the drug laws in this state are a joke—a bad joke. Now we find that there is a maximum penalty set for magistrates—a mere $500 for cultivating cannabis—and a person can appear before the courts on unlimited occasions with no recourse at all.

This is not tough on law and order and it is not tough on drugs. This government is—and I hate to have to say it—a government of smoke and mirrors where it seems that legislation actually supports and condones criminal activity. Whether or not it is the intention of the government, this is actually what is occurring. Cultivation of cannabis crops is a cottage industry in this state and the penalty that these criminals face is nothing more than a slap on the wrist. Who would not risk cultivating cannabis crops, with such a small dent in their profit from these activities based on this legislation? As the Hon. Dennis Hood stated, the crops can be worth up to $40 000, so a fine of $500 is less than what a person would pay in tax for that same amount of income for legitimate employment.

As a matter of fact, a very poor message is being sent: do not work, grow a crop, perhaps even collect the dole and your life will be sweet, even if you do get caught. I have to wonder how our hardworking police officers feel. They take the time and energy to seek out cannabis crops and for what? To have a criminal walk from the court and suffer a minor inconvenience or a minor irritant. Cannabis was identified by the Australian Federal Police as a source of funding for illegal motorcycle gangs. Cannabis is a drug identified as a substance that provides the cash flow for the production and distribution of other drugs. Once again, the entire Controlled Substances Act, I believe, needs to be gutted and some serious thought needs to go into what it is we want for this state in respect of drugs.

In my short time in this place, I have heard the term 'the intent of the bill'. I cannot believe that this legislation (the Controlled Substances Act 1984) has been explained or enforced with respect to its true intent. If it has, then those who worked to develop this piece of legislation and sell it as 'the way to go' should feel some sense of failure. If it has not been enforced appropriately, we have to ask why. On 8 December 1983, the Hon. J.R. Cornwall in commenting on the legislation said:

> No single approach will adequately deal with the drug problem—it must be tackled in several ways. Dealers, pushers and traffickers must be prevented from making a profit from human fallibility and vulnerability. Those who have become dependent on drugs or have sustained harm from their drug use must be offered treatment and rehabilitation.

The Hon. Dr Cornwall went on to say:

> The Controlled Substances Bill implements the recommendations of the Sackville report in most respects and also takes account of the Williams report with its emphasis on increased powers and penalties to deal with drug traffickers.

I ask members in this place to please explain how the penalties for drug trafficking have increased, given that the cultivator of cannabis crop can be fined only $500, regardless of whether or not the person is a repeat offender. Was this really the true intent of the bill? Apparently not, because Dr Cornwall went on to say:

> As I mentioned previously, the government believes that urgent action is necessary to combat the drug problem. This bill spearheads the government's strategy. It has involved extensive consideration by the police and officers of the Health Commission and Attorney-General's Department. I believe it will be the most significant piece of legislation in the health area to come before this house for many years.

Significant piece of legislation, indeed! It appears not. In 1993 an intelligence report by the Australian Federal Police stated that South Australia was responsible for the majority of cannabis on the streets of other states; and in 2007 we live with the dubious reputation of being the cannabis capital of Australia—an industry which, contrary to the beliefs of some in this place, is funded by organised crime. It is pointless going over the disastrous health effects of cannabis because it seems to fall on deaf ears in this place.

We do have members in this place who believe—or appear to believe—against all the credible research that cannabis is a benign drug, and there are members in this place who appear to believe that drug use is a lifestyle choice. In saying that, we are told that repetition is the mother of all learning. So, just for the record, I will summarise again some of the proven side effects of marijuana use: respiratory diseases; cannabis addiction; memory damage and decline in other intellectual skills; increased risk of cancers of the aero-digestive tract; increased risk of developing schizophrenia; increased risk of leukaemia in offspring exposed to this drug while in the womb; possible chromosome damage; increased risk of birth defects in children of women who use cannabis during pregnancy; a marked decline in occupational performance in adults; educational under-achievement in children; reduced production of reproductive hormones; impaired ovulation, sperm production and libido; and reduced white blood cell production and impaired immune systems.

Given these scientific and medical facts, the average reasonable citizen would expect that a person who cultivates and distributes such a substance should experience the full force of the law. This substance causes addiction, it is a substance that affects children born to drug users and it is a substance that funds organised crime. But what do we do in this state to deal with it and work towards a solution? We allow individuals to continue to profit from the cultivation of cannabis and walk from the courts, laughing at them all and those of us who have made it.

It is comforting to know that the Hon. Dennis Hood is looking at this tragic act and putting up legislation that will address the many gaps that exist. I cannot for the life of me understand why, since 1984, government after government has not taken a strong and honest look at the failings of this

legislation and made efforts to solve the problem of illicit drugs in our community. As I have stated many times in this place, only one country in the developed world has abandoned this morally-bankrupt policy of harm minimisation, and that one country is the only place that has achieved and maintained outcomes that do serve the greater good.

Let us consider looking to Sweden where it has been proven that drug control does work and, what is more important, possible to enforce. It just takes the political will and willingness to admit that what we are doing is simply not working. The World Drug Report of 2006 states that cannabis use in Sweden was at 2.2 per cent, while the Netherlands was at 6.1 per cent and Australia 13.3 per cent. What further proof do we need given that Sweden targets street dealing as part of its drug strategy and targets it with quite a zealous approach? This state actually encourages it with ridiculously inadequate legislation.

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

MONITORED TREATMENT PROGRAMS BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 200.)

The Hon. SANDRA KANCK: In dealing with this bill we are amending another bill which passed this parliament two years ago but which has not yet been fully proclaimed. That bill, which is partially enacted—the Controlled Substances (Serious Offences) Bill—was one the Democrats opposed, so I doubt that this bill will actually improve that legislation. It is not an easy thing to debate an extensive amendment, which is what this bill is (it is 14 pages long), to what was an extensive amendment. I would much rather see the impact as a result of the implementation of the earlier bill before we begin amending it. Anyhow, we have the bill before us so we must deal with it.

This is a re-introduction of the bill that was introduced in November last year. I have two second reading contributions to which I am able to refer in determining the position that we will take. In her speech on 22 November, the Hon. Ann Bressington said:

> This bill targets people who have continually appeared before the courts for drug-related, non-violent crime, and also for those parents in the community who are using drugs and who are, for this reason, maltreating their children.

I query whether in fact that is what this bill does. She then repeats that claim in the speech she made on 30 May, where she says:

> It is about two particular target groups of drug users who I think cause probably more harm, in a way, to the community than some others. The first target group are parents who have been brought to the attention of welfare agencies or the police for neglecting and abusing their children and who are known to have a drug problem. The second target group is young people who continually reoffend on minor matters and who obviously are using drugs.

Just to be clear about who the bill targets, I would like to read out clause 5, regarding the application of the act:

> This act applies to a person if—
>
> (a) the person is required in accordance with a court order to undergo assessment or treatment for substance abuse (including assessment or treatment required as a condition of a bail agreement or a bond entered into in accordance with a court order); or
>
> (b) the person is required under an act or law, or under the terms of a voluntary agreement entered into under an act or law, to undergo assessment or treatment for substance abuse.

So, does the application of the act have anything to do with targeting those two groups? It does not; we have to trust the honourable member that this is the case. Of course, we cannot just trust the honourable member because, if this bill is passed, it is the police and the courts that will actually make the interpretation, and I cannot see anything in clause 5 that directs them to apply this bill (if enacted) to those particular groups of people.

The Hon. Ann Bressington's explanation for this bill is that it targets problematic drug users, yet the schedule includes people charged with simple possession. Simple possession does not mean that the person is a drug abuser, a parent who is abusing their children or a young person continually re-offending on minor matters. I raise the question, in the whole context of simple possession: if you have one amount of a drug does that mean you have a drug problem? If you have one drink in your hand does that mean you are an alcoholic? My answer to both questions is no. It seems to me that the Hon. Ann Bressington is getting 'use' mixed up with 'abuse'. It also seems fairly obvious to me that drug offenders will choose this option rather than face imprisonment, but I wonder whether this would, in fact, do any good, and, in particular, I wonder whether it would be a good use of government money to spend time rehabilitating someone who does not need rehabilitating.

I agree with the Hon. Ann Bressington that we need to deal with the 'underlying issues that spurred the substance abuse in the first place', but we are not talking about substance abuse if the person is being charged with simple possession. I cannot understand how this bill will bring about some sort of remediation of the underlying issues that caused the person to become addicted—which, I suppose, is what the honourable member means. The honourable member says that, 'the reason these issues are so complex is that this government does not focus on getting people off drugs to deal with other issues first.' Ultimately, coming off drugs of any sort—whether it be alcohol, tobacco, or doctor-prescribed pharmaceuticals—can be a good idea.

Outside of recreation or pleasure (which, of course, are the prime purposes for alcohol intake) there are reasons why people use drugs. Sometimes it is self-medication and sometimes it is prescribed medication, but when someone is depressed the reverse happens to what the Hon. Ann Bressington wants. People will go to a doctor and will be put on a drug that will be part of the treatment regime; it is part of bringing under control the emotional pain that has brought about the depression. However, the Hon. Ann Bressington's methodology is the complete opposite to what general medical practice does; she wants them to come off the drugs before beginning to deal with the problems.

I have to say that my antennae quivered when I heard what the Hon. Nick Xenophon had to say in the previous session when he spoke in support of the original bill. He said that the bill was based on the Swedish model. If it is based on that model then we need to talk about the model and ensure that we have our facts right. Drug users in Sweden have higher mortality rates than those in surrounding countries, and this particularly applies to addicts who are undergoing compulsory treatment. That ought to raise concerns amongst members of parliament when they consider this bill.

A paper prepared by Peter Cohen of the University of Amsterdam analysed the UNODC report about Swedish drug

policy, from which I notice the Hon. Ann Bressington quotes from time to time, and if members here think there is something special about the Swedish methodologies then I urge them to look at Peter Cohen's paper. I also urge them to do a little more solid research. In the UNODC report Sweden is portrayed almost as the epitome of good drug policy because drug use is below the European average; so, I might point out, is the Netherlands. Despite a very prescriptive 'tough on drugs' approach, Sweden had 160 drug-related deaths in 2002. That works out to 18 drug deaths per million inhabitants. Comparatively, the Netherlands (which has a harm minimisation approach drug policy) had seven drug deaths per million of population. It is pretty obvious that, per capita, the rate is significantly higher in Sweden. Perhaps this might be proof that the approach being advocated by the Hons Bressington and Xenophon is counter-productive.

Greece spends less than Sweden on drug enforcement, and it has drug use figures lower than Sweden. Sweden has a Lutheran heritage and, as a consequence of that, has low levels of tobacco, alcohol and even pharmaceutical use, so it is not really surprising that illicit drug use is also relatively low. Peter Cohen says:

> Maybe Sweden's drug policy is just another phenomenon on its own, next to low levels of alcohol and drug use, that expresses a temperance culture, but does not cause it.

Police violence against drug users is an aspect of Swedish drug policy that we should not be in a hurry to adopt. It is such that drug users will sometimes not call an ambulance because of the fear of police involvement. This is not the model that this parliament should be following.

Clause 6 of the bill allows the minister to approve treatment services. This effectively happens now with the funding that the government provides to NGOs. I am wondering whether this bill is motivated by a belief that there will be an improvement in accountability if things are in writing. Perhaps that is where the monitoring that is in the title of this bill goes on. I would appreciate it if the Hon. Ms Bressington can confirm that this is the primary intent of the bill, as reading her second reading speeches has still not made this clear to me. The schedule makes an amendment to the APY Lands Act, but I certainly would not be supporting this clause without the Anangu themselves saying that this was what they wanted. This week in parliament we are dealing with a bill for an inquiry into child sexual abuse on the APY lands. There is no doubt that children up there are effectively self-medicating by breathing in petrol vapours to ease the emotional pain that they are experiencing, but whether a bill like this is a solution I do not know. As I say, I would want to have the Anangu say to me, 'Yes; support this,' before I would even begin to consider it.

Not everyone who uses drugs is an abuser of drugs or an addict. Coercing those people into drug rehabilitation programs is a waste of time and taxpayers' money. In the most recent speech by the Hon. Ms Bressington on this subject, she said, 'I cannot think of one argument that anybody could put up that could justify parents who are out of control with their drug use, and reported to be abusing and neglecting their children, not being forced into treatment.' I ask the Hon. Ms Bressington whether she wants this to apply also to parents drinking alcohol, because the evidence shows that that is where the real problem is occurring. Yes, if parents are abusing their children we must take action, but whether parents should be forced into drug rehabilitation programs is a different question entirely.

In her most recent speech on the reintroduction of the bill, the Hon. Ms Bressington developed her arguments to justify this coercive approach to the cessation of illicit drug use. Does she intend to apply that same coercive approach to those two dangerous legal drugs, alcohol and tobacco? If she is not aware of how dangerous they are, she should look at an article published earlier this year in *The Lancet* which stated that tobacco and alcohol are far more dangerous than many of the drugs that she targets.

I did a little bit of web surfing to find out about coercive approaches, and one that I thought had a good scientific basis to it was from Health Canada, which has a website called 'Healthy living'. There is a fair bit of material but bear with me as I read it. It states:

> The vast majority of scholarship on the topic of mandated substance abuse treatment is non-empirical in nature.

I think it is very important that, when we are dealing with drug issues, we do have empirically-based evidence. We need studies that have been peer reviewed before we act on any of them. The article continues:

> The best support for the efficacy of mandated treatment from the existing empirical literature comes from a series of evaluations of the California Civil Addict Program for heroin abusers. These studies indicate that civil commitment orders (i.e. forced treatment), in conjunction with methadone maintenance treatment can reduce drug use criminal recidivism rates.

I have a suspicion somewhere along the line, from things that the Hon. Anne Bressington has indicated, that she is not a great fan of methadone as a substitute. The website continues:

> However, these effects appear to be limited to the time period in which supervision of the clients' behaviour was enacted. Several reviews of existing empirical studies (Miller, 1985; Rotgers, 1992; Weisner, 1990; Wild et al., 1995) point out that there is no clear-cut relationship between mandated treatment and outcome.

To me, that is a very strong statement. Given that this bill is about mandated, coercive treatment, one needs to go back and ask whether, in fact, it works. The website continues:

> Thus, Wild, Newton-Taylor and Alletto (1998) argue that in order to truly understand the impact of coerced substance abuse treatment, referral source and client perceptions of coercion must be independently measured, and in a demonstration study, Wild et al. (1998) showed that 37 per cent of clients entering a substance abuse treatment program as self-referrals reported being coerced and 35 per cent of court referrals reported no perceptions of coercion.

It continues further down:

> Second, studies of the efficacy of coerced substance abuse treatment (reviewed in Miller, 1985; Rotgers, 1992; Weisner, 1990) may have been seriously compromised. Specifically, because the vast majority of these studies compared outcomes among clients grouped according to referral source and did not directly measure clients' perceptions of coercion, it is possible that coercion was never adequately assessed. If so, tests of the efficacy of coerced substance abuse treatment may have been compromised, and claims made about the legitimacy of coerced treatment may rest on a shaky empirical foundation.

It seems to me that the Hon. Anne Bressington believes passionately in abstinence-based programs because she has seen them work. I do not deny that she has been involved in programs that work, but let us look a little bit more at what this website has to say. This is not about coercive treatments but about some particular programs; in fact, any programs, one could say. It states:

> The possibility also arises that clients could do better with some types of treatment or some types of therapists than with others, and that outcomes will be best when clients, treatment and therapists are matched.
>
> There are also indications that the therapist is a significant factor in determining treatment outcome. Hester (1995) concluded that

clients seen by therapists with low levels of empathy fare worse than those in self directed groups, while clients seen by therapists with high levels of empathy do better than in self directed groups.

It seems obvious that the Hon. Ann Bressington's successes are most likely a tribute to the caring relationship she has developed with her clients, but it does not mean that her methodology will work for every therapist and every client. As a teacher, I learnt that we are all different and we therefore respond to different approaches in different ways. I was a teacher who employed child centre teaching and my kids loved it—I got results—but I also know teachers who preferred the old-fashioned, teacher-centred, front of the class, didactic methods, and they too got results.

Ms Bressington's one-size-fits-all methodology causes me concern. She argued also in her November speech that the drug courts are not working and provided figures to back this. If they are not working, the government needs to determine why this is the case and present the chamber with some information about this to assist members in working out how to deal with this bill. Assuming that the figures the Hon. Ms Bressington gave us are correct, some quantitative research is required, including interviewing those who have and have not completed the program. Without knowing the reasons for the perceived failure, it seems inappropriate to land this legislation on top of the program.

I await the minister's response to assist us all in understanding this bill and its potential impact. I find that this bill and its justification lacks scientific rigour. There are just not enough good reasons to justify the coercive approach advocated by the Hon. Ann Bressington and I will not support the bill.

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

MURRAY-DARLING BASIN

Adjourned debate on motion of Hon. S.M. Kanck:

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.

(Continued from 2 May. Page 72.)

The Hon. J.M.A. LENSINK: I indicate Liberal support for this motion, which is a reference to the Natural Resources Committee to look into the use of the Murray-Darling Basin. Water issues and water security issues have finally come to the attention of the general public as being possibly the most significant area in which we face a challenge this generation. Water security issues have come much more to the fore because of the impact of the drought. While the drought has been a terrible and tragic thing, it has been a great wake up call to all of us that we cannot continue to utilise resources and assume they will just be there forever. We need to look at things in a sustainable way.

This motion relates to irrigation practices and agricultural uses. It is quite broad ranging in that it does not limit itself only to the section of the Murray-Darling Basin that is in South Australia. I commend Sandra Kanck on including the issue of the economic value of agriculture and its impact on water and environmental sustainability and the issue of uses of water for high value and low value crops, which is something the Liberal Party has discussed within its party meetings several times because of some of the practices that take place upstream in other states.

We are the last state to fall within the Murray-Darling Basin and everybody is aware how vulnerable that makes our state's water supply. There are a number of people, both within the Riverland area and further downstream towards the mouth, who are feeling very vulnerable because of the drought, and for those reasons the reference to the Natural Resources Committee is to be commended. Their concerns need to be taken into consideration and, because this has a broad ranging gambit, the committee will be able to investigate those conditions upstream that are affecting livelihoods.

A suspicious person could view this motion as an attack on the agriculture industry. However, I have read the honourable member's speech in great detail and note that she expresses great sympathy for some of the smaller operators who are suffering because of extended drought conditions. I note that she has raised concerns about private equity companies and other significant investors who have been buying up water licences, effectively pushing out smaller operators. With those few words, I indicate that the Liberal Party will support this motion when it is put to a vote.

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

MARINE PARKS BILL

The Hon. G.E. GAGO (Minister for Environment and Conservation) obtained leave and introduced a bill for an act to provide for a system of marine parks for the state; to make consequential amendments to certain other acts; and for other purposes. Read a first time.

The Hon. G.E. GAGO: I move:

That this bill be now read a second time.

South Australia's coastal, estuarine and marine environments are unique and precious resources, containing some of the most biologically diverse waters in the world. The majority of southern Australia's marine plants and animals are not found anywhere else in the world. These environments are also valuable resources for both state and regional economies, supporting an array of activities from fishing and aquaculture to shipping and mining, while at the same time providing important tourism, recreational and cultural opportunities. Effective management is needed to protect these environments, and the plants and animals that depend on them, from increasing human pressures whilst ensuring opportunities for ecologically sustainable development, use and enjoyment.

To meet this challenge, I am pleased to introduce to this place today the Marine Parks Bill. This bill is a significant milestone in delivering the government's policy commitments

outlined in the 'Blueprint for the South Australian Representative System of Marine Protected Areas', including zoning marine parks for multiple use, encouraging community involvement and developing effective mechanisms to address displaced commercial fishing and aquaculture effort.

This bill continues the government's ambitious program to provide for the long-term preservation of South Australia's diverse and significant marine environment. It supports the achievement of Target 3.4 of South Australia's Strategic Plan—'by 2010 create 19 marine parks aimed at maximising ecological outcomes'—and fulfils a number of the government's national and international obligations to the conservation of biodiversity. Importantly, this new legislation provides a sound framework for the dedication, zoning and management of marine parks, as follows:

- with clear objectives for the protection and conservation of biodiversity;
- to ensure marine parks have secure status, which can be revoked or altered only by parliamentary process;
- to provide for marine parks to be divided into zones that are consistent with the internationally recognised International Union for the Conservation of Nature (IUCN) protected area management categories;
- to provide a multiple-use regime for the management of people and uses; and
- to address any displaced commercial fishing and/or aquaculture effort.

Marine parks are not a panacea to address all marine issues, and this bill is just one of several tools, as stated in the Living Coast Strategy, necessary to effectively manage this environment. In addition, this bill complements existing legislation and other initiatives developed by the government.

Development of the bill has been overseen by representatives of government bodies involved in managing South Australia's coastal waters, including the Department for Environment and Heritage, PIRSA, Fisheries, Aquaculture, Planning SA and Minerals and Energy, as well as the Department of Water, Land and Biodiversity Conservation, the South Australian Tourism Commission and the Local Government Association. Specialist advice has also been provided by the Marine Advisory Committee, chaired by the Mayor of Mount Gambier Mr Steven Perryman, the Scientific Working Group, chaired by Professor Anthony Cheshire, and the Stakeholder Reference Group, ensuring input from the conservation movement, commercial fishing and aquaculture industries, local government, recreational fishers, indigenous groups and the scientific community. The government would like to acknowledge the efforts of everyone who has contributed to this process.

Establishing marine parks requires a long-term commitment to public understanding, communication and participation. With this in mind, the government commissioned independent market research in both metropolitan and regional South Australia to obtain a clear understanding of the broader community's perception of the marine environment. Protecting the marine environment by establishing marine parks is clearly an action the community wants the government to take.

The results of the research indicated that the marine environment is highly valued by residents living in regional coastal locations throughout South Australia, and the vast majority (76 per cent) of respondents believe that it is under threat from human activities, particularly netting, overfishing, pollution and litter. Overall, there is also strong support for the creation of new marine parks in South Australia, with the overwhelming majority (88 per cent) of respondents indicating that they were in favour of the creation of marine parks to protect plants and animals.

Given this high level of interest, the government has engaged extensively with South Australians in this process. Following the release of the draft Marine Parks Bill 2006 for public comment on 1 September 2006, 16 public meetings were held in 15 locations around metropolitan and regional South Australia, attracting interest from over 670 people, and a total of 162 written submissions were received on the draft bill. The government acknowledges the time and effort individuals, families and organisations have put into preparing submissions, many of which provided important and detailed feedback on the proposed legislation arrangements for marine parks in South Australia. All submissions, together with all other available information, have been considered in producing this bill.

The bill aims to protect and conserve examples of all marine habitats and the wide diversity of plants and animals that depend on them. This includes marine mammals, hundreds of fish species, thousands of invertebrates, as well as the extensive variety of marine flora. It should be clearly understood from the outset that marine parks are for biodiversity conservation and not fisheries management, which is a distinct and separate role performed under the Fisheries Management Act 2007.

The bill specifies clear objects to ensure the goals of the act can be easily understood. The primary objects of the Marine Parks Bill are to protect and conserve marine biological diversity and habitats by declaring and providing for the management of a comprehensive, adequate and representative system of marine parks and to help maintain the natural function of coastal, estuarine and marine ecosystems and their interdependence on one another. Fundamental to this is the ability for marine parks to assist in building resilience and flexibility to adapt to the emerging impacts of climate change.

The bill provides for the protection and conservation of natural and cultural heritage; ecologically sustainable development and use; and opportunities for public appreciation, education and understanding of the marine environment when these activities are consistent with the primary objects. The objects emphasise that this is unashamedly conservation legislation, framed within a triple bottom line context to ensure that all marine life, as well as people's lifestyle and livelihood, are protected for current and future generations.

As mentioned earlier, activities and uses within a marine park will need to be undertaken in an ecologically sustainable manner. The bill adopts a definition of ecologically sustainable development that is designed to ensure consistency with the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 and the intergovernmental agreement on the environment and other relevant policies in this area. This definition addresses the issue of maintaining the economic, social and physical wellbeing of our communities and the functioning of our natural and physical resources. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Establishment of marine parks

The Bill provides that the Governor may establish marine parks by proclamation. Locations identified as marine parks will be based on the best scientific understanding, as well as endorsed design principles, to ensure the South Australian Government fulfils its national and international obligations. During consultation on the draft Bill, a wide range of stakeholders indicated a desire to provide

input at this initial stage to make marine parks a success. To facilitate this, the Government has included provision for a period of comment on marine park boundaries in the revised Bill.

The Government has also listened to suggestions from stakeholders seeking the simultaneous proclamation of all 19 marine parks to provide certainty to all marine users as to the composition of South Australia's marine park system. This important step will occur soon after the proclamation of the *Marine Parks Act*.

As far as practicable, the proclamation of marine parks will not immediately affect existing activities undertaken in the marine environment. Any necessary restriction of activities will occur through the adoption of management plans (including zoning arrangements), which will be developed through meaningful community engagement and consideration of all relevant issues. However, the Bill does provide the Governor with the ability to proclaim interim protection orders, where necessary, for the orderly and proper management of a proclaimed marine park until a management plan is adopted.

Interim protection orders may be needed to address new or emerging pressures and would be enforced with appropriate penalties to provide the necessary level of protection. Interim protection orders will be considered on a case-by-case basis taking into account a relevant range of environmental, social, cultural and economic variables pertinent to the location. In addition, existing management arrangements under other statutes will continue to be in effect and enforced as necessary. This approach should provide certainty to all existing users of the marine environment regarding the location of marine parks and access to resources, whilst providing necessary protection for ecosystems, habitats and biodiversity.

To deliver national commitments that marine parks have secure status that may only be revoked by the Parliament, the Bill provides that once a marine park boundary has been established and all related consultation processes completed, the Governor may only abolish or reduce the boundary following a resolution passed by both Houses of Parliament. The Bill will allow a limited degree of flexibility at the beginning of the formal process by providing that the Minister can recommend an alteration to a boundary following the completion of a final consultation process after a marine park is proclaimed, provided that this occurs within six months from the date of the original proclamation.

Management plans

South Australia's marine parks will be zoned for multiple-use to protect and conserve marine biodiversity while providing for the ecologically sustainable use of suitable areas. The Government is committed to a transparent marine parks process, based on sound scientific advice and thorough community and stakeholder engagement to ensure, as far as possible, all cultural, social, economic and environmental issues are adequately considered. This approach has been embraced to ensure that South Australia establishes a world-class system of marine parks, while fostering community ownership and minimising impacts on existing marine activities and uses.

The fundamental tool to achieve this is management plans, the statutory instruments that describe all zones and special purpose areas within a marine park. Plans may also set out other actions the Marine Parks Minister proposes to take, such as day-to-day management of natural and cultural heritage, monitoring, signage, or special conservation needs of plants, animals or habitats in the marine park. Management plans will not override international laws of the sea and any activity in emergency situations to preserve life or property will not be affected.

In order to deliver the 19 marine parks by 2010, it will be necessary to develop management plans concurrently, commencing as soon as practicable following the proclamation of the marine park boundaries, with a view to completing them within three years. This process will include further formal opportunities for community and stakeholder input. Firstly, a notice must be issued advising the intention to develop a draft management plan and inviting members of the community to provide any economic, cultural, social or environmental information that they wish to have considered during its development. A draft management plan will then be prepared for public comment.

There are numerous stakeholders with an interest in the marine environment wishing to contribute to this process. Several sought to be included as mandatory referral bodies during consultation on the draft Bill, given their use of the marine environment for lifestyles and livelihoods, however, following due consideration, the Government has sought to establish the broadest consultation process possible—enabling all interested South Australians to participate in shaping our marine parks.

In line with the recommendations of the Economic Development Board's report *A Framework for Economic Development in South Australia—Our future, Our decision (2003)*, the Bill does not establish any new statutory committees. Rather, the Minister may seek the views of anyone he or she sees fit at any time to assist in the development of a draft management plan. A range of advisory committees and short-term regional consultative committees will be established to ensure members from relevant industry groups, local governments, NRM Boards, local communities and individuals with an interest in the marine environment are actively engaged during the development of marine parks in their local communities.

In response to public feedback on the draft Bill, the minimum period of public comment on draft management plans has been increased from 28 days to six weeks. This should provide sufficient time for local communities to make meaningful comment on the proposals and for the Government to convene community meetings to discuss the proposals.

Following this process, the Minister may adopt a revised management plan and refer it to the Governor to declare that it is an authorised management plan. A notice will appear in the Gazette advising the date on which the management plan will come into operation. Again, in response to feedback on the draft Bill, a copy of each management plan will then be laid before both Houses of Parliament. All management plans must be reviewed at least once every 10 years, although more regular reviews may be required.

Activities and uses

The essential companion to management plans will be the development of regulations that specify activities and uses that are permitted, prohibited or otherwise regulated within each of the marine park zones. These regulations will apply to all marine parks established in South Australia to ensure consistent management arrangements. This is important from both an educational and enforcement perspective to ensure that the community and all users of the marine environment understand that restrictions within zones in one marine park are the same as those in other marine parks around the State. This will provide a consistent and adaptable approach to managing a broad spectrum of activities and uses within South Australia's marine parks.

The management and enforcement of activities in marine parks that are subject to other legislation (such as aquaculture, fishing, boating) will remain under their respective Acts, however, these activities will also need to comply with the new marine park zoning arrangements.

A proposed framework for activities and uses within each marine park zone was circulated for comment during the public consultation processes for the Encounter Marine Park Draft Zoning Plan and the draft Marine Parks Bill 2006. The regulation of activities within marine parks will not be finalised until after the Marine Parks Act is in place. The Government will continue to liaise with stakeholders and communities to inform the development of these regulations.

Minimising impacts on industries and regional economies

Thorough planning and pragmatic zoning, incorporating community and industry input, should ensure that South Australia's marine parks have the least possible impact on existing users of the marine environment. Some regional stakeholders have expressed concern that the introduction of marine parks will have a detrimental effect on their community. Research into the impacts of marine parks, both interstate and internationally, suggests that while marine parks may change the traditional balance of activities, areas that have adopted multiple-use marine parks—as proposed in South Australia—often realise a greater range of opportunities or improvements in some opportunities for eco-tourism, diving, adventure sports and other such pursuits. Impact Statements will be prepared to accompany each management plan outlining the likely positive and negative impacts arising from the establishment of the marine park.

Recreational fishing is an important activity in South Australia. It has been estimated that about 320 000 people fish at least once a year in our waters. With South Australia adopting multiple use marine parks, the ability of everyone in the community to have reasonable access to fish for personal use will be maintained.

Aquaculture is an important and growing industry in this State and provides significant benefits to South Australia. The needs of this lucrative industry have also been catered for with commitments to accommodate, as far as possible, existing aquaculture operations. This has resulted in an accord with the Minister for Agriculture, Food and Fisheries on the relationship and likely interactions between proposed marine parks and aquaculture developments in South Australian waters. This will enable DEH and PIRSA to work together to address key priorities from South Australia's Strategic

Plan, specifically to treble exports by 2014 (T1.12) and to create 19 marine parks by 2010 (T3.4), such that each is given optimal effect without detriment to the other.

The accord identifies the general areas of the State's waters where:

- there will be little or no interaction between future marine parks and aquaculture development;
- there may be some interaction but where mutually acceptable outcomes can be reached through pragmatic planning processes; and
- further discussion will be required to resolve potential conflicts.

The accord also recognises that there are instances where existing aquaculture leases fall outside of Aquaculture Focus Locations and existing aquaculture zones. We have committed that, as far as practical, marine parks will be zoned in a manner that accommodates existing aquaculture developments, proposed developments that have the appropriate licences / authorisations in place and existing *Aquaculture Management (Zone) Policies*.

The Government acknowledges that there may be situations where unavoidable conflict could occur between the requirements of a marine park and either the commercial fishing or aquaculture industries. In this regard, the Government of South Australia has honoured its commitment to provide for an effective legislative mechanism to address any commercial fishing or aquaculture effort displaced by a marine park.

The Bill provides a head of power for managing displaced effort and these industries have been invited to shape and influence both the process and the formula to manage this sensitive issue. Further discussions and collaborative work will continue with key industry representatives—namely the South Australian Fishing Industry Council, the Seafood Council of SA and the South Australian Aquaculture Council—to develop a fair and equitable process and displacement payment scheme. The fundamental tenets of managing displaced effort are that the Government will:

- work with industry to review zoning to determine if locations can be identified to deliver the desired conservation outcomes without displacing existing operations;
- work with industry to determine if relocation is viable (in certain circumstances); and
- as a last resort option, buy-out any displaced effort (using a market-based approach).

An independent review process, with further appeal rights, is also provided for affected parties dissatisfied with the outcome of the displaced effort mechanisms.

The Bill allows for the recognition of Aboriginal traditional fishing and cultural access for any native title group, which has reached a formal agreement with the Government through an Indigenous Land Use Agreement or native title determination under the Commonwealth *Native Title Act 1993*. The Aboriginal Legal Rights Movement in South Australia, commercial fishing industry groups and local governments have endorsed this approach.

In this regard, a whole of government approach has been adopted to ensure a sound conservation outcome whilst supporting industries that rely on the marine environment for their livelihoods and also providing social and cultural opportunities for South Australian families, individuals and visitors.

Powers of Minister

A range of powers are provided to the responsible Minister for the effective administration of marine parks. They include but are not limited to:

- examining and keeping under review the need for areas to be marine parks;
- developing and implementing management plans;
- ensuring necessary restrictions and prohibitions are in place to protect biodiversity;
- consulting with relevant persons, bodies and authorities;
- promoting public education and programs to protect, maintain or improve marine parks;
- enforcing the general duty of care; and
- as far as reasonably practicable and appropriate, integrating the administration of the Marine Parks Act with other relevant legislation.

During consultation on the draft Bill, the ability for the Minister to establish a process to seek and assess community nominations for areas to be considered as marine parks received a mixed response. Sectors that rely on the marine environment for their livelihoods perceived this function as a threat, while other sectors of the community strongly supported the concept, but sought clarification of the process. The Government's focus is currently on establishing the 19 marine parks to meet commitments within South Australia's Strategic Plan and soliciting community nominations is unlikely to occur until after the 19 marine parks are established. With this in mind, the Bill has been amended to enable a more detailed process for the consideration of community nominations, including assessment criteria, to be established by regulation. Following proclamation of the *Marine Parks Act*, further consultation will occur with stakeholders who both support and have concerns regarding this matter.

Permits

The Bill provides the Minister with the capacity to issue permits for activities that require specific management within a marine park such as competitions, scientific research, commercial photography, filming and sound recording. These provisions are similar to those currently under the *National Parks and Wildlife Act 1972* and should ensure management consistency within South Australia's protected area estate.

In line with Government commitments to minimise red tape, there is no intention of duplicating any authorisation, permit or licence issued under any other Act. There has been speculation that both commercial and recreational fishers will require permits to fish within marine parks. It should be clear that this is not the Government's intention and these activities will continue to be governed by the *Fisheries Management Act 2007*.

Authorised Officers

The Government believes that for marine parks to be effective they should be appropriately managed and resourced – we do not want to create a system of 'paper parks'. Accordingly, the Bill provides for the appointment of authorised officers to inform and educate the community as well as to undertake necessary enforcement and compliance activities. These officers are to have similar powers to fisheries officers under the *Fisheries Management Act 2007* and wardens under the *National Parks and Wildlife Act 1972* to ensure sufficient operational capacity and flexibility to manage our protected areas and marine resources.

General duty of care

The Bill also sets out a general duty of care in relation to marine parks that requires a person to take all reasonable measures to prevent or minimise any harm to a marine park through his or her actions or activities. A person acting in circumstances prescribed by the regulations will be acting in accordance with the general duty of care.

Offences/Civil remedies/Appeals

As with the enforcement of most legislation, there is a range of tools available to ensure compliance. These include education (eg authorised officers advising users who accidentally drift into a restricted area), expiation notices and full prosecution for significant, blatant or repeat breaches of the Act.

The penalties for offences have been set as summary offences, some of which have a maximum penalty of $100 000 or 2 years imprisonment. It is anticipated that these maximum penalties will deter significant offences, serial offenders and reflect the potential costs of repairing or recompensing damage to the marine environment. The Bill also provides for a number of court orders that may be used in addition to traditional types of penalties. The provisions are intended to provide guidance to the Courts, highlight the importance of protecting our marine environments and promote consistency in sentencing for serious crimes. In particular, the Court is able to exercise one or more of the following powers that require the person to:

- refrain, either temporarily or permanently, from the act, or course of action, that constitutes the contravention of the Act;
- make good any harm to a marine park, and if appropriate, to take action to prevent or mitigate further harm;
- pay any reasonable costs and expenses incurred by the Minister to prevent or make good any harm to a marine park;
- pay an amount in the nature of exemplary damages; and
- take action to publicise the contravention of the Act and/or the harm flowing from the contravention.

Another feature of the legislation is the introduction of protection and reparation orders, which may be used to ensure compliance with the general duty of care and marine park management plans.

The Bill also enables relevant parties (including the Minister, an authorised officer or any person whose interests are affected) to apply to the Court to commence proceedings for civil action. In

addition, any other person may apply with the leave of the Court, however, the Court must be satisfied that such an application would not be an abuse of process and is in the public interest. The expectation of frivolous or antagonistic proceedings that may result from this provision caused some concern to parties that use the marine environment for profit. The Government believes the included provisions provide a good balance between allowing the community the right to protect its natural heritage without allowing unnecessary delays and abuse of Court processes. The provisions present no threat to those properly using the park in an authorised manner, and indeed may be of assistance to protect those with bona fide user rights from illegal competition.

A right of appeal to the Environment, Resources and Development (ERD) Court has been included to provide an independent resolution of assessment of matters including:

- conflicts in enforcing the general duty of care;
- the refusal of a permit;
- the revocation, or varying a condition, of a permit; and
- the issue or variation of protection or reparation orders.

Related amendments

These amendments will require related operational Acts to have regard or seek to further the objects of marine parks when making decisions about their activities that impact on a marine park. The Ministers responsible for the administration of these Acts will be required to undertake appropriate degrees of consultation with the Marine Parks Minister when administering these relevant operations. The Acts proposed for amendment are:

- the *Aquaculture Act 2001*
- the *Coast Protection Act 1972*
- the *Development Act 1993*
- the *Environment Protection Act 1993*
- the *Fisheries Management Act 2007*
- the *Harbors and Navigation Act 1993*
- the *Historic Shipwrecks Act 1981*
- the *Mining Act 1971*
- the *Natural Resources Management Act 2004*
- the *Offshore Minerals Act 2000*
- the *Petroleum Act 2000*
- the *Petroleum (Submerged Lands) Act 1982*

Conclusion

This Bill is a product of significant consultation. This legislation provides for marine conservation combined with ecologically sustainable use of marine parks by industry and members of the community both.

It is appropriate to acknowledge the solid foundations built by the last two Ministers, the Hon John Hill MP and the Hon Iain Evans MP, and the Government looks forward to continuing bipartisan support in the Parliament during the debate and passage of this Bill.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

Clauses 1 and 2 are formal.

3—Interpretation

This clause defines terms used in the measure. Key terms used are—

(a) ***coastal waters of the State*** means any part of the sea that is from time to time included in the coastal waters of the State by virtue of the *Coastal Waters (State Powers) Act 1980* of the Commonwealth;

(b) ***harm*** includes—

(i) a risk of harm, and future harm; and

(ii) anything declared by regulation to be harm to a marine park; and

harm need not be permanent but must be more than transient or tenuous in nature;

(c) ***prohibiting or restricting an activity*** within a marine park, or a zone or other area of a marine park, includes a reference to prohibiting or restricting access (including access by aircraft) to the marine park or zone or area.

4—Meaning of *zone*

Clause 4 provides that a ***zone*** is an area within a marine park that has boundaries defined by the management plan for the marine park and is identified by the management plan as a particular type of zone depending on the degree of protection required within the area. It provides that the regulations will make provision for general managed use zones, habitat protection zones, sanctuary zones and restricted access zones and apply various prohibitions or restrictions to the different types of zones.

5—Meaning of *special purpose area*

Clause 5 provides that a ***special purpose area*** is an area within a marine park in which specified activities, that would otherwise be prohibited or restricted as a consequence of the zoning of the area, will be permitted under the terms of the management plan.

6—Interaction with other Acts

Clause 6 provides that the prohibitions or restrictions applying within a marine park under the measure will, to the extent prescribed by the regulations, have effect despite the provisions of any other Act.

7—Act binds Crown

Clause 7 states that the measure binds the Crown in right of this State and also, so far as the legislative power of the State extends, the Crown in all its other capacities, but not so as to impose any criminal liability on the Crown.

Part 2—Objects of Act

8—Objects

Clause 8 provides that the objects of the measure are—

- to protect and conserve marine biological diversity and marine habitats by declaring and providing for the management of a comprehensive, adequate and representative system of marine parks; and
- to assist in—

(i) the maintenance of ecological processes in the marine environment; and

(ii) the adaptation to the impacts of climate change in the marine environment; and

- if consistent with the preceding objects—

(i) to protect and conserve features of natural or cultural heritage significance; and

(ii) to allow ecologically sustainable development and use of marine environments; and

(iii) to provide opportunities for public appreciation, education, understanding and enjoyment of marine environments.

9—Administration of Act to achieve objects

Clause 9 provides that the Minister, the ERD Court and other persons or bodies involved in the administration of the measure must act consistently with, and seek to further, the objects of the measure.

Part 3—Marine Parks

Division 1—Establishment of marine parks

10—Establishment of marine parks

Clause 10 outlines the process to be undertaken to establish a marine park. It provides that the Governor establishes an area as a marine park by proclamation. The proclamation must define the boundaries of the marine park and may contain ***interim protection orders*** that prohibit or restrict activities within the marine park prior to the adoption by the Minister of a management plan for the marine park. The clause provides a maximum penalty of $100 000 or imprisonment for 2 years for contravention of an interim protection order.

After the Governor has established a marine park under this clause the Minister must, in the manner prescribed by the regulations, give public notice of the making of the relevant proclamation and, in so doing specify a place or places where copies of the proclamation may be inspected or purchased and invite submissions from interested persons within a period (of at least 6 weeks) specified by the Minister on the boundaries of the marine park.

The Governor may, by subsequent proclamation—

- abolish a marine park; or
- alter the boundaries of a marine park; or
- alter the name of a marine park; or
- on the recommendation of the Minister, vary or revoke an interim protection order.

Division 2—Management of marine parks

11—Interpretation

This clause provides that a reference to a ***draft management plan*** includes a reference to a draft amendment to, or a draft revocation of, a management plan and a reference to a ***management plan*** includes a reference to an amendment to, or a revocation of, a management plan.

12—Management of marine parks

Clause 12 states that the Minister must manage a marine park in accordance with a management plan for the park.

13—General nature and content of management plans

Clause 13 provides that a management plan for a marine park—

- must be consistent with the objects of the measure and set out strategies for achieving those objects in relation to the park; and
- must identify the various types of zones within the park and define their boundaries; and
- may identify and define the boundaries of special purpose areas within the park and set out the activities that will be permitted in the areas; and
- may direct the management of day-to-day issues associated with any aspect of the park, or the use or protection of the park (including scientific monitoring or research); and
- may provide guidelines with respect to the granting of permits for various activities that might be allowed within the park.

14—Procedure for making or amending management plans

Clause 14 outlines the process to be followed for the making of a management plan. Amongst other things, it provides that the Minister must commence the process for the making of a management plan as soon as practicable after the establishment of a marine park,.

15—Availability and evidence of management plans

Clause 15 provides that copies of each management plan must be available for inspection and must be published on a website.

Division 3—Regulation of activities within marine parks

16—Zones

Clause 16 provides that subject to this measure, a person must not contravene a provision of the regulations prohibiting or restricting activities within a zone of a marine park. It provides a maximum penalty of $100 000 or imprisonment for 2 years.

17—Temporary prohibition or restriction of activities

Clause 17 provides that the Minister may prohibit or restrict specified activities within a marine park, or a zone or other area of a marine park, for a maximum period of 90 days if the Minister considers it necessary in circumstances of urgency—

- to protect a species of plant or animal; or
- to protect a feature of natural or cultural heritage significance; or
- to protect public safety.

A prohibition or restriction under this clause may be amended, extended or revoked but the maximum period for which a prohibition or restriction may operate under this clause is 180 days.

The clause provides that a person must not contravene a prohibition or restriction under this clause and provides a maximum penalty of $100 000 or imprisonment for 2 years.

Division 4—Permits

18—Permits for activities

Clause 18 provides that the Minister may grant a permit to a person to engage in an activity within a marine park, or a zone or other area of a marine park, that would otherwise be prohibited or restricted under Division 3.

19—Contravention of condition of permit

This clause provides that if the holder of a permit, or a person acting in the employment or with the authority of the holder of a permit, contravenes a condition of the permit, the holder of the permit is guilty of an offence. The maximum penalty is $100 000 or imprisonment for 2 years.

Division 5—Affected statutory authorisations

20—Affected statutory authorisations

Clause 20 provides that if the rights conferred by a statutory authorisation under another Act are affected by the creation of a zone or the imposition of a temporary prohibition or restriction of activities within a marine park, the Minister may, if the Minister considers it appropriate to do so, acquire the statutory authorisation or pay compensation to the holder of the authorisation (or both) in accordance with the regulations.

Part 4—Administration

Division 1—Minister

21—Functions and powers of Minister

This clause provides for the Minister to have the following functions:

- to examine and keep under review the need for areas to be constituted as marine parks;
- to seek and assess community nominations for marine parks after taking into account any principles or processes prescribed by the regulations;
- to prepare and keep under review marine park management plans;
- to ensure necessary protections are in place through the prohibition or restriction of activities within marine parks under the measure;
- to issue permits for activities that may be allowed within marine parks under the measure;
- to consult with relevant persons, bodies or authorities, including indigenous peoples with an association with a marine park, about the measures that should be taken to further the objects of the measure;
- as far as reasonably practicable and appropriate, to act to integrate the administration of the measure with the administration of other legislation that may affect a marine park;
- to institute, supervise or promote programs to protect, maintain or improve marine parks;
- to conduct or promote public education in relation to the protection, improvement or enhancement of marine parks;
- to keep the state of marine parks under review;
- to enforce the general duty of care;
- such other functions as are assigned to the Minister by or under the measure or any other Act.

22—Delegation

Clause 22 provides that the Minister may delegate to a person or body a function or power of the Minister under the measure.

Division 2—Authorised officers

23—Appointment of authorised officers

This clause provides for the following persons to be authorised officers:

- fisheries officers under the *Fisheries Management Act 2007*;
- wardens under the *National Parks and Wildlife Act 1972*;
- police officers;
- persons of a class prescribed by regulation or persons appointed by the Minister.

24—Identification of authorised officers

Clause 24 provides that a person appointed as an authorised officer must be issued with an identity card.

25—Powers of authorised officers

Clause 25 provides that an authorised officer may, as may reasonably be required in connection with the administration, operation or enforcement of the measure—

- enter any place; or
- inspect any place, works, plant or equipment; or
- enter and inspect any vessel or vehicle, and for that purpose require a vessel or vehicle to stop, or to be presented for inspection at a place and time specified by the authorised officer; or
- give directions with respect to the stopping or movement of a vessel, vehicle, plant, equipment or other thing; or
- require a person apparently in charge of a vessel or vehicle to facilitate entry and inspection of the vessel or vehicle; or
- seize and retain anything that the authorised officer reasonably suspects has been used in, or may constitute evidence of, a contravention of the measure; or
- place any buoys, markers or other items or equipment in order to assist in environmental testing or monitoring; or
- require a person who the authorised officer reasonably suspects has committed, is committing or is about to commit, a contravention of the measure to state the person's full name and usual place of residence and to produce evidence of the person's identity; or
- require a person who the authorised officer reasonably suspects has knowledge of matters in respect of which information is reasonably required for the administration, operation or enforcement of the measure to answer questions in relation to those matters; or

· with the authority of a warrant issued by a magistrate, require a person to produce specified documents or documents of a specified kind, including a written record that reproduces in an understandable form information stored by computer, microfilm or other process; or

· examine, copy or take extracts from a document or information so produced or require a person to provide a copy of such a document or information; or

· take photographs, films, audio, video or other recordings; or

· examine or test a vessel, vehicle, plant, equipment, fitting or other thing, or cause or require it to be so examined or tested, or seize it or require its production for such examination or testing; or

· require a person holding a statutory authorisation or required to hold a statutory authorisation to produce the statutory authorisation for inspection; or

· give directions reasonably required in connection with the exercise of a power conferred by any of the above paragraphs or otherwise in connection with the administration, operation or enforcement of the measure; or

· exercise other prescribed powers.

26—Hindering etc persons engaged in administration of Act

Clause 26 provides that an offence is committed by a person who—

· without reasonable excuse hinders or obstructs an authorised officer or other person engaged in the administration of the measure; or

· fails to answer a question put by an authorised officer to the best of his or her knowledge, information or belief; or

· produces a document or record that he or she knows, or ought to know, is false or misleading in a material particular; or

· fails without reasonable excuse to comply with a requirement or direction of an authorised officer under the measure; or

· uses abusive, threatening or insulting language to an authorised officer, or a person assisting an authorised officer; or

· falsely represents, by words or conduct, that he or she is an authorised officer.

A maximum penalty of $10 000 is prescribed.

27—Protection from self-incrimination

Clause 27 provides that a person is not obliged to answer a question or to produce a document or record as required under this Part if to do so might tend to incriminate the person or make the person liable to a penalty.

Part 5—General duty of care

28—General duty of care

Clause 28 provides that a person must take all reasonable measures to prevent or minimise harm to a marine park through his or her actions or activities.

Part 6—Protection and other orders

Division 1—Orders

29—Protection orders

Clause 29 provides that the Minister may issue a protection order for the purpose of securing compliance with the measure. The clause states that a person to whom a protection order is issued must comply with the order and provides a maximum penalty of $10 000.

30—Action on non-compliance with protection order

Clause 30 provides that if the requirements of a protection order are not complied with, the Minister may take any action required by the order.

31—Reparation orders

Clause 31 provides that If the Minister is satisfied that a person has caused harm to a marine park by contravention of the measure, the Minister may issue a reparation order requiring the person to take specified action within a specified period to make good any resulting harm to the marine park, or to make a payment or payments into an approved account for the reasonable costs incurred, or to be incurred, in taking action to make good any resulting harm to the marine park, or both.

The clause provides that a person to whom a reparation order is issued must comply with the order and states a maximum penalty of $10 000.

32—Action on non-compliance with a reparation order

Clause 32 provides that if the requirements of a reparation order are not complied with, the Minister may take any action required by the order.

33—Reparation authorisations

This clause provides that if the Minister is satisfied that a person has caused harm to a marine park by a contravention of the measure, the Minister may (whether or not a reparation order has been issued to the person) issue a reparation authorisation under which authorised officers or other persons authorised by the Minister for the purpose may take specified action on the Minister's behalf to make good any resulting harm to the marine park.

34—Related matters

Clause 34 provides that the Minister should, so far as is reasonably practicable, consult with any public authority that may also have power to act with respect to the particular matter before the Minister issues an order or authorisation under this Division.

Division 2—Registration of orders and effect of charges

35—Registration

Clause 35 provides that if the Minister issues an order or authorisation under Division 1, and it is in relation to an activity carried out on land, or requires a person to take action on or in relation to land, the Minister may apply to the Register-General for the registration of the order or authorisation in relation to that land.

36—Effect of charge

Clause 36 provides that a charge imposed on land under Division 1 has priority over—

· any prior charge on the land (whether or not registered) that operates in favour of a person who is an associate of the owner of the land; and

· any other charge on the land other than a charge registered prior to registration under this Division of the relevant order or authorisation in relation to the land.

Part 7—Appeals to ERD Court

37—Appeals to ERD Court

Clause 37 states that the following appeals may be made to the ERD Court:

· a person who is refused a permit may appeal to the Court against the decision of the Minister to refuse the permit;

· a person who has been granted a permit may appeal to the Court against a decision of the Minister revoking the permit or imposing or varying a condition of the permit;

· a person to whom a protection order or reparation order has been issued may appeal to the ERD Court against the order or a variation of the order.

Part 8—Civil remedies

38—Civil remedies

Clause 38 provides that applications may be made to the ERD Court for the following orders:

· if a person has engaged, is engaging or is proposing to engage in conduct in contravention of the measure—an order restraining the person from engaging in the conduct and, if the Court considers it appropriate to do so, requiring the person to take specified action;

· if a person has refused or failed, is refusing or failing or is proposing to refuse or fail to take action required by the measure—an order requiring the person to take that action;

· if a person has caused harm to a marine park by a contravention of the measure—an order requiring the person to take specified action to make good any resulting harm to the marine park and, if appropriate, to take specified action to prevent or mitigate further harm;

· if the Minister has incurred costs in taking action to prevent or make good harm to a marine park caused by a contravention of the measure—an order against the person who committed the contravention for payment of the reasonable costs and expenses incurred in taking that action;

· if the Court considers it appropriate to do so, an order against a person who has contravened the measure for payment (for the credit of the Consolidated Account) of an amount in the nature of exemplary damages determined by the Court;

· if the Court considers it appropriate to do so, an order against a person who has contravened the measure to take specified action to publicise—

(i) the contravention of the measure; and

(ii) the harm flowing from the contravention; and

(iii) the other requirements of the order made against the person.

Part 9—Provisions relating to official insignia

39—Interpretation

Clause 39 defines ***official insignia*** to mean—

· a design declared by the Minister to be a logo for the purposes of this Part; or

· the name of a marine park proclaimed under the measure, whether appearing or used in full or in an abbreviated form; or

· a combination of a logo and a name.

40—Declaration of logo

Clause 40 provides that the Minister may, by notice in the Gazette, declare a design to be a logo.

41—Protection of official insignia

Clause 41 provides that the Crown has a proprietary interest in all official insignia and that a person must not, without the consent of the Minister, in the course of a trade or business—

· sell goods marked with official insignia; or

· use official insignia for the purpose of promoting the sale of goods or services or the provision of any benefits.

The clause provides a maximum penalty of $10 000.

The clause also provides that a person must not, without the consent of the Minister, assume a name or description that consists of, or includes, official insignia, and provides a maximum penalty of $10 000.

42—Seizure and forfeiture of goods

Clause 42 provides that if goods apparently intended for a commercial purpose are marked with official insignia, and an authorised officer suspects on reasonable grounds that the use of the insignia has not been authorised by the Minister, the authorised officer may seize those goods.

Part 10—Miscellaneous

43—Native title

Clause 43 provides that any prohibitions or restrictions applying within a marine park have effect subject to native title and native title rights and interests.

44—Immunity from personal liability

Clause 44 provides that no personal liability attaches to a person engaged in the administration of the measure for an honest act or omission in the exercise or discharge, or purported exercise or discharge, of a power or function under the measure.

45—False or misleading information

Clause 45 provides that a person must not make a statement that is false or misleading in any information provided under the measure, with a maximum penalty—

· if the person made the statement knowing that it was false or misleading—$20 000 or imprisonment for 2 years;

· in any other case—$10 000.

46—Continuing offence

Clause 46 provides that a person convicted of an offence against a provision of the measure in respect of a continuing act or omission—

· is liable, in addition to the penalty otherwise applicable to the offence, to a penalty for each day during which the act or omission continued of not more than one-tenth of the maximum penalty prescribed for that offence; and

· is, if the act or omission continues after the conviction, guilty of a further offence against the provision and liable, in addition to the penalty otherwise applicable to the further offence, to a penalty for each day during which the act or omission continued after the conviction of not more than one-tenth of the maximum penalty prescribed for the offence.

47—Offences by bodies corporate

Clause 47 provides that if a body corporate commits an offence against the measure, each member of the governing body, and the manager of the body corporate, are guilty of an offence and liable to the same penalty as is prescribed for the principal offence where the offender is a natural person.

48—Additional orders on conviction

Clause 46 provides that if a person is convicted of an offence against the measure, the court may, in addition to any penalty it imposes, make one or more of the following orders:

· an order requiring the person to take any specified action (including an order to take action to make good harm to a marine park or to rectify any other consequences of a contravention of the measure, or to ensure that a further contravention does not occur);

· an order that the person pay to the Crown an amount determined by the court to be equal to the costs of taking action to make good harm to a marine park or rectifying any other consequences of a contravention of the measure;

· an order that the person pay to the Crown an amount determined by the court to be equal to a fair assessment or estimate of the financial benefit that the person, or an associate of the person, has gained, or can reasonably be expected to gain, as a result of the commission of an offence against the measure.

49—General defence

Clause 49 provides that it is a defence to a charge of an offence against the measure if the defendant proves that the alleged offence was not committed intentionally and did not result from a failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

50—Criminal jurisdiction of ERD Court

Clause 50 provides that offences constituted by the measure lie against the criminal jurisdiction of the ERD Court.

51—Confidentiality

Clause 51 provides that a person engaged or formerly engaged in the administration of the measure must not divulge or communicate personal information obtained (whether by that person or otherwise) in the course of official duties except—

· as required or authorised by or under the measure or any other Act or law; or

· with the consent of the person to whom the information relates; or

· in connection with the administration of the measure; or

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

52—Service

Clause 52 provides for the service of documents for the purposes of the measure.

53—Evidentiary provisions

Clause 53 provides the evidentiary provisions required by the measure.

54—Regulations

Clause 54 provides that the Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, the measure.

Schedule 1—Related amendments

Schedule 1 makes related amendments to various Acts as required as a consequence of the measure.

The Hon. J.M.A. LENSINK secured the adjournment of the debate.

NATURAL RESOURCES MANAGEMENT (WATER RESOURCES AND OTHER MATTERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 June. Page 337.)

The Hon. A.L. EVANS: I rise to support the second reading of this bill, which seeks to amend the Natural Resources Management Act 2004 and make related amendments to the Groundwater (Qualco-Sunlands) Control Act 2000. Family First agrees wholeheartedly with the minister's second reading explanation that we in South Australia have been at the forefront of water management for some time. As I will come to in a moment, in this particular reform we are last out of the blocks in a three-horse race. To a large extent, gone are the days when you dropped a pump into the River Murray or sank a bore into groundwater and simply sucked up as much water as you liked. Communities concerned about

their local water resource have worked out that we need to manage these precious resources much better than that.

I wonder what sort of mess we and our environment would be in during the present drought if we had not developed our present strategies for managing water resources. I said earlier that to a large extent gone are the days, because I think it is worthwhile to note during the second reading debate that some extraction of water is not presently licensed, and the Minister for Water Security apparently has no plans to license it at the present time. This is largely due to the community's determination, through their NRM boards, to ensure that the relevant water extraction does not significantly affect their water resources.

First, I note that apparently 15 per cent of the state's total usage of water resources is unlicensed. I believe that the Mount Lofty Ranges was previously in the unlicensed category, but it is now moving to being licensed, with some 12 000 licences to be issued. In parts of the South-East, bore water is used without regulation for domestic use in townships and out on properties. In other areas of the state, water is collected from, shall we say, a minor watercourse or artificial watercourse that is not regulated. I raise this issue because my office has received some correspondence in the past suggesting that the government wants control over rainwater that falls on the land. The people making this argument suggested that the government had no such right. However, I do wonder whether, if such rainwater goes into natural resources such as creeks or lakes, the government, acting on the request of the local community, ought to regulate that water. I think things do get a bit murky (and I raise this as a concern) where a person has established a means of collecting rainwater that is purely artificial and has no impact upon local water resources. I hope we do not get to the point where people need a water allocation, etc.. for the water that falls onto their roof and into their rainwater tanks or into small man-made dams.

The responsible minister in this place made it clear on radio in the past that that is not the intention. However, I think it is sensible that, when discussing a bill about water licensing in this place, I signal Family First's opposition to the government going so far in regulating the family-sized artificial rainfall collection set up by South Australian families. The Hon. Caroline Schaefer raised a point that was on my mind also concerning dams. I endorse her comments and will be interested to hear the answer to her questions about works approval for doings things such as clearing silt out of a dam.

I turn now from what water uses this bill does not regulate to what it will regulate. To a large extent, this bill will not change the substantive present rights and obligations for the approximately 11 000 existing water licence holders. The best way that I can explain the way this bill changes things for South Australian families is that, whereas families now have a water licence with various conditions, a number of standard conditions will now become separate rights, and some of these rights can then be traded or mortgaged, etc. It was disappointing to discover that, under the national water initiative, New South Wales and Victoria—the two other significant users of the Murray-Darling Basin—have already implemented the scheme embodied by this bill, and we are trailing behind. Furthermore, it seems that, if we do not make significant progress on this bill, our national competition policy payments will be at risk, because the other states have undergone reform and we have not. This is not a situation like the Barley Marketing Bill where we think there is merit in retaining the old system, so we support getting on with this bill. Given the dollars at risk, it is little wonder that the government is in a hurry to pass this bill.

Family First also notes that this bill will enable South Australians to participate in a water trading market with New South Wales and Victoria. Family First believes that families are becoming victims of cost shifting, where governments are not meeting their obligations to provide essential services like water but encouraging families to pay more themselves to solve the problem. These policies might be fine for middle or high income families who may have spare cash, but they are not suitable for families in the outer suburbs and regional areas who are struggling to make ends meet. Family First is uneasy with the concept of water markets. What happens to farming families when they sell their water and their land is separated from water? Does the trading of water rights undermine the family farm? Does it mean that big business farms that can afford to buy water will survive where family farms will not? Water markets can mean that small business farms can lose out to big business farms which have more cash to pay for this scarce resource.

This bill has had a relatively short lifespan thus far, and I have not received submissions on it, even though I have sought some. I acknowledge the government's desire to get this bill through the parliament, and Family First is happy to oblige. My office was generously and ably assisted by the minister's representatives in a briefing. I will be interested to hear the minister's reply to the issues raised by the Hons Michelle Lensink and Caroline Schaefer in this place, as I believe they raise some important issues, such as the question of holding and taking licences in the South-East context that she raised, the possible need for annual renewals of bore licences and the issue of works approvals for dams. I have placed on record our concern about water trading and the potential for rural families to lose out in such markets, and that is probably a debate for another day. With those comments and concerns, Family First supports the second reading of the bill.

Bill read a second time.

In committee.

Clause 1.

The Hon. G.E. GAGO: I thank members for their indulgence in dealing with some of the questions and issues raised during the second reading, and I thank them for their contributions to the debate. I thank the opposition and the other parties for their support of the bill. Before I begin, I would like to make one point, as it will relate to the majority of the responses that I give. I reinforce that the bill establishes a broad framework for separated water rights, but the application of that framework will be determined through the water allocation planning process. As with the current act, it will be the relevant water allocation plans that will determine how the new framework will apply to different water resources throughout the state. These plans are developed through a process of extensive community consultation.

The Hon. Michelle Lensink sought reassurances that, as a result of the transition to the new arrangements, existing licence holders would not be liable for additional costs. I assume that the question sought to clarify whether existing licence holders would be charged a one-off fee when their licences were converted to the new arrangements. In response, I say that it was never intended that such a charge would apply for the conversion of existing licences. It is envisaged that the conversion process would be largely automatic and that existing licences would be converted

without the need for additional charges to the holders. Further to the honourable member's question, I highlight that the bill does not change the process for the setting of the NRM levy and any associated water levies. The levy continues to be set through NRM planning processes and is reviewed by the Natural Resources Committee of parliament.

The honourable member also raised a number of related questions about the trading of water rights. These involved whether the process of transactions will be simpler and quicker as a result of the changes. Separating these elements creates the ability to reduce transaction costs and times associated with the transfer of water access entitlements and water allocations. Under the current arrangements, when a water allocation is transferred, the conditions of the licence need to be reassessed. This is to ensure that the water is taken and used in accordance with the requirements of the water allocation plan and that the application of the water will not have any negative effects.

This assessment process is one of the key reasons for the time needed to process these transactions. Under the new arrangements, this case-by-case assessment will no longer be required. The site-use approval, once established, will exist independently of water access entitlement and water allocation. Consequently, the water can be traded without having to undertake a new assessment of the site upon which it will be applied. These changes relate to another issue raised by the honourable member around the staffing for administering water licensing transactions.

It is not envisaged that additional staff will be required to administer the new arrangements. While there is expected to be a greater number of transactions associated with water trading in the future, the vast majority of these will be associated with transfers of water allocation. Under the separated scheme, this would be a significantly simpler process as there will be no need to reassess site-use conditions for each transfer. In answer to the honourable member's direct question regarding staffing numbers, approximately 30 staff across the state are involved in processing licensing transactions.

In terms of the issue regarding public registration of transfers and the cost of those transfers, it is already being considered as a commitment under the National Water Initiative, and it is happening parallel to the passage of this bill. The honourable member also asked what information will be provided to the community during the implementation process. The government is intending to be rigorously engaged with the community through an implementation process to clarify aspects of the current licence and its conversion to the separated scheme.

I will now address the concerns raised by the Hon. Caroline Schaefer regarding the application of the separated scheme to existing licence holders. My office has already briefed the honourable member, and I hope that she will indulge me. The Hon. Caroline Schaefer sought clarification over whether the licence holder will be required to reapply for their water allocation every 12 months. The answer is no, they will not. Under the bill, licence holders will be assigned a water allocation based on water access entitlement each water year.

I thank the honourable member for seeking clarification on the application of the framework, and I have previously highlighted how the separation of water rights has the potential to reduce transaction times and costs. However, a number of other benefits will be derived separately specifying the right to water (the water access entitlement) from the volume of water (water allocation), which allows for clearer definition of what constitutes a property right. This improves the value of this right as the basis for a mortgage.

The honourable member sought clarification about how the system will apply to existing holding allocations. It is proposed that, where they have been issued, the holding allocations will be converted into a water access entitlement and water allocation. However, as holding allocations do not authorise the use of water upon conversion, no site use or water resource works approvals will be issued. The honourable member also sought a specific example of the conversion process for taking licence holders in an area such as the Clare Valley. Under current licensing arrangements in the Clare Valley and elsewhere, a water licence is endorsed with a water allocation or allocations that can be taken or held.

The licence also contains a description of the sources of water (for example, surface water held in dams, watercourses or wells) and, if the water allocation is for taking purposes, the conditions under which that water can be taken and used, including the land parcels on which water can be used. In some prescribed areas these conditions are very specific and control the manner and timing of use from each water source to manage the on-ground impact of that use. However, in other areas, such as the Clare Valley, the conditions are currently very general.

The nature of the conditions is determined by the requirements of the relevant water allocation plan. Water allocation (volume) will be automatically assigned to a licence holder based on their share of the water resource provided by the water entitlement and the provisions of the relevant water allocation plan, which determines the consumptive pool and how water should be allocated. The attributes of the sources of water will form the works approved (for example, dam size, location, pumping capacity and meter), and the use conditions will form the site-use approval (for example, location or volume of water that can be applied).

The works approval and site-use approvals will also incorporate multiple water sources and use conditions. Where appropriate, a water allocation plan will govern the nature of works approval and site-use approvals that may be required. The honourable member sought further reassurance that water resource works approval would not be required each time a landholder wanted to move a pump or needed to move silt, for instance, from a dam. In response, I highlight that the purpose of the works approval is to manage the on-ground impacts specific to that management area.

In some management areas the siting of a pump may have a significant impact on the water resource or the environment, and it is appropriate that this approval be used to manage those impacts. An example would be an important waterhole vital as a native fish habitat, or the amenity of a picnic area. In other areas the location is less important and consequently may not be reflected on the approval. As highlighted at the commencement of this response, this will be determined through the water allocation planning process in consultation with the affected community. It will be the regional NRM board, in consultation with the community, that will recommend the level of authorisation required to protect the resource. Notwithstanding this, it is not envisaged that the works approval would be used to govern the clearing of silt from the dam. Provided that the dam capacity was not being increased beyond what had already been approved, such cleaning would be part of the ongoing maintenance and use of the dam.

To clarify a further question raised by the honourable member, the bill makes no change to the current powers regarding prescription and licensing of stock or domestic water use. The current act allows for the prescription of stock or domestic water use, but in many areas this has not occurred because this use represents only a small proportion of the water resource. The bill carries forward these provisions that allow for the prescription of stock and domestic use should it be deemed necessary for the management of the resource. I hope my response has addressed concerns raised by honourable members.

[Sitting suspended from 6 to 7.48 p.m.]

The Hon. J.M.A. LENSINK: One of the issues raised with me by stakeholders was in relation to the transition period. One particular stakeholder is involved in a water trading company, which is concerned about the efficiency of the transition itself and the interim and future processing of water transfer applications, which it believes to be paramount. It stated that it was said in the city information session that the Department of Water, Land and Biodiversity Conservation will not be unbundling the water rights on a trade-by-trade basis but on a region-by-region basis. It stated:

> We approve of this because each individual transfer approval will not be delayed by the unbundling of the specific licence, but are concerned about a long transition period and what bearing this has on tagged trading with NSW. It would be unfortunate to indefinitely have a repeat of NSW, where they are operating under two pieces of legislation, with all the confusion that entails.

Will the minister give an indication of what the transition period might be and, indeed, provide an update on the water allocation plans for each region? I understand we are in the second phase; the first phase was 2001. I believe that the water allocation plans were intended to have been revised in 2006. I think a couple of them have been done, but we are still awaiting others.

The Hon. G.E. GAGO: In relation to the length of the transition period and in relation to part 2, which is to facilitate interstate trade, we intend to put that in place immediately. The rest will be brought in as we review each water allocation plan. Regarding the second part of the question (the water allocation planning for each region), as part of the National Water Initiative we are committed to review all water allocation plans. They are either all currently under review or amendment and should be completed by 2010.

The Hon. J.M.A. LENSINK: As I understand it, some of the water allocation plans have been amended. Will the minister indicate which have been done so far and which are likely to be done within the next six to 12 months?

The Hon. G.E. GAGO: I have been advised that McLaren Vale has been amended so far. Those that we anticipate will be completed in the next six to 12 months include Clare, Barossa, Angus Bremer and possibly the Northern Adelaide Plains.

Clause passed.

Clauses 2 to 11 passed.

Clause 12.

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

> Page 10, after line 22—Insert:
> or
> (d) a delivery capacity entitlement;

This amendment is to include in schedule 3A a delivery capacity entitlement within the list of other components of a licence. The reason for the amendment is that the tradeable components have already been included, and we believe this ought to be included as well. Our stakeholders have stated that it needs to be made clear how the delivery capacity entitlement is tradeable and what its functions should be.

The Hon. G.E. GAGO: The government supports the amendment. As stated, the effect of the amendment is to include the delivery capacity entitlements as one of the entitlements that must be recorded in the water register, which is defined as part of the NRM register in section 226 of the act as amended by the bill. It was intended that the water register would capture this information, but it was not deemed essential that it be specifically mentioned in the legislation. Consequently there is no impact arising from this amendment.

Amendment carried; clause as amended passed.

Clauses 13 to 38 passed.

Clause 39.

The Hon. J.M.A. LENSINK: I have a question on the issue of direct licensing of water entitlements. This is where the market and regulatory regime is heading. This particular stakeholder has stated that there is a lack of uniformity in exit fees and licensing arrangements in South Australia due to different practices between irrigation authorities. The argument that they state in favour of direct licensing is to allow transparency and for different people within the market to completely understand what the costs are and so forth. I did not consider that it was within the scope of this bill, when given the timeliness of needing to progress this legislation by 1 July, to try to draft amendments to that effect, but I would like to get a response from the minister as to whether it is accurate to say that direct licensing is being mooted and worked upon for future revisions of the legislation.

The Hon. G.E. GAGO: I seek clarification. We are just not too sure what the member means by 'direct licensing is being mooted', so if she could just explain her query.

The Hon. J.M.A. LENSINK: In relation to irrigation authorities, such as the Central Irrigation Trust or the Riverland Irrigation Trust, I understand—and I may be wrong on this—that the department licences the irrigation trust which then coordinates, if you like, the taking of water from its members. The suggestion has been made that the registrar ought to regulate them directly. So, perhaps the minister could clarify whether they are going to be directly licensed under this regime or whether that is something that might be envisaged for the future.

The Hon. G.E. GAGO: Thank you for that clarification. My advice is yes, it is being considered as part of the review of the irrigation acts.

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

> Page 34, line 2—Delete '7' and substitute: 14.

This amendment was sought by the South Australian Farmers Federation, and it relates to variations and transfers of water licences and allocations and the reduction of water allocations. I refer to a paper that the federation gave me on this issue, as follows:

> SAFF is concerned to ensure announcements and notification of reductions in water allocations are made in a timely fashion to enable water users to be able to make sound business decisions; for instance, planting an annual crop. The federation considers the seven days provided for in the bill to be inadequate and we would be seeking at least two weeks notification prior to operation of reductions.

So, for that reason, the amendment provides for 14 days instead of seven.

The Hon. G.E. GAGO: The government supports the amendment. Section 155 provides powers for the permanent

reduction of water allocations where there is over-allocation and the reduction is necessary to prevent damage to the resource or related ecosystems. If the minister permanently reduces the water allocation it comes into effect seven days after notice is given in accordance with the regulations. In this context, we do not believe an additional seven days will have any significant impact.

Amendment carried.

The Hon. G.E. GAGO: I move:

Page 45, line 31—Delete 'works' and substitute: use.

This amends new section 164B(2), which refers to the site works approval. Presumably the word 'works' should be replaced by the word 'use'. This is a word substitution error which, quite simply, requires correction.

Amendment carried.

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

Page 62, line 27—Delete '6' and substitute: 3.

I have several sets of amendments to clause 39, and this is the first one, and it relates to decisions as they relate to NRM plans and water allocation plans. This particular aspect relates to timeliness and certainty for licence holders within the trading system. Again, it has been put to me that timeliness is a critical issue and South Australia has been the slowest of the states in terms of processing. The stakeholders put it to me that they understand that splitting up the water licences can mean that the processing of transfers will potentially be more efficient due to the complete separation of water allocations from land. However, inherent in any amendment to current processes there must be a strong focus on speeding up the approval system. Delays in approvals are a major deterrent against water trading. So, they have stated that they need to have this amendment in order to ensure that there is a degree of certainty, and they feel that six months is far too long, so the amendment will make that three.

The Hon. G.E. GAGO: The government supports the amendments. They have the effect that the period in which the minister must make a decision is reduced to three months. If no decision is made during that period the person can appeal to the ERD Court to seek to have direction provided to the minister to make the decision.

These amendments should be supported for a number of reasons. First, they codify existing legal arrangements. Under the current legislation, if there is a delay in a decision, the applicant can initiate a judicial review that could order the minister to make a decision. Furthermore, they mirror existing arrangements in the planning legislation. Their purpose is to create business certainty by having complementary arrangements in making decision time frames clear.

The CHAIRMAN: Is the government agreeing with amendments Nos 3, 4 and 5 in the name of the Hon. Ms Lensink?

The Hon. G.E. GAGO: Yes, we are agreeing to amendments Nos 3, 4 and 5.

Amendment carried.

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

Page 62—

Line 28—After 'application' insert:

together with, if section 162 or 164D applies in the circumstances of the particular case, a period prescribed by the regulations.

After line 37—Insert:

(6) The minister should deal with an application for—

(a) a water management authorisation; or

(b) the variation of a water management authorisation; or

(c) the transfer of a water management authorisation,

as expeditiously as possible and in any event within the prescribed period under subsections (4) and (5).

(7) If the minister does not decide an application within the prescribed period, the applicant may, after giving 14 days notice in writing to the minister, apply to the ERD Court for an order requiring the minister to make a decision on the application within a time fixed by the ERD Court.

(8) If the ERD Court makes an order under subsection (7), the ERD Court should also order the minister to pay the applicant's costs of the proceedings unless the ERD Court is satisfied—

(a) that the delay is not attributable to an act or omission of the minister; or

(b) that the delay is attributable to a decision of the minister not to deal with the application within a reasonable time because—

(i) it appeared to the minister that there had been a failure to comply with a requirement imposed by or under this act; or

(ii) the minister believed, on other reasonable grounds, that it was not appropriate to decide the matter in the particular circumstance; or

(c) that an order for costs should not be made for some other reason.

The Hon. SANDRA KANCK: In relation to amendment No. 5, having put in amendment No. 1, '(d) a delivery capacity entitlement', the Hon. Ms Lensink is not including a delivery capacity entitlement in amendment No. 5, (in other words, the (d)) for consistency?

The Hon. J.M.A. LENSINK: I am advised by parliamentary counsel that that is already covered in those particular definitions in amendment No. 5 (in subclause (6)). The component that is mentioned in the first amendment is a different technical issue.

Amendments carried; clause as amended passed.

Clauses 40 to 44 passed.

Clause 45.

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

Page 63, after line 35—Insert:

(3a) Section 202(1)(b)—after subparagraph (vi) insert:

(vii) a person with a prescribed interest in a water management authorisation of a prescribed class may appeal to the court against a decision to vary the water management authorisation;

This amendment is not consequential but it is related. I should have mentioned this under clause 39 but, by way of explanation, amendment No. 5 puts in an appeal process that is similar to the Development Act. This amendment provides a further right of appeal provision for those who are identified by regulation.

The Hon. G.E. GAGO: The government supports this amendment. This section of the act lists the rights of appeal to decisions made under the legislation. The effect of this provision is that, in prescribed circumstances, these appeals can be made to variations of water management authorisations. Given that this provision comes into force only if it is so prescribed, we believe it should be supported.

Amendment carried; clause as amended passed.

Clauses 46 and 47 passed.

Clause 48.

The Hon. J.M.A. LENSINK: Again, an issue has been raised with me by a particular stakeholder in relation to the Australian Competition and Consumer Commission. The issue that has been raised is that some of the exit fees have

been ruled to be contrary to competition principles. The allegation has been made that such rulings have been 'ignored and shaded over.' I wonder whether the minister could provide any sort of comment on ACCC rulings and what those effects have been.

The Hon. G.E. GAGO: I have been advised that, between its draft and final report, the ACCC changed the multiplier it used. We intend to support the retention of the multiplier in the draft report.

Clause passed.

Clause 49, schedule and title passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

COMMISSION OF INQUIRY (CHILDREN IN STATE CARE) (CHILDREN ON APY LANDS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 June. Page 345.)

The Hon. P. HOLLOWAY (Minister for Police): Last evening I began my remarks in closing the debate on the second reading of this bill, but some questions were raised and I would like to address those now. The first point I would like to address is the claim that this is just another inquiry. The opposition and the Hon. Ann Bressington have expressed a concern that this is just another inquiry, or just another report, when action is needed, when resources should be spent in other ways, and when lots of other relevant inquiries have been undertaken. This concern misunderstands the key purpose of the bill. The key purpose of the bill is to provide a means by which victims and witnesses of abuse can come forward with their stories. They have not done that up to this point, and that is actually the point of the inquiry. Throughout Australia, authorities have been unsuccessful in giving people in remote communities the confidence and support necessary to encourage them to report abuse. This problem was noted by all jurisdictions attending the Intergovernmental Summit on Violence and Abuse in Remote Indigenous Communities in June 2006.

I note that in her careful and helpful comments, the Hon. Sandra Kanck drew our attention to some statistics indicating the level of under-reporting. It is all very well to talk of action and spending the resources in other ways, but until we get victims to identify themselves and tell their stories, until we get to identify perpetrators and until we get some understanding of how these communities actually wish to deal with any incidents of abuse, what actions can government really take that will be effective in addressing these problems—to protect victims, to remove perpetrators or to start to heal victims and their communities? Getting people to come forward and tell their stories has to be the first step in any program of action.

We went through a deliberate task of choosing the Mullighan inquiry for this task. We have chosen it because it has shown, through its work, that it can provide confidence and support to allow vulnerable people to come forward. It is no simple matter, but if we can replicate that success in getting people to come forward in part of this inquiry, we will be taking a massive step forward in tackling abuse. There are good reasons to believe that it will be a proper process to achieve that outcome. Commissioner Mullighan has already established good links with the Aboriginal community in South Australia in relation to his inquiry in the metropolitan area and in remote areas such as Coober Pedy. It bodes well for his capacity to then move into this other area. The Mullighan inquiry is as important for the process of the inquiry as it is for what is reported. Indeed, Commissioner Mullighan was concerned, as was the government when it established this inquiry, to establish a process which itself contributed to the healing of people who had been subject to abuse and neglect. So, it is a misunderstanding of this matter to regard it as simply an inquiry of the same type as those to which members refer.

The second point is the claim that it would impede the current inquiry. The second point that has been raised by the opposition is that the extension of the inquiry will impede the work of the general inquiry. Indeed, I understand that the opposition intends to move an amendment to delay the extension of the inquiry until after the general inquiry is concluded, because of this concern. The simple answer is that there is no basis for this concern. We have consulted carefully with the Commissioner and his inquiry about the extension, and there has been no suggestion that this will impede his work. More importantly, the fact of the significant extra resources should allay any concern. The additional $1.6 million, matched with in-kind resources from the government, is about providing the infrastructure for an entirely separate element to the inquiry.

There is a further reason why not doing this in conjunction with the general inquiry is a bad idea. One needs to recall that the inquiry is already obliged to travel to the APY lands to complete the Children in State Care Inquiry. There is a sense in which we will already have to go into these communities in a certain way. So, not only is it an opportunity but also it makes sense to extend the inquiry in this fashion. Finally, I note that the Hon. Sandra Kanck criticises us for taking so long since the summit to get to this point. If members are persuaded that this inquiry is essentially a good thing there cannot be any justification for any further delay.

The third point raised by the opposition relates to the possible limitation on the focus of the inquiry to only some of the APY communities. I think we need to be clear that the fact-finding part of the inquiry will address the whole of the lands, then the Commissioner will determine in which communities on the lands it will be appropriate to conduct hearings—that part of the inquiry seeking to bring people forward to tell their stories. While I envisage that two to three communities will be selected, it is for the commission to make that final determination; and, obviously, the commission retains the flexibility to move beyond any communities it determines in order to hear stories.

There are sound reasons for giving this role to the commission. Its fact-finding may reveal no likelihood of abuse in some communities, or it may find that the capacity of some communities to withstand allegations of abuse might be tenuous. It might find practical problems preventing it from effectively holding hearings in some communities. Most importantly, this is something that has not been tried anywhere else in Australia, so it is crucial that we think carefully about the consequences before embarking on any form of inquiry. We are therefore moving in this cautious fashion.

We need to be sure that we can provide sufficient supports to the community in which these hearings will be held. The opposition has pointed out its concerns about the risks to communities and to people who might come forward from this inquiry, and the difficulties in providing adequate support for those communities and those people. We share some of

those concerns, but that is all the more reason for embarking on this in a modest way. Perhaps more importantly, the disagreement about how far the inquiry should extend should not prevent the establishment of the inquiry. If we did do some good there is no necessary reason why we should resist that merely because there is a view that we should be doing it in other places. The opposition cannot have it both ways. It cannot on the one hand accuse us of wasting precious resources on extending an inquiry instead of action and on the other hand say that we should spend even more of those precious resources on an even more extended inquiry.

The Hon. Sandra Kanck raised a concern as to why the inquiry should be confined to the APY lands, and I think in that regard we need to look at the special circumstance of the APY lands. They have the largest Aboriginal community in South Australia; it is a large population of Aboriginal people involving a very high proportion of children. It is, of course, one of the most remote communities. Most importantly, the lands have been the focus of a joint and concerted state and commonwealth government effort in recent years. As I indicated earlier, we must be aware of some of the risks of an inquiry of this sort. Once one starts looking at matters of this sensitivity there are real risks of creating disturbance, upset and damage to communities. Not every community may be in a position to withstand such an inquiry of this sort, but we are very deeply engaged now in these communities with very intensive state and commonwealth support.

The Hon. Sandra Kanck already raised a concern about the confidentiality of the commission processes. Fundamental to the Mullighan inquiry's success to date is the confidence it has been able to instil in people contemplating approaching it that their confidentiality will be protected. Equally, it will be fundamental to its success on the APY lands that it can instil that confidence. As the Hon. Sandra Kanck pointed out, it is obviously more difficult to protect that confidentiality on the APY lands than it is in metropolitan Adelaide, or even other regional centres the commission has visited. However, the commission is alive to confidentiality issues. I am advised that it has approached its statement-gathering task with flexibility and sensitivity to the needs of witnesses; for instance, meeting witnesses at the location of the witness's choosing, or taking initial statements over the phone. No doubt it would consider holding hearings in Alice Springs, as the honourable member suggested, or other locations if that would assist the protection of confidentiality. However, it will be for the inquiry to adapt its processes to address the practical problems associated with maintaining confidentiality in remote communities and to instil confidence in those it is inviting to come forward that confidentiality will in fact be protected.

In addition to these more detailed concerns, a number of questions were asked during the debate which I shall attempt to answer. The Hon. Sandra Kanck asked how those no longer resident on the lands would have access to the inquiry. I am advised that the commission intends to hold hearings in several centres off the lands for those who no longer live on the lands or who want to give evidence away from the lands in a discreet and safe place. Information about how to contact the commission will be widely available, and anyone wanting to speak to the commission will be able to arrange to do so. The Hon. Robert Lawson asked how we had responded to the Layton review recommendations relating to Aboriginal disadvantage. I understood this to be a reference to recommendations 31 to 38 of the review.

Recommendation 31 was to the effect that the principals contained in the United Nations Convention on the Rights of the Child (UNCROC) are to be reflected in all statutes affecting indigenous children. In relation to this recommendation, I am advised of the following:

- rights of the child are reflected in the Children's Protection Act 1993 (amended, 2006) Part 1, section 4, and there is specific attention to Aboriginal children in section 5;
- the recent amendments to the act identifying the Aboriginal child placement principle as a mandated requirement in the placement of Aboriginal children in out-of-home care;
- the Charter of Rights for Children and Young People in Care—Aboriginal representation through the principal coordinator for Aboriginal programs, Families SA and Aboriginal non-government agencies.

Recommendation 32 was to the effect that the message of Aboriginal disadvantage be a matter of specific community education; that government agencies take into account the priorities and recommendations detailed in the key national and state reports before developing new policies, programs and services; and that initiatives designed to progress the safety and wellbeing of all children and young people have a strong indigenous focus. I am advised that the Keeping Them Safe reforms have been widely and publicly distributed. This document has provided community and service sector education about abuse and neglect.

The Child Safe Environment training in remote areas has been seen as a good educational tool in that requests have been received to run it not only for mandatory reporting purposes but also as an educative tool for community members and children and young people. Families SA has undertaken a work audit relating to recommendations that have been made in major national and state documents, and this work audit is the basis for future service provision planning for Aboriginal children, young people and families and communities. Aboriginal services planning framework is currently being drafted and, redesigning Families SA, a new case management system is currently under development. Consultations have been undertaken to ensure that culturally appropriate information is stored and recorded on this system.

Recommendation 33 was that provision for specific education programs for Aboriginal workers and the community be developed to ensure that culturally appropriate mechanisms were in place for dealing with reports within the community. I am advised that new Child Safe Environments training has been developed within remote areas, and this training has been tailored to meet their specific needs and issues. The tailoring of such training was done in partnership with local service providers and community members, and the program was seen to be extremely successful—to the extent that there have been further requests to run this program in schools with children.

Recommendation 33 was that the Yaitya Tirramangkotti program continue in its current operational form and that a review be undertaken to assess general awareness and usage of the service by the indigenous community, the efficacy of current safety and risk assessment tools, and whether current staffing requirements are sufficient to provide an appropriate first point of contact service for persons with concerns about indigenous children and young people. I am advised that Yaitya Tirramangkotti was reviewed in 2003, and the report has been endorsed in principle by the Families SA executive. A total of 51 recommendations were made, and there has

been a gradual implementation of these recommendations. A Principal Cultural Consultant has recently been appointed in this unit, and this position will oversee the gradual implementation of these recommendations. A project plan has been developed regarding the implementation of recommendations from the Yaitya review.

Recommendation 34 was that an Aboriginal child, family and community advisory committee be formed in conjunction with each FAYS district centre, and I am advised that the Marion Cultural Identity Program has been trialled successfully. This program utilised the development of local community advisory structures and had a cultural identity focus on Aboriginal children in care. The Port Augusta Cultural Group is also established, and it guides the Port Augusta district centre in its work with Aboriginal families within the area.

Recommendation 36 was that an Aboriginal service division, with key parties and service providers such as ATSIC, AFSS and FAYS, develop an agreed process for sharing information about children, young people and families that are involved with the child protection system. I am advised that there is now an information sharing protocol between Families SA and the Department of Health and that a range of initiatives has been developed involving multiple agencies, including:

- Aboriginal Family Preservation Services;
- Aboriginal Families Team;
- Homemaker—Intensive In-home Support Program;
- Tier Three Program;
- Strengthening families and communities—Community Development;
- Family Care Committees;
- Service Response to Child Sexual Abuse in Remote Communities: Safety, Support and Recovery Pilot Model;
- Ongoing Families SA presence on the APY lands;
- Safety Response for Children and Young People—Chronic Petrol Sniffing Service Response in APY Lands; and
- Families in Crisis.

Recommendation 37 was to the effect that the recommendations of the Coroner in the inquiry into the deaths of three young adults on the APY lands through petrol sniffing be implemented quickly. In response to this I am advised that, as a result of a range of initiatives on the APY lands involving both state and commonwealth governments, there has been a remarkable reduction in the incidence of petrol sniffing on the lands—a 20 per cent drop in 2004-05, followed by a 60 per cent drop in 2005-06.

Recommendation 38 was that Aboriginal community education and development officers be attached to each FAYS district centre, and I am advised that Aboriginal family practitioners within most Families SA district centres are playing an important role in the education of staff within district centre locations and guiding district centres in their connection with local Aboriginal communities. Current partnerships exist with local health promotion staff to enable some community exposure to issues and topics related to the safety of children and young people.

The Hon. Robert Lawson asked for what the state in-kind support would be used. State government support and contributions to the inquiry includes:

- the use of current inquiry infrastructure, including Commissioner and staff resources, CISC document and case management system, CISC database, IT infrastructure, reception facilities, use of telephone facilities, Aboriginal advisory support costs, and media liaison;
- DPC administrative and reporting personnel;
- provision of care and support services (DFC, DPC, DECS and SAPOL);
- APY accommodation and vehicle support; and
- media liaison.

The Hons Dawson and Kanck asked who had been consulted about the extended inquiry, when they were consulted, and whether they indicated support, and I am advised that the following consultation occurred:

- on 16 April, the minister visited the APY lands and spoke to some members of the APY executive—including the chairman, Bernard Singer—about the proposal to extend the inquiry;
- on 11 May, in Adelaide the minister met with some staff and members of the APY executive and spoke to them about the proposal to extend the inquiry;
- on 24 May 2007, the minister wrote to Mr Rex Tjami, director of the APY executive, advising him of cabinet's approval to introduce the legislation to extend the inquiry, and provided some information about how the inquiry would operate;
- prior to the introduction of the bill into parliament the minister spoke with Kerry Colbung, chair of the South Australian Aboriginal Advisory Council, about the proposal to extend the inquiry;
- prior to the introduction of the bill into parliament the minister spoke with prominent Aboriginal community leaders about the proposal to extend the inquiry, including Lowitja O'Donoghue, Peter Buckskin and Klynton Wanganeen;
- on 29 May, the minister spoke with Vickie Gillick, coordinator of the NPY Women's Council, about the proposal to extend the inquiry and about the introduction of the bill into parliament;
- on 29 May, the minister's chief of staff spoke with Ken Newman, general manager of the APY executive, and Bernard Singer and advised of the introduction of the bill into parliament;
- on 4 June, the minister wrote to a number of Aboriginal organisations and people about the proposed extension of the inquiry and the introduction of the bill, including the Nganampa Health Council, the SAAAC, Lowitja O'Donoghue, Peter Buckskin and Klynton Wanganeen; and
- on 30 May, service coordinators on the APY lands attended Wiru Palyantjaku to brief the community and Anangu organisation representatives about the inquiry.

I am advised that most, if not all of those involved in discussions, indicated support for the extended inquiry. No-one expressed any opposition to the proposal.

The Hon. Sandra Kanck asked about construction of the substance abuse facility. I can advise the council and show the council that the suggestion that nothing has happened regarding the construction of the rehabilitation facility is just simply untrue. The facility is at Amata. I believe we have here some photos taken on 6 June 2007 of the construction of the rehabilitation facility. The facility is almost at lock-up stage. It is expected that construction will be completed in mid-August 2007 and that the centre will be open by November 2007.

The constant cry that nothing has happened on the APY lands is untrue. The minister in another place gave a very detailed account of just some of the significant service inputs

and outcomes instigated under this term of the Rann Labor government in his conclusion to the second reading debate. I invite members opposite to read those remarks. With those comments, I commend the second reading of the bill to the committee.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.D. LAWSON: The minister indicated in his response that the reason the inquiry is to focus on particular Aboriginal communities is that the commission is to have a twofold function: the first he described as the fact-finding stage, and then a selection of the places in which the inquiry will conduct its hearings. He indicated that the whole purpose of this inquiry (summarising his comments) was to get people to come forward. That is a commendable objective, but the idea must surely be to get people to come forward from wherever sexual abuse in Aboriginal communities takes place.

The terms of reference of this inquiry are specifically limited. It does not say in this bill that the inquiry is to be about the facts in all communities and then select one or two in which to hold hearings; it says the first purpose is to select APY communities to form the focus of the inquiry. It is an extraordinary limitation: to select APY communities to form the focus of the inquiry.

I do object to the minister suggesting in his second reading summing up that those of us who have expressed reservations about the way in which this bill is devised are mistaken, because what the inquiry actually proposes is a fact-finding mission everywhere and then sittings in particular places. This legislation is specifically limited to a selection of APY communities to form the focus of the inquiry. I do object to the rather smug and dismissive response of the minister in relation to suggestions made not only by the opposition but by other speakers.

The minister said that the APY lands had been selected because that is where there is the greatest concentration of Aboriginal people. I do not accept that that is the case. The APY lands cover an area of South Australia about 450 kilometres by 250 kilometres with about 2 500 people there, but I suspect there would be a similar number of Aboriginal people on the West Coast of South Australia, for example, in Ceduna, Koonibba, Yalata and Oak Valley and in more ubanised centres on the West Coast. There are about 23 000 South Australians who identify as being indigenous and only one-tenth of them live in Aboriginal communities. The objection that has been expressed by some people (about the fact that this is a highly-focused inquiry) is legitimate and it does the minister no credit to seek to dismiss those suggestions in the way in which he did.

I am pleased that the minister did put on the record the consultation that is alleged to have occurred, and I do not doubt that there were discussions with the people mentioned, but I would say this: I very much doubt, and doubt from discussions with a number of those who claim to have been consulted, that they were consulted in the precise detail about the way in which this inquiry is structured in the legislation.

Finally, whilst it is reassuring to know that part of the consultation process was that letters were sent on 20 June to those who were being consulted, of course, that was after the minister and the Premier had issued a press statement saying exactly what was happening. I do not regard a letter, after the event, as consultation. With those remarks, I express some disappointment at the second reading response of the minister.

Clause passed.

Clauses 2 to 5 passed.

Clause 6.

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

Page 3, after line 28—Insert:

(5) The commission is to commence after completion of the commission of inquiry under section 4.

The effect of this amendment is to require that the commission commence this aspect of its operations after the completion of the commission of inquiry under section 4 of the existing act; in other words, that the inquiry into sexual abuse of children in state care will be concluded and then the commission can embark on this task. The reason for saying that is that the commission into sexual abuse of wards of the state has already been delayed and protracted and we fear that it will not be concluded by 31 December this year. The existing legislation provides that it should be concluded by then or such further time as is allowed. There have already been delays in this commission of inquiry and we believe that, if diverting resources is inevitable (the minister says that we have no evidence that these resources will be diverted) when a major task of this kind is embarked upon, it will simply mean that those resources that have been enlisted—all the human resources of the commission—will be more widely stretched than they are at the moment. We urge support for the proposition that this inquiry should commence after the report of the main commission is concluded.

The Hon. P. HOLLOWAY: The government does not support the amendment. The Hon. Robert Lawson suggests that the inquiry into the sexual abuse of children on the APY lands should occur at the conclusion of the current inquiry, which essentially is what his first two amendments set out to achieve. The current inquiry is due to be completed by the end of December 2007. The expansion of the inquiry will not detract from its original intent, but will add to it. The inquiry was to visit the APY lands under its original terms of reference. Given the expertise and infrastructure invested in the inquiry, which is now entering its closing stages, to get the best value from the inquiry, moving into our most remote community, it was thought prudent to expand it. There is no basis for concern that either inquiry will be impeded.

We have consulted carefully with the Commissioner about the extension, and there has been no suggestion that this will impede his work. More importantly, the fact of the significant extra resources should allay any such concern. The additional $1.6 million, matched with in-kind resources from the government, is about providing the infrastructure for an entirely separate element to the inquiry. There is a further reason why not doing this in conjunction with a general inquiry is a bad idea. One needs to recall that the inquiry is already obliged to travel to the APY lands to complete the Children in State Care Inquiry. There is a sense in which we will already have to go into these communities in a certain way. Not only does this provide an opportunity, but it also makes sense to extend the inquiry in this fashion. If the Hon. Robert Lawson's amendments are carried and the other part of the commission is complete, we simply will not have the resources to do the inquiry as well as if we do it now.

The Hon. M. PARNELL: The Greens do not support this amendment. We share the Hon. Robert Lawson's concern that the current Mullighan inquiry may well suffer from slippage and may well not report by the nominated date in the legislation. However, that is no reason to delay the start of

this investigation into abuse in the APY lands. It would also seem that, if we were to wait for the conclusion of the original Mullighan inquiry, the last stages of that will consist of report writing rather than evidence gathering and therefore perhaps some of the skills, staff and resources applied to that evidence gathering process might begin to be lost to the commission as those people move on to do other things. I accept that this is largely a separately resourced exercise, but it seems that if we were to accept this amendment we could well be saying that the APY inquiry will not start for perhaps another year, which would be a tragedy. It is an urgent situation that requires us to commence work as soon as we possibly can. For those reasons I will not support Liberal amendments Nos 1 or 2.

The Hon. SANDRA KANCK: The Democrats will not support the amendment. The minister has said that the commissioner himself has said that taking this on will not cause any problems for the commission, and I am reassured by that. In the limited time I have had the amendment, having become aware of it this morning, and from consultation I have done, one suggestion was that there could be some value in supporting it, because that would then ensure that there could not be any game playing in the lead-up to the federal election. There was a concern that this inquiry could become some sort of political football, perhaps with the federal government using it to some advantage.

I discussed this with the minister's adviser and he assured me that this government's dealings with the federal government in regard to the issue of substance abuse and sexual abuse among Aboriginal people in this state has all been done in a very measured fashion and that there has not been any sense of political advantage or gain in anything that has gone on. Under those circumstances that would have been a reservation for me, but when a Labor Party person here in South Australia tells me that a Liberal minister in Canberra has been behaving well and that they do not believe that there is any potential problem with this becoming a political football then I am prepared to accept that.

The Hon. D.G.E. HOOD: I indicate that Family First also will not be supporting the amendment, and the reason for that is very simple. We too share concerns about delaying the commencement of what is a very important inquiry. The Commissioner himself has said that undertaking this extra workload is of no negative consequence. On a personal level, I do believe that the Mullighan inquiry to date has done an excellent job. It is appropriately resourced and probably by this time appropriately experienced in order to conduct a rigorous inquiry into what is a very significant problem. So, we see no reason for the delay. We can certainly understand the position put forward by the Hon. Mr Lawson, but we are not persuaded on this occasion.

The Hon. R.D. LAWSON: As the minister indicated, this amendment and the following amendment are really related amendments. I discern that we do not have support for this amendment and this proposal and, accordingly, I will not be dividing on the issue. I should indicate to the committee that the reason we move this amendment is actually to support those of the victims of sexual abuse in state care who have been waiting for a long time for a report. Out of respect to them and their desire to have a report and a resolution to their issues, we do not believe that the new APY inquiry should be engrafted. We do not have the numbers, but I wanted to put on the record the basis for our amendment.

Amendment negatived; clause passed.

Clause 7 passed.

New clause 7A.

The Hon. SANDRA KANCK: I move:

New clause—After clause 7 insert:

7A—Insertion of section 11A.

After section 11 insert:

11A—Report of Minister in response to Commissioner's report.

The minister must respond to each report of the commissioner as follows:

(a) within three months after receipt of the report by the Governor, the minister must make a preliminary response indicating which (if any) of the recommendations of the commissioner it is intended be carried out; and

(b) within six months after receipt of the report by the Governor, the minister must make a full response stating—

(i) the recommendations of the commissioner that will be carried out and the manner in which they will be carried out; and

(ii) the recommendations of the commissioner that will not be carried out and the reasons for not carrying them out; and

(c) for each year for five years following the making of the full response, the minister must, within three months after the end of the year, make a further response stating—

(i) the recommendations of the commissioner that have been wholly or partly carried out in the relevant year and the manner in which they have been carried out; and

(ii) if, during the relevant year, a decision has been made not to carry out a recommendation of the commissioner that was to be carried out, the reasons for not carrying it out; and

(iii) if, during the relevant year, a decision has been made to carry out a recommendation of the commissioner that was not to be carried out, the reasons for the decision and the manner in which the recommendation will be carried out; and

(d) a copy of each response must be laid before each house of parliament within three sitting days after it is made.

When I spoke yesterday on the bill I went, I think, to great lengths to give examples of some of the reports that have been done over the years and the recommendations that have been made, and the apparent inability or unwillingness of governments to implement those recommendations. The worst one, as I explained, was that it had taken almost 21 years for some sort of rehabilitation and drying-out facility to be built up on the lands. The minister has said that he has photos, which I look forward to seeing, of the almost constructed building.

The Hon. P. Holloway: Here we go!

The Hon. SANDRA KANCK: Well, I have it here in, shall I say, blue and orange. It does not have a roof on it and the walls are not yet complete, but after 21 years it is certainly getting there.

I raised that as the worst example that I could think of of how long it takes governments to act on reports. While the minister has said that the purpose of this inquiry is to allow these people to tell their stories, it is not enough to have them just tell their stories. What must really complete it is the action that is taken to respond to the recommendations that will come from the commission. These amendments require a statement, I suppose, that would come to the parliament, first within three months after the report has been delivered and then six months later, which would allow the government to detail which of the recommendations it will follow up, which ones it will not and, on those that it will not follow through, to explain why. That is (a) and (b).

Then (c) provides a requirement that, once that process of putting the recommendations into action has begun, each year for the next five years a further report will be made along the lines of what had been initially made on how it is putting those recommendations into effect and also the ones that it might be dropping off the agenda and, again, why that is so. Finally, (d) provides that a copy of the written response has to be laid before each house of parliament. So, it ensures accountability and it ensures that parliament knows what the government is doing. Whether that government be a Labor or Liberal government I do not particularly care, but we need to know that whatever recommendations come out of this inquiry are going to be acted on and that the parliament is going to be in a position then to look at these reports and be able to ask, 'Hang about; this has changed. The agenda has changed; why has this occurred? Why is the government behind on the timetable?'

Without this sort of reporting, we are going to be left guessing. Again, I refer to my speech last night when I said the Gordon inquiry in Western Australia made clear recommendations and, three years later, the Auditor-General reported, basically saying that he could not find where the government was up to and that the different groups and subgroups that were supposed to be implementing the recommendations did not know what they were supposed to be doing.

It is no good for the government to simply say, 'Yes, we accept the recommendations; they are a good idea,' and then hand it over to the department to do something. If we do that, we are likely to see the sort of thing that has happened with that facility that is now halfway built. We do not want this type of action to take five, 10 or 20 years. It is simply not acceptable. We are all saying that what is happening up there is not acceptable but, unless these things are put into action, it will have been all for nought.

The Hon. P. HOLLOWAY: The Hon. Sandra Kanck's amendment seeks to impose a strict response mechanism on the government, with responses required at three months, six months and then annually for five years in respect of each inquiry. The manner of the responses is also dictated. The government believes that this is both inappropriate and unnecessary. It is inconceivable that this government, having fought hard for each inquiry, would not respond, and it is inconceivable that, even it were minded to, the government would in some way get away with not responding, given the subject matter of each inquiry.

The government is quite prepared to have inserted in the legislation (and I have circulated an amendment in my name that would achieve this) a requirement that the government respond to each report. We believe the appropriate time to do that is within six months of the inquiry. However, we are not prepared to support a scheme that anticipates the manner in which a report might be prepared which dictates the manner in which we are to respond and which requires an obligation to continue to report for a further five years.

So, while we accept the argument that it is appropriate to have a report, I will formally move the alternative amendment standing in my name, which we believe is reasonable and which does accept the point made by the Hon. Sandra Kanck but does so in a much more reasonable way rather than this incredibly detailed requirement in the Hon. Sandra Kanck's amendment. I move:

After clause 7 insert:

7A—Insertion of section 11A

After section 11 insert:

11A—Report of Minister in response to Commissioner's report

(1) The minister must, within six months after the Governor receives a report of the Commissioner under this act, prepare a report setting out the actions proposed to be taken in response to the recommendations of the Commissioner.

(2) The minister must cause a copy of the report to be laid before each house of parliament within three sitting days after its completion.

The Hon. R.D. LAWSON: I indicate that we support the Hon. Sandra Kanck's amendment in preference to that of the minister. The government proposes that, within six months after the Governor receives the report, the Commissioner shall prepare a report setting out the actions proposed to be taken in response—so, that is one response within six months—which is to be laid before both houses of parliament. That is not, in our view, a satisfactory mechanism. It is all very well for the minister to hand around photographs of the new facility at Amata—and I commend the government for that initiative—but the fact is that the Coroner, in September 2002 (which is five years ago), suggested that such a facility should be established in a damning report that laid out a blueprint, most of which has not been followed. However, that was not the beginning of this. There had been proposals, as the Hon. Sandra Kanck mentioned, years before for the establishment of such a facility, and successive governments failed to do so.

I believe an important function of the Legislative Council, through its capacity to amend legislation, is to insist upon accountability. The only mechanism, really, we have to exact accountability is a requirement that reports be prepared—but not merely a report by a minister six months after what is proposed to be done. We have had reports over the years about what is proposed to be done, and we know that the road to hell is paved with good intentions. The government, six months after, receives this shocking report. There will be headlines in the newspapers, and there will be television reports about the terrible things in South Australia. The government will be honour bound to produce a blueprint for what it is going to do. There will be press releases, there will be opening ceremonies on the lands, and all the rest of it—but there will be no capacity for the parliament to say down the track, 'Well, have you done what you said you were going to do?'

The advantage of the Hon. Sandra Kanck's amendment (which I admit does look a little complicated in the sense that it is a 35-line amendment) is, in essence, pretty simple. It provides that, within three months (and I think that is a fairly tight time) the minister has to make a preliminary response. Within six months after the receipt of the report, the minister must make a full response, stating the recommendations that will be carried out, the manner in which they will be carried out, and the recommendations that are not proposed to be carried out and the reason why they are not going to be carried out.

It is suggested (and I admit that this is a fairly onerous responsibility on government, but the time has come for time limits to be imposed) that each five-year period following the making of the full response the minister has to make an annual response about what has been done and how effectively it has been achieved during that year. We might think that every five years is a fairly onerous responsibility, but we are kidding ourselves if we think this problem will be solved in three, five or six years. It is a problem that has been endemic for decades.

It is appropriate for a government that has sought to make great play of its commitment to the APY lands, and we have all seen the Premier from time to time going to the lands, always accompanied by television cameras. We have seen all the excitement of the appointment of Lowitja O'Donoghue—who is now being called in to aid and support this measure—as the adviser, then ignoring her, then having her leave in acrimony and pointing out to the community in South Australia that the Premier had not delivered on his responses.

We have had the Hon. Bob Collins appointed as coordinator of services on the lands amidst much fanfare. This government has made great play of its commitment to the APY lands. Now is the time for it to actually be accountable to the parliament so that we can see what it has done. The minister's face is contorted because of what we did about it, and all the rest of it. That has nothing to do with it at all. If this government is going to do what it says it is going to do, it will have no problem at all saying every five years, 'We are proud to deliver this report to the parliament. We are proud to indicate what we have done.' The government would be happy to do it every year. Now it is resisting the mere requirement that every five years it delivers a short report to the parliament.

An honourable member: Every year for five years.

The Hon. R.D. LAWSON: Every year for five years, yes—for that period. If it is true to its word, this is no imposition at all. It will be delighted to bring it in.

The Hon. P. HOLLOWAY: I cannot let that absolutely nauseating piece of hypocrisy go unchallenged. This person is a former minister for Aboriginal affairs in a Liberal government. Do you know what the Liberal government did during eight years in government? The first thing it did—and the member talks about accountability—was to make sure that the Aboriginal lands select committee (the body set up by this parliament for accountability) did not meet. It never went near the APY lands during the time members opposite were in government.

The honourable member now has the appalling hypocrisy to try to patronise us by saying that now we need to be accountable, when that was what happened in the eight years they were in government. He should not be allowed to get away with having that appalling tripe put onto the record. He should be ashamed. He should be getting up here and apologising. He should be apologising to this parliament for the lack of action that he took. During the eight years they were in government—towards the end—there were no resident police officers at all on the APY lands. Then he talks about the Coroner's damning report on neglect in 2002.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes, 2002 was, but who was he talking about? How did we get to that stage, because who was in government up until March 2002 when we had those events? We had no police officers, there was no accountability whatsoever because the Parliamentary Lands Committee did not meet, and no resources were given to that area. We know that the Hon. Robert Lawson is retiring at the next election and, presumably, he would like history to look more favourably upon his record than in fact is deserved because, really, history will show it as an appalling period of neglect. Many of the problems we are dealing with today come as a result of that. It does take a long time to build infrastructure up there. Nobody knows better than I do, as the police minister, just how difficult it is to try to get some infrastructure constructed on the APY lands.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Yes, it is extremely difficult to get police officers up there as well, but the Liberal solution was to have none at all. That was the former treasurer's solution. The former treasurer had a very good solution for that—have no resources at all. We will see whether we have the numbers for this. What the government has done is to move a resolution to accept the fact that, yes, there should be some reporting. Even the Hon. Robert Lawson himself conceded that the level of reporting goes way beyond what would be, I suggest, in any other piece of comparable legislation. What I cannot let go unchallenged on the record is the hypocrisy of this Liberal Party, given its record in the APY lands in the eight years that it was in government. To deign to lecture this government—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Yes, that is right. In the five years we have actually put some police officers up there.

The Hon. R.I. Lucas: You've done nothing. You've done absolutely nothing. You have no advisers—

The Hon. P. HOLLOWAY: The Hon. Rob Lucas might try to strike me down but, again, this is part of trying to cover up their shameful record. They should be on their hands and knees after what they did on those lands. How dare they try to lecture this government on what it has done when we have put hundreds of millions of dollars into addressing these things. I cannot let that go unchallenged on the record—those patronising, dishonest and totally hypocritical comments that we just heard from members opposite. We will have a vote on the level of reporting. As I said, this government is only too happy to have this committee report.

We have heard that the opposition in another place were actually opposing the whole inquiry at one stage. It remains to be seen whether they vote against this on the third reading. As has been pointed out, they have been doing so many flip-flops lately. It is a bit like the hospital. We have the new leader—one day he is in favour and two days later he has changed his mind. They really cannot make up their minds about what to do.

The people on the APY lands deserve better than this. We have an opportunity to have an inquiry with Commissioner Mullighan that can address these issues. Certainly, this government is prepared to report, and I would ask the committee to support the amendment that the government has moved. But, please, let us be spared lectures from the Liberal Party, given its record.

The CHAIRMAN: I must say that, so far, I have been very tolerant. The question is that the—

Members interjecting:

The CHAIRMAN: Order! I can see the Hon. Mr Wade.

Members interjecting:

The CHAIRMAN: Order! The Chairman is talking. I can see the Hon. Mr Wade quite clearly. I have been very tolerant. An amendment is in front of me from the Hon. Sandra Kanck, and I ask members to stick to the amendment.

Members interjecting:

The CHAIRMAN: Order!

The Hon. R.I. Lucas interjecting:

The CHAIRMAN: Order! I never pulled the Hon. Mr Lawson up, either. I ask the Hon. Mr Wade to stick to the amendment.

The Hon. S.G. WADE: I fully appreciate the frustration the Chairman is experiencing because I, too, agree that the minister totally failed to address the issues in the two amendments. Clearly, his rantings reflect the fact that he does not think that the merits are with him. When one looks at the

amendments one can see that the Hon. Ms Kanck's is clearly the better of the two. I make a couple of points. The government preferred the amendment that provided that the report shall be done within six months. As the Hon. Mr Lawson indicated, this government is inclined to run the media rather than the policy. 'Within six months' could well be the Premier's blueprint, the Premier's press release, three days after the report comes down.

The CHAIRMAN: Order! The honourable member will stick to the amendment in the name of the Hon. Ms Kanck.

The Hon. R.I. Lucas: It is a bit like the Royal Adelaide Hospital!

The CHAIRMAN: The Hon. Mr Lucas will remain quiet.

The Hon. S.G. WADE: Mr Chairman, I seek your guidance. I thought that both amendments had been moved. We have two amendments on the table. I am addressing both and reflecting on their comparative merits. The term—

The CHAIRMAN: What you have said so far has had nothing to do with either of them, really. I ask the honourable member to keep his comments to the amendment.

The Hon. S.G. WADE: My comment related to the minister's amendment, which provides:

> The minister must, within six months. . .

The point I make is that 'within six months' is not a six month progress report. 'Within six months' can be the day after the report is released. It can be a PR document rather than a progress report. So, I do think that the committee should not be misled into thinking that that report actually requires accountability. All it requires is a tick off. I am therefore significantly attracted to the Hon. Ms Kanck's amendment, which reflects the life cycle of these proceedings. Of course, the first step might well be inquiries by the police, consideration by the DPP or what have you. The Hon. Sandra Kanck's amendment clearly reflects the reality of these sorts of proceedings. We do not want just a PR document. We want to know how the issues raised by the inquiry are being addressed. The other point I think is worth making is that the rantings of the minister in relation to how unreasonable these—

The CHAIRMAN: Order! That has nothing to do with the amendments.

The Hon. S.G. WADE: I am sorry; that was the first half of the sentence. The second half of the sentence is that the precedent of the Royal Commission into Aboriginal Deaths in Custody fully supports the Hon. Sandra Kanck's proposal. This is new section 11(a)(c), for those who are having trouble following the amendment, and it clearly reflects the sort of approach that was taken in relation to the Royal Commission into Aboriginal Deaths in Custody. I can understand that the government is embarrassed, because it is having trouble being held accountable to that commission. It is not surprising that its lack of seriousness in responding to this inquiry is being demonstrated in the way that it is opposing these amendments. I urge the committee to see the merit of the Hon. Sandra Kanck's proposed reporting arrangements, because they reflect the seriousness with which this chamber regards this matter.

The Hon. R.D. LAWSON: We are actually amending the Commission of Inquiry (Children in State Care) Act, which act provides that the report of the Commission of Inquiry into Children in State Care was to be delivered within six months. We were told that in 2006. However, it may be that we want to go a few more weeks, so we put in an extra provision 'or within such time', and that might be allowed. That is what happens to six months. Time slips out. These things take a long time to do. That is why we support the mechanism proposed by the Hon. Sandra Kanck for a quick response by the government within three months, a further implementation response within six months and thereafter implementation reports.

I remind the minister that, when he says we are imposing a more onerous requirement under this legislation than elsewhere, every hospital, health service unit and agency of government is required to produce an annual report. They do it as a matter of course. It could have been part of the report of a department of aboriginal affairs had this government not abolished that particular department. The suggestion by the minister that some very onerous responsibility has been cast by this legislation is quite wrong.

Members interjecting:

The CHAIRMAN: Order!

Members interjecting:

The CHAIRMAN: Order! The Hon. Mr Lucas and the Hon. Mr Gazzola might want to take their discussions outside.

The Hon. R.D. LAWSON: I might also say in response to the minister's tirade that, were it not for the fact that the federal Liberal government has bankrolled these developments on the lands, this government would not have moved—and even this inquiry is being bankrolled by the federal Liberal government. That is the government putting up the money to assist this inquiry, and this government is putting in nothing other than in-kind support. So, minister, don't you lecture us on this.

The Hon. M. PARNELL: When I first saw the Hon. Sandra Kanck's amendment I did think it was too onerous and too detailed, for example, when the government is to report not only on which recommendations it has adopted but which recommendations it has not. I would have thought that the second might be a subset. In other words, if there are 10 recommendations and the government says, 'We will accept nine', it is obvious to everyone that a tenth has not been acted on. However, I think it would be nitpicking to criticise this amendment on that basis. I am happy to have that level of detail. The most important point for me is to go back to the terms of reference of this inquiry. I remind members that one of the terms of reference provides:

> (2) The purpose of the inquiry are—

There is a list, then we come to:

> (e) to report on any measures that should be implemented—
>
> 1. to prevent sexual abuse of children on the APY lands; and
> 2. to address the identified consequences of the abuse for the APY communities.

If we just focus on the second one—the idea of addressing identified consequences—all members would be well aware from the media reports that we have had probably for the past decade that the consequences—the damage that is done to people—are not solved in three months or six months: they take a lifetime of healing. The very fact of the Mullighan inquiry now talking to people whose abuse occurred a generation or more ago—10, 20, or 30 or more years ago—and who are still looking for some sort of closure or explanation of what happened to them shows how long term this damage can be.

Whilst I originally thought that every year for five years was a long time, it seems that we will still be dealing with the consequences of this abuse long after the five-year period is up. I will certainly not weigh into the display we have just

seen between the government and the opposition about who did or who did not act when they were in office, but I note that the minister said that, having pushed this inquiry, it would be inconceivable that the government would not act. I will take the government on face value. I hope that that is right, but I know from human nature and from the work of other parts of this place that without pressure and constant reminders often nothing happens. Often, we have these good intentions but, as soon as the pressure is off and as soon as people stop talking about it and stop reading about it, it drops down the priority list and nothing can happen.

That then brings me to what other opportunities as members of parliament we have to keep government accountable in acting or not acting on these recommendations. Maybe we can take the opportunity offered by the budget to look at how much is spent on these programs. We could perhaps look at the Auditor-General's Report. We can diarise ourselves to remind us each year to have a look at how the government is going, but a far better method for my money is these annual reports which are tabled in parliament and which put it firmly back on the agenda. Not only do they help us, especially the crossbench members who have responsibility right across the field of governance, but it also reminds us that, yes, we dealt with this inquiry; we know a report was handed down; we know there were recommendations; how is the government going? It might be four or five years after the report was handed down, but we are still keen to know what is going on.

The reminder that is built into this system is quite timely. Also, it would put pressure on the relevant government departments to make sure that these recommendations do not get lost. In relation to the government's alternative reporting mechanism, I will be supporting the Hon. Sandra Kanck's amendment in total. If it is unsuccessful I will be supporting the government's amendment, but I certainly believe that the Hon. Sandra Kanck's amendment is more rigorous and deserves the support of the committee.

The Hon. A.M. BRESSINGTON: I also indicate my support for the Hon. Sandra Kanck's recommendations. I stress that, although the government may think that this reporting requirement is probably far more than usual, this problem is huge. The requirements of the Hon. Sandra Kanck's amendment are no more onerous on the government than what the government applies to the non-government sector to receive the funding that it does, with far fewer resources than the government has. We are required to undergo reporting regularly and prove that we are actually meeting our objectives and that we are staying on task. We do not object to it. If it is good enough for the NGO sector it is good enough for the government, so I support the honourable member's amendment in full.

The Hon. P. HOLLOWAY: I wish to make one point that the difference between non-government sectors receiving government funds and the government is that, every day in this place, someone can ask a question of the minister as to what is going on. It is a very big difference. We have estimates committees and all sorts of measures of accountability that we do not have with NGOs.

The Hon. SANDRA KANCK: I know I have the numbers, but I am not playing the numbers game. I know the numbers are in my favour, and I am appreciative of that. The government's amendment would have simply given a list of promises, whereas my amendment puts in an accountability process. I simply want to comment about some of what has been said in the past 10 to 15 minutes. I am not in the game of giving brownie points or whatever to different sides unless they deserve it. I think that what the state government has done in recent times is commendable. I particularly pay tribute to the late Terry Roberts, because a lot of what is happening now would not be happening without him having driven it. He made sure that we got what was then called the Anangu Pitjantjatjara land rights act amended. He played a pivotal role, of course, in getting an Aboriginal lands standing committee here in this parliament. I do believe that, without the pressure that he put on this and the passion that he brought to it, we would not be at this point with this today.

Similarly, I also acknowledge on the Liberal side the work that the federal minister Mal Brough has done. There is no doubt that he has developed a passion for justice for Aboriginal people. Again, we would not be here today without both sides being part of this—the federal government has put in the money that has allowed this and there is a commitment on the state Labor government's side to make it happen. I think it is great that it is happening; all we need is the accountability that the amendment about to be put will bring.

The Hon. P. HOLLOWAY: Mr Chairman, to save time, and in view of the numbers, I will not persist with my amendment.

The CHAIRMAN: I will put the Hon. Sandra Kanck's proposed new clause first and see whether it gets passed.

The Hon. Sandra Kanck's new clause inserted.

Clauses 8 and 9 passed.

Clause 10.

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

Page 4, lines 28 and 29—delete paragraph (a)

This amends the terms of reference, which are:

(1) . . . to inquire into the incidence of sexual abuse of persons who, at the time of the abuse, were children on the APY lands [we have no problem with that part]

(2) The purposes of the inquiry are—

(a) to select APY communities to form the focus of the inquiry; and

(b) to examine allegations of sexual abuse of children on the APY lands; and

(c) to assess and report on the nature and extent of sexual abuse of children on the APY lands; and

(d) to identify and report on the consequences of the abuse for the APY communities; and

(e) to report on any measures that should be implemented—

The effect of my amendment is to remove the first of those paragraphs—'to select APY communities to form the focus of the inquiry'. We believe this is an unnecessary limitation of the inquiry and that the authorisation for the commission of inquiry to be selective is contrary to sound policy. Obviously, inquiries of this kind have to make decisions regarding where to put their resources, etc., but the notion that some communities would be selected and others not is anathema. It provides an excuse for the commission to ultimately say, 'We did not go to Pukatja, we did not go to Watarru, we did not go to Amata, we did not go here or there; we went to Mimili instead, and we went to Indulkana' or whatever.

The terms of reference should not be limited in this way. As we have indicated, we believe this inquiry should be into all communities across the whole of the state—and there are significant Aboriginal communities not only on the West Coast but also elsewhere. The government has been adamant that it would be limited to the APY lands, but the opposition simply does not concede that it is appropriate that these commissioners (and these are the two assistant commissioners who will be selected, rather than Commissioner

Mullighan) should have this power of selection. We believe it will ultimately undermine the credibility of any inquiry.

Those people who may be resident in one of the communities not selected will be able to say, 'Well, what use was that inquiry? I did not have an opportunity to come forward because I was not in one of the communities selected. Why didn't they select my community? Was that politically inappropriate or was there some friend of the government, or whatever?' It is a limitation that will simply invite criticism and it is unnecessary. The opposition is earnest in its desire to ensure that, if the commission is to go to the lands, it is to look at the whole situation on the lands and not be selective.

The Hon. P. HOLLOWAY: I have already given my view on this in an earlier response but I reiterate, and it needs to be understood, that the fact-finding part of the inquiry will address the whole of the APY lands. After this fact-finding, the commission will be in the best position to understand and identify communities that have the capacity and capability for more detailed hearings. It is for the commission to make the final determination as to where it is most appropriate to conduct hearings. Obviously, the commission will retain the flexibility to move beyond any communities it determines in order to hear stories.

I also stress that victims who come forward, regardless of where they reside on the lands, will have the opportunity to talk to the commission. They almost certainly will not want to talk within their own communities, and they may wish to go to other places to tell their stories. I emphasise that this has not been tried anywhere else in Australia so we do not have a precedent for this, and it is crucial that we think carefully about the consequences before embarking on any form of inquiry. We are moving in this cautious fashion and we need to be sure that we can provide sufficient support to the communities in which these hearings will be held.

The opposition has pointed out its concerns about the risks to communities and to people who may come forward in this inquiry and the difficulties in providing adequate supports for those communities and those people. We share some of those concerns, but that is all the more reason to embark on this process in the way the government has proposed.

The Hon. R.D. LAWSON: The existing clause does not say 'to select APY communities in which to hold hearings'. The minister has said this and the minister in another place said that, of course, we are just going to decide where we are to hold hearings. That is not what this clause provides. It says, 'to select APY communities to form the focus of the inquiry'. It does not say, 'to select places at which we will sit'; it says, 'we are going to focus our inquiry on this particular community or communities.' That is quite different to determining where you are going to sit. They can sit at Marla, off the lands, and invite people to come to Marla. That has nothing to do with what is the focus of the inquiry. We believe that the focus should not be a narrow self-selected focus but should be the focus that is actually provided for in the terms of reference—to inquire into the incidence of sexual abuse on the APY lands.

The Hon. M. PARNELL: I am supporting the terms of reference as they stand without the honourable member's amendment. It seems to me that, if we are to give some credit to this inquiry to do the best job it can, there is no problem with it having a narrow focus to start with. However, if the report came out at the end of the day and said, 'We looked at these three communities and we found that problems were rife and we have every reason to expect that all other communities on the lands are suffering from similar problems,' then that would be a trigger for the government to take further action.

I do not think we should see this bill as the end of the process. If it turns out that the problem is greater than any of us had imagined, it should really be the start of a broader process. I can see no great harm in, as the minister said, trying an innovative approach to this type of inquiry. I will not be supporting the honourable member's amendment.

The Hon. R.D. LAWSON: In response to the honourable member, I am disappointed that he has reached that decision, but he appears to have based his opposition to my amendment on the fact that the inquirers will be able to hear the evidence and make a particular decision. It ought to be realised that the reason the Mullighan inquiry has been selected for this purpose is that its methodology is not the same as a royal commission or a usual court of inquiry. It does not seek evidence and make recommendations and findings about civil liability and ascribe blame.

It is an inquiry that goes into a community and invites people to come and tell their stories. It makes no judgment about them. It is a peculiar type of inquiry which gives people the opportunity to come forward and tell their stories. The very fact that they tell their stories to a sympathetic inquiry, to someone who understands the situation will itself have an important effect in the process of reconciliation and coming to terms with the harm that has been done to them by sexual abuse.

That is the great strength of the Mullighan inquiry. It is the methodology that Commissioner Mullighan has adopted, and he is widely applauded for doing so. If you are going to adopt that approach, it seems that you cannot say, 'We will take those of you who are coming from a particular community and want to get off your chests what happened to you, but we are not worried about you; that is not the focus.' If, for example, the Commission of Inquiry into Children in State Care had said, 'We will look at this orphanage and that orphanage and this particular place, but we are not going to go to Catholic orphanages'—for example—that would have been a monstrous limitation to have imposed upon the inquiry, to give it this power of selection.

When the Royal Commission into Aboriginal Deaths in Custody was created (as the Hon. Mr Wade has mentioned, and it is one inquiry that actually does require annual reporting), there was no limitation on the royal commissioner from going to this gaol or that gaol, or in selecting a particular place in South Australia; it was an overarching inquiry. They could have adopted the methodology mentioned by the honourable member and said, 'We will select one or two sites in the various states and we will assume that those conditions prevail elsewhere.' But, as I said, this is a peculiar inquiry and one whose methodology is to allow people to come forward. It seems to me inconsistent with the notion of this inquiry to say, 'We are the ones who are going to select where we are going to focus the inquiry and, if you are outside of the focus, unfortunately, you will not be invited to come along.'

The Hon. SANDRA KANCK: The Democrats will not be supporting this amendment. I think there is good reason for this degree of selectivity. The Hon. Mr Lawson and I were members of the select committee that went up to the lands. He will recall, I am sure, hearing a particular person standing up and speaking and taking the high moral ground in what he was saying to the committee when, in fact, we knew that this person was a child sex abuser.

You cannot quite make a comparison between going up to the lands and talking to people who have been abused when their abuser is in the immediate vicinity, as compared to someone who was in foster care 20 years ago and whose abuser is now dead. Being selective is going to produce better results, particularly for those people who have been abused and whose abuser lives nearby. That is the sort of thing I think the commission has to very carefully sound out. I can certainly think of at least one community where this would apply.

They are not going to go to that community to have hearings because (and I do not think they would spell it out like this) their reason would be that they know the abuser is in close proximity and those who have been abused would not be able to speak out and would probably not even feel free to attend. I am supportive of this clause staying as it is for the protection effectively of the witnesses.

The Hon. D.G.E. HOOD: I have a question for the minister as to the exact meaning of the wording 'to select the APY communities to form the focus of the inquiry'. Will certain groups be excluded? That is the key question. In reading the rest of the section, it seems clear that certain groups would not be excluded because, for instance, further down in (e)(i) it provides 'to prevent sexual abuse of children on the APY lands'. I presume that means all of the APY lands, as it does not say a part of it. Does including point (a) exclude specific groups from appearing at the hearing?

The Hon. P. HOLLOWAY: Certainly not. The commission will retain the flexibility to move beyond any communities it determines in order to hear stories, and victims who come forward, regardless of where they reside, will have the opportunity to talk with the commission. As an analogy, suppose we said that the commission was hearing at Eyre Peninsula and that it may choose to go to Port Lincoln and Whyalla. Would we also say that it had to go to Elliston, Cummins, Wudinna and Wirrulla? What sort of level does one go down to? Anyone who has been to the APY lands would know that as well as the largest communities such as Amata there are a lot of smaller communities. It is a very diverse area and in some of the areas the commission would not work with such an inquiry, as we have emphasised. It is important that the commission has the flexibility, as is given under this legislation in the form in which the government is proposing it, to make those decisions.

The Hon. D.G.E. HOOD: I thank the minister for his assurance on that matter. That being the case, Family First will also oppose the amendment. We are satisfied that the inquiry will be able to do its job properly.

The Hon. A.M. BRESSINGTON: I also oppose the amendment.

Amendment negatived; clause passed.

Title passed.

Bill reported with an amendment; committee's report adopted.

Bill read a third time and passed.

JULIA FARR SERVICES (TRUSTS) BILL

Adjourned debate on second reading.

(Continued from 5 June. Page 278.)

The Hon. S.G. WADE: This bill is the last plank in the government's restructuring of disability services announced on 2 May 2006—more than 12 months ago. However, this bill is the parliament's first opportunity to formally consider the reorganisation, as this is the only element that requires parliamentary endorsement. By way of introduction, the Liberal Party has no in-principle objection to the bill itself. In essence, it ensures that private assets held by Julia Farr Services transfer to the new Julia Farr Association rather than being retained by government, and it ensures that any future bequests or donations go to the Julia Farr Association rather than to the government, and we support that objective. However, this is an opportunity for the parliament to hold the government accountable for its restructuring of disability services and, in particular, to reflect on the fairness or otherwise of that restructuring.

The opposition has come to the view that the process and the outcome of this restructuring has been unfair to Julia Farr and to the detriment of people with a disability. While we do not insist that the whole deal be revisited, we do insist that a key element of the package be modified. The assets that transfer from government to Julia Farr for the purchase of the Fullarton campus would come within only a tolerable approximation of the value of the campus which the government acquires if the $21 million transfer of community housing stock is unencumbered. To restore some element of equity, the Liberal Party insists that those assets transfer unencumbered. That is the first condition. Secondly, the opposition seeks a clear restatement of, and accountability for, the commitment to heritage clients that they will be able to remain at the Fullarton campus for as long as they choose. The third condition of opposition support for this bill is amendment of clause 7, which currently gives the Attorney-General a veto power over alterations to the objects of Julia Farr Association.

As we consider this bill it is timely to consider the evolution of Julia Farr. I will quote from the history, *The Home for Incurables—the First 100 Years*, by Colin Kerr, as follows:

> In 1878 a group of Adelaide men and women decided that some special provision was needed for people suffering from incurable complaints. The colony of South Australia had then been settled nearly 42 years. . .
>
> The first to suggest that such a home be established was Mrs Julia Farr, wife of the headmaster of St Peter's College, and she was supported in this by Dr William Gosse, a pioneer medical man and former colonial surgeon. . .
>
> The Home for Incurables was founded on the 23rd of September 1878. Its first meeting of subscribers was held on the 30th of January 1879, and it was incorporated on the 23rd of October of that year. At a cost of £1 700 the Committee of Management bought 'a suitable and healthy site' of nine acres at Fullarton, including an eight-roomed house which was enlarged and altered at a further cost of £310. . .
>
> The first patients were admitted on the 17th of October 1879.

Clearly, Julia Farr Services is rooted in the non-government sector. As an aside, I note that the story of Julia Farr is a story of constant development of the services and client group serviced by it. Julia Farr Services now focuses on services for people with a brain injury or a degenerative neurological condition. The one thing that has not changed has been the partnership with government. Again, to quote Mr Kerr's history:

> Like so much else that is best in social service and community life, the project which its originators had in mind was a home that would be financed and administered by voluntary effort with the backing of a government subsidy.

In terms of government support, the government originally granted the Home for Incurables a subsidy of £1 to £1 on all amounts collected and spent. Later this became an annual

subsidy which amounted to £1 000 by 1900 and more than $20 million per year by the year 2000.

Until the 1980s Julia Farr was organisationally completely a non-government organisation. My understanding is that the board at that time decided to become an incorporated health unit under the South Australian Health Commission Act 1976 so that it could offer public sector terms and conditions to its staff and, therefore, more effectively compete with public sector agencies in the recruitment of nursing and professional staff. At that time the board received a written assurance from government that the assets of the board would continue to be regarded as non-government assets.

Effectively, what had been established at that time was a hybrid organisation. On the one hand, Julia Farr was a charitable trust holding property and buildings and providing accommodation to people with a disability. On the other hand, Julia Farr was a government health unit providing personal support services for people with a disability. The government funded the services; the charity provided the buildings in which those services were delivered. The board oversaw both the assets and the services; it was accountable to the government for services and to the community for assets.

I was a member of the board of Julia Farr Services from the year 2000 until 2006 and was chair of the board for the last three years. During those years the board did a lot of work to envisage the future services. The board more actively embraced community living for people with a disability. In July 2001, the then Liberal minister, the Hon. Robert Lawson, announced an agreement between JFS and the government to 'provide an increased range of accommodation and care options' for Julia Farr Services clients, including 'the development of supported accommodation services integrated with the community'.

In 2004, now under a Labor government, the board released its vision for services in the form of a strategic plan entitled Forward Thirty. The Labor minister, Jay Weatherill, publicly endorsed the plan. A central value of Forward Thirty is the value of choice. Most residents at Julia Farr did not choose to live there; for many it was the only service available when they needed a service. However, whether or not they originally had a choice in their arrival, for a number of residents the Fullarton campus has become their home and they do not want to leave.

In the context of Forward Thirty, the board affirmed the choice of current residents by giving an undertaking that clients who were resident at the Fullarton campus would be entitled to remain at the campus if they so chose; those clients are commonly referred to as 'heritage clients'. The government has endorsed this commitment. To support the appropriate accountability for this commitment to heritage clients, the opposition seeks a clear restatement by the government of its commitment to heritage clients and a commitment, in the form of an amendment, that the annual report of the agency responsible for disability services will include a statement indicating how the heritage client commitment is being honoured.

The board was also acutely aware of its responsibilities to people with a disability who would not choose to reside at the Fullarton campus. Over a number of years, the board and the government were aware of the growing preference for community living options. There have been a number of cases of which I have been aware where people eligible for Julia Farr Services have remained in inappropriate and difficult circumstances rather than be admitted to the Fullarton campus.

Falling demand for intensive congregate care and an increasing preference for community living meant that Julia Farr needed to increase its resource focus on community living. There have been a number of successful projects decommissioning institutions and providing the residents of institutions and the wider pool of eligible clients with community living options. For example, Rua Rua House, the Spastic Centre of South Australia facility at Woodville and the Strathmont Centre have all spawned successful so-called deinstitutionalisation programs.

Certainly, the new services are not without fault, but for me the acid test is in the attitude of former residents, their families and carers. While some hold fond memories of the former services, overwhelmingly I find that former residents of institutions, their families and carers would not go back, even if they had the opportunity. I understand that no client of Julia Farr who has left the Fullarton campus to take a community living option has sought to return to the campus. I would stress that in my view choice is not advanced by replacing the sole option of an institution with the sole option of a particular community house model. Some people with disability prefer to live alone and some would prefer some element of congregate living. Possible models to accommodate such diversity of choice, include community living options, such as homes for groups of about four residents being supported in the one home and an option for clusters of one-person units with ready access to a shared support hub, or individual accommodation, where that is viable. The opposition supports real choice with real options.

Geography is important here, too. In the first 125 years of Julia Farr there were no residential options beyond metropolitan Adelaide. Moving away from the 'one size fits all' institution gives exciting new options for people with disabilities throughout South Australia, both in outer metropolitan areas and in the country. The key element is choice. I table a set of briefing notes prepared by the Julia Farr Association entitled 'Institutional and community-based responses to people with disabilities and their families', which outlines the rationale for the move from institution to community living.

It is disingenuous for the minister in another place to portray the Liberal Party as opposed to community living for people with a disability. In relation to Julia Farr, it started under us. What the opposition does object to is the way this government is pursuing the goal. What we oppose is the bureacratisation and centralisation of disability services which undermine real choice, and poorly implemented services which leave people without the support they need to live in the community. We do not support the government's clear direction of centralising government funding and government services in monolithic government agencies. We believe that real choice for people with a disability is best provided by them having access to a range of accommodation and service providers, government and non-government. We are concerned about the undermining of the community and client voice in the development of management of services, given the government's penchant for the abolition of boards of management.

We consider that the government deserves to be criticised for the way in which it is now managing the Fullarton campus. In recent weeks, there has been considerable concern about Ward 3A in the Highgate building. I do not know the details of the processes the government undertook in this

case, but I understand from media reports that the proposal involved relocating residents of the Highgate building within the Highgate building. Essentially, it was not a move to deinstitutionalise. Even if there were no transfers to the community, admissions, discharges and deaths and changes in clients' needs will inevitably require the relocation of clients within an institution such as the Highgate building, yet, during my time on the board, I cannot recall a resident placement issue ever having attracted such concern as this government's management of Ward 3A. This government is giving a bad name to community living for people with a disability.

The centrepiece of this government's disability services reform program has been the establishment of Disability Services SA. I resigned as chair of the board on 1 May 2006, the day before I was sworn into this council. It was also the day before the Minister for Disability Services met with the board and made a ministerial statement in the House of Assembly outlining a major reorganisation of housing and disability services. The government announced that three government agencies, namely, Julia Farr, IDSC, and the Independent Living Centre, would be amalgamated into a new agency called Disability Services SA from 1 July 2007. The board of the Independent Living Centre and the board of the Intellectual Disability Services Council agreed to dissolve before 1 July. The board of Julia Farr Services raised a number of issues and was not willing to dissolve by 1 July, as requested by the government.

The chair of the Julia Farr Association has provided me with a letter he wrote to the Minister for Disability Services dated 19 June 2007 (yesterday). The letter states:

> In May last year, you [the minister] initiated the reform of support arrangements for people with disability in South Australia. . . the government no longer wanted partnership with Julia Farr Services Incorporated as a service provider. It asked the board to seek dissolution in accordance with section 48(6)(b) of the South Australian Health Commission Act with effect from 1 July 2006.
>
> The board had no wish to dissolve. It had previously accepted greater responsibility for the provision of services to people with a disability by integrating the work of option coordination agencies APN and BIOC. Together with its CEO, Robbi Williams, it has embraced significant reform in service and care through its strategy called *Forward Thirty*. However, departmental officers were quite clear. Julia Farr Services was not wanted. Alternative approaches, such as service agreements, were rejected.
>
> The board's first concern was to ensure that people with disabilities would continue to receive appropriate care and support. You gave a commitment in writing to clients at Julia Farr Services confirming that they could stay on at the campus if they wish. . .
>
> The board's second concern was for its staff. Had the board agreed to the initial request, staff would have suffered reduced remuneration from 1 July 2006. The board was assured that all staff would be offered employment with the department.
>
> The board's third concern was to exercise prudence in the light of its corporate trustee responsibilities. Each member was aware of the legal responsibility to exercise care, skill and diligence in considering the request. The short deadlines provided in the bargaining position adopted by departmental staff placed the board under great pressure.
>
> Ultimately it was clear that the board would need at least 12 months to attend to all corporate and trustee matters. We were surprised at the lack of consultation and investigation by the department prior to announcing reforms as all the matters raised by the board would have been quickly apparent.
>
> When Julia Farr and others established the Home for Incurables in 1878, they sought to provide accommodation and support to people with profound disability, and a parcel of land was secured. . . for the purpose. The board asserted that it held title to the properties in Fullarton. Departmental staff strongly contested the board's view. However, the stance taken by the board and your commitment to people with a disability led to an agreement by which you will become the trustee for the Home for Incurables trust. The trust provides property at Fullarton to provide a home for people with disability. While there are people for whom the Fullarton campus is a home, and while the need for accommodation for people with disabilities remains unmet, the purposes of this trust will not be exhausted.
>
> Interestingly, on the matter of asset ownership, we note that you recently acknowledged, for the first time, board title during the second reading of this bill in the House of Assembly.
>
> The board and its partner organisation the Julia Farr Housing Association wished to support your commitment to community housing for people with disability. The board was and is committed to ensuring that people with disability have a choice of accommodation options. Julia Farr Housing Association welcomes the opportunity to receive $21 million of housing, though the offer does come with government insistence of debenture under the SACHA Act. We asked for these debentures to be removed but this was denied. If it is possible for the debentures to be removed now we would welcome it. It would increase the capacity to make strategic choice in serving the South Australian disability community.
>
> The board adopted the view that it held assets with a book value of $33.4 million. The board adopted the view, albeit reluctantly, that under the circumstances it had reached the best possible agreement with the formal transfer of $6.85 million of community housing that was at the time being operated by the Julia Farr Housing Association, the commitment of a further $21 million in housing and a non-recalls grant of $8 million to the new Julia Farr Association, all in addition to securing the trust property at Highgate Park for people with a disability.

That is the end of the excerpts from the letter written by the chair of the board. The letter goes on to outline the board's commitment to deinstitutionalisation of disability accommodation and services. I table the letter, together with the briefing note, so that the council can be clear about, on the one hand, the way in which Julia Farr was treated and, on the other hand, Julia Farr's support for community living.

What is clear from the letter and from the surrounding facts is that the government's negotiations with Julia Farr were poorly managed, belligerent and fundamentally unfair. First, the government refused to acknowledge the basic fact of community ownership of the Fullarton campus. In spite of the government's assurance to the board in 1984 that the assets would remain under the control of the board, the government has been determined to obfuscate on the issue of ownership over the past 12 months. I would ask the government: if it is so clear that the government owns the Fullarton campus, why has it allowed Julia Farr to buy and sell land at board direction for the past 23 years and not require adherence to government processes?

The board's letter indicates that the minister's second reading comments in the other place were the first admission by the government that the board held title. Whilst the board continued to act on the basis that it was the legal owner of the campus, it would have known that pursuing its rights at law would have jeopardised hundreds of thousands of dollars in legal fees, money that would be better spent on providing services to people with disabilities.

The fact that the board went into negotiations with the government—where the government was denying its ownership of its key asset—fundamentally compromised the negotiations. Secondly, the opposition asserts that the negotiations were fundamentally unfair because the board was acting under duress. For example, the board's letter indicates that, if the board did not agree to the government's position, the government was willing to seek legislation to enforce its will. While I doubt that such legislation would have passed this council, I have no doubt that the threat served to intimidate board members.

I am informed that some board members understood that they were at risk of being dismissed by the government. In

these fundamentally unfair circumstances, I do not pass judgment on what the board was able to achieve. I am not in the practice of blaming the victim for the actions of a bully, but I do hold the government accountable for its conduct through this whole saga, and for the outcome.

I would now like to look at the deal that was struck between the government and the board. Under the deal, the board would dissolve and the Fullarton campus would be transferred to government. The Julia Farr Services Board would make the Minister for Disability Services the trustee of the Home for Incurables Trust and therefore he would take control of the Fullarton campus. So, what is the value of this deal to each party? The Fullarton campus was valued in May 2006 under the fair value accounting basis and was assessed to be worth $33.4 million. This accounting method presumes that the transaction is between a willing buyer and a willing seller. It is a conservative valuation approach which undervalues an asset compared with market value. Market value is the methodology used in the context of compulsory acquisition.

The board's letter makes clear that the board was not a willing seller and that the purchase is more akin to a compulsory acquisition. In my view, the campus should have been valued on the basis of market value. In the committee stage I will be seeking more details from the government in terms of the liquid assets of the board that are proposed to be transferred. The board, during my time as chair, had already decided to dispose of two buildings. The first, the Fisher building, was a former accommodation building on Fisher Street. It has not been used for accommodation for 20 years and it had considerable asbestos contamination. My understanding is that the Fisher building was sold for about $5 million. The second, the Ringwood building, was a former nurses building which had been leased to a student accommodation provider for some time. My understanding is that the Ringwood building was sold for around $4 million. I understand that the proceeds of both these sales will go to the government, presumably on the basis that they were elements of the Fullarton campus.

While it is not clear whether these buildings are included in the valuation of $33.4 million, given the timing of the sales I will assume for the purposes of this contribution that the Ringwood building is included in the valuation and the Fisher building is not. On this basis, the government stands to receive $5 million in cash and a property conservatively estimated to be worth $33.4 million. That is a total of $38.4 million. If the market value had been put on the campus, I understand the value would have been another $8 million higher at least. Accordingly, the government stands to receive assets of between $38 million and $46 million.

For its part, the government agreed to transfer to a restructured completely non-government Julia Farr an asset package with three elements. The first element of the package was an $8 million cash grant to the Julia Farr Association. It was described as a once-off and non-recourse grant. I presume that 'non-recourse' means that Julia Farr does not need to account to government for the use of these moneys.

The second element of the package was the transfer to Julia Farr Housing Association of $6.85 million in community houses held by Julia Farr, together with $2.4 million in cash to complete the purchase, renovation and conversion of the houses. Considering that the community houses were already assets of Julia Farr Services, I do not consider that the houses themselves represent recompense for the compulsory acquisition of the Fullarton campus. In my view, only the $2.4 million cash was an actual transfer of resources to Julia Farr.

The third element of the package is a commitment to transfer $21 million of community housing stock to the Julia Farr Housing Association over three years. It is this element that I find the most disturbing. Although this element was agreed to in mid 2006, the government did not announce it until December 2006 and, even then, it was expressed as a grant of new money to the sector. It was no such thing. It was part payment for a compulsory acquisition. Fundamentally, this $21 million is not a grant. It is loaning a portfolio of houses. Julia Farr Housing Association will hold it under a community housing funding agreement, with what is currently called SACHA, with debentures over the assets.

The minister asserts that Julia Farr is being treated analogously to a community housing association in that the houses are secured by way of debenture. This is a fundamental mis-statement. If a community housing association has non-government funds which it invests in housing stocks, these assets are not made subject to a debenture. Statutory charges and debentures on the assets of a community housing association are only used when assets are made available by government. In those circumstances, it is appropriate that the government ensures that the resources continue to be applied for the purpose for which they were given or returned to government.

However, the situation here is quite different. The Fullarton campus is a non-government asset. The Julia Farr Housing Association should continue to be the custodian of the value of that community asset, not Treasury. Over the years, as the assets transferred no longer meet the needs of clients of the Julia Farr Housing Association and are sold, the government proposal would see the proceeds of those sales transferred back to government. So, in contrast to the minimum of $38 million that the government gets from this deal, let us estimate the total value of the assets to be retained by Julia Farr under this package. The government puts a headline value of the package at $35.85 million, not far from the $38 million which is the lower range of the estimate of what the government received.

However, this figure is hollow. First, we need to allow for the fact that $4.45 million of the $6.85 million referred to as a transfer of community houses is already owned by Julia Farr. The only real transfer is the $2.1 million to make these houses accessible. If you take out the $4.45 million, the value of the package drops to $31.4 million. Further, if one allows for the fact that the $21 million package to be transferred in the form of community housing stock is only access to stock, not ownership, the real value of this package to Julia Farr is in the order of $10 million. The government takes more than $38 million of assets and gives $10.4 million.

This is a swindle. But let us never forget who is being swindled here. Julia Farr is not a private property developer who takes his or her risks and makes some good and bad deals. Julia Farr and its board are merely custodians of 125 years of benevolence and philanthropy of the people of South Australia. To the extent that the government has ripped off the board and Julia Farr, it has done a raid on the legacy of generations of South Australians. I know that the government will say that the Fullarton campus will remain dedicated to people with a disability, but the government misses the point. The benefactors of Julia Farr chose to invest their legacy in the community sector, not the government sector.

The mums and dads of South Australia who supported Julia Farr through collecting rags, through thrift shops, through the Miss Industry Quest, through building appeals (such as the 1955 Rotary appeal) and through myriad wills and bequests were not giving their money to government: they chose the community sector. Faced with this asset grab, the opposition submits that this parliament needs to take a stand to protect the integrity of philanthropy in South Australia, to protect the millions of dollars that South Australians have donated to Julia Farr over 125 years and to protect those who may consider charitable donations in the future.

If governments can act with such disregard for fairness in dealing with Julia Farr, how can any South Australian have confidence that they can give to charity and not have their donation plundered by government? So, in the context of supporting the thrust of this legislation, the opposition will not support this bill unless the government agrees that the $21 million transfer of housing stock to the Julia Farr Housing Association will be a transfer in fee simple. Only when some semblance of fairness is restored to this transaction can the funds of Julia Farr be properly protected and future donations maximised.

In conclusion, I would like briefly to consider the future of the Julia Farr Association (JFA). One of my colleagues in another place challenged me to reflect whether I would be willing to donate to the Julia Farr Association. The association is currently consulting on an exciting new strategic plan. I have confidence in the leadership of the association. Robbi Williams is one of the most passionate and able leaders in disability services I have ever met. Peter Stewart is an able chair of the board, who has a strong ethical background and who maintains a focus on quality and services. He has led the board for three years, and I respect the board as a group of talented, creative people who are able and committed to stand up for people with a disability. In these circumstances, I have no hesitation in saying that I would make a personal donation to the association. In fact, I have today sent my first personal donation to the Julia Farr Association. On the other hand, I will not be voting for this government. The government should be condemned for its lack of engagement with the community sector. The government should be condemned for the way in which it centralises power and bureaucracy and in which it is not willing to engage the community and promote accountability through community-based boards.

This asset grab is typical of a government which believes that the government is in the best position to make decisions about what is best for South Australians. More than most South Australians, I know that people with a disability know that monolithic bureaucratic government can never provide them with the flexibility and creativity they need to achieve their aspirations. They know that a healthy, vibrant community sector, working cooperatively with a responsible and accountable government sector, is vital to develop the range of services they need to have available for them to have real choice. This government is good on rhetoric but, when it comes to action, it acquires, it centralises, it dehumanises.

The Hon. SANDRA KANCK: I first became involved with issues of Julia Farr Services I suppose about 13 years ago when a Liberal government was in charge, and what I would observe, following what the Hon. Mr Wade has most passionately stated (and I found myself nodding and agreeing with much of what he had to say), is that governments of all persuasions have stalked and relentlessly pursued that organisation for as long as I have been in parliament. It was very unfortunate to read comments made in the House of Assembly about this board having buckled to the government. I know that the board of Julia Farr Services fought and fought, and there were times when they managed to stare down the government and the government actually retreated from time to time. But it becomes difficult under those circumstances to keep up that fight, to maintain the energy levels so that you can keep on taking on the government, because it has ways of very slowly strangling you, and that is what the government did with Julia Farr Services.

A couple of times I went and met with the chief executive of Julia Farr Services to find out what was going on, particularly after I had read things in its annual report. Chris Firth was the chief executive at the time, and he was as stubborn as a mule and just would not give in to what the government was trying to do. I think on about the third occasion that I went to visit him—I think it was in 1997—the government would not allow me to speak to Mr Firth without someone from the minister's office being in attendance. That is the degree of stalking that has gone on over the years in relation to Julia Farr Services.

I give great credit to the board for having withstood the siege for so long. I am not surprised that they eventually gave in. It just became too hard. When the government has ways of bringing them under control by funding and various other means, it is just too hard to fight, and I think that the Hon. Mr Wade must find this a very depressing point in the history of Julia Farr Services, having been on the board himself.

What has happened in recent times has effectively been the last nail in the coffin of Julia Farr Services as a non-government organisation and, while one cannot oppose this legislation because it is the next logical step in what has happened, all that I can do is lament that it is indeed needed.

The Hon. P. HOLLOWAY (Minister for Police): I thank honourable members for their contributions to this bill. The government has announced a number of amendments. Perhaps I could briefly outline them in the second reading response. The Julia Farr Association is a new non-government organisation set up in response to the disability reforms announced in May 2006. The reforms require the dissolution of the boards of the Intellectual Disability Services Council (IDSC), the Independent Living Centre (ILC) by 30 June 2006 and the Julia Farr Services by 30 June 2007.

In recognition of the longstanding community support to Julia Farr Services, originally as the non-government entity Home for Incurables from 1878 until 1983, and later as an incorporated health unit, the government has agreed that Julia Farr Association will be the legal successor to Julia Farr Services in terms of current and future bequests, gifts and testamentary trusts. There is one exception, the Home for Incurables Trust, which comprises the land at Fullarton on which Highgate Park sits and which is to be transferred to the government.

The government is proposing a number of amendments to the original bill on the basis that the initial rationale was to provide the simplest, most cost-effective manner for the Julia Farr Association to become the legal successor to Julia Farr Services. This was to ensure that donations, trusts and bequests would continue to be available to support the people they are intended to support. This was achieved by effectively replacing the application of section 69B of the Trustee Act 1936 with the provisions specific to Julia Farr. Such a scheme is appropriate in the initial stages of the transfer of arrange-

ments. It enables the Julia Farr Association to effect the necessary administrative arrangements regarding multiple trusts which will be administered by it in the simplest, most efficient and cost-effective manner.

However, on further consideration the government considers it inappropriate to continue such a scheme rather than the generally applicable scheme under section 69B of the Trustee Act beyond the period necessary for the Julia Farr Association to manage the transfer of existing trusts. After that the JFA, as with any other entity administering trusts, should be subject to the general provisions. The appropriate period is two years then, by operation of a sunset clause, the general scheme will apply for the period that this specific scheme. This is the subject of the first two amendments.

The third amendment deals with a further tightening up of clause 1(c) to ensure that funds are committed within the spirit in which they were made available. It is acknowledged that the aspirations of people with disabilities have changed vastly over recent decades. Like people without disabilities, they demand choice in support, lifestyle and residential settings—in short a decent, ordinary life. Many past and future gifts were bestowed on the Home for Incurables, and later Julia Farr Services, to enable residents to have the chance of a life that had room and funds for interests, leisure and comforts. The third amendment recognises that those aspirations have changed, thereby requiring a change in service models, with institutional care being the choice of few people coming into the disability system these days.

The fourth amendment restates that on 1 July 2009 the Julia Farr Association will be subject to the provisions of the Trustee Act 1936. I indicate that the government will be moving these amendments in committee. I thank members for their contributions and commend the bill to the council.

Bill read a second time.

In committee.

Clause 1.

The Hon. S.G. WADE: I have two questions for the government. In relation to the liquid assets that are proposed to transfer from Julia Farr Services to the government as part of the transaction to which these trusts are a part, what is the intended destination of the proceeds of the sale of the Fisher building and how much are those proceeds? Also, what is intended with the proceeds of the sale of the Ringwood building and how much are those proceeds?

The Hon. P. HOLLOWAY: In relation to the Ringwood building, my advice is that the sale values were: building $2.305 million and land $1.595 million for a total of $3.9 million. We are seeking information about the Fisher building. We can provide that advice later when get it, rather than hold up the committee.

The Hon. S.G. WADE: I wonder whether the minister could tell us which of those two buildings—Fisher and Ringwood—if either, is included in the valuation of the campus made in March 2006.

The Hon. P. HOLLOWAY: My advice is that the actual total assessed value, which would include the Ringwood building, was $33.4 million as at 30 June 2006.

The Hon. S.G. WADE: The valuation of $33.4 million at the end of June includes both the Ringwood and Fisher buildings?

The Hon. P. HOLLOWAY: Yes; I believe that is the case.

The Hon. S.G. WADE: Will the minister advise, if any proceeds of those two buildings are held by Julia Farr Services, that they would transfer to government as a result of the arrangements envisaged by this bill?

The Hon. P. HOLLOWAY: My advice is that they would transfer.

The Hon. S.G. WADE: On 3 May 2007—one full year almost to the day after the reorganisation of disability services was announced—the minister in another place blamed the board for the financial mess in which Disability SA is now in. The minister said:

> Through the process of Disability SA reforms, which I announced just under a year ago, when we brought IDSC, Julia Farr Services and Independent Living Centre into a more central control of government, we are now finding that there are massive cost pressures on each of those agencies which has vindicated our decision to make those changes.

I note that the minister has not fulfilled his statutory duty to table the annual report of Julia Farr Services of 2005-06 by the end of September 2006. In the government briefing on this bill the officers explained that the tabling was delayed due to the resolution of an auditing issue. The opposition sought a copy of the annual report subject to that caveat. The government advisers agreed, but that agreement has since been withdrawn. In the absence of an annual report, as required by statute, will the minister advise what was the operating deficit for Julia Farr Services as at 30 June 2006 and what is the predicted operating deficit for Julia Farr Services as at 30 June 2007?

The Hon. P. HOLLOWAY: I do not have the actual figures but I am advised that it is close to a balanced budget situation in both years.

The Hon. S.G. WADE: I hope I was clear enough in my second reading speech but, if not, I reiterate the point that the opposition does not feel able to support this bill if the government does not agree to allow the transfer of the $21 million in community housing stock without any encumbrances. Is the government able to give an assurance to the committee that that will be the nature of the transfer?

The Hon. P. HOLLOWAY: The use of a debenture instrument is current practice within the community housing sector to ensure that assets are used for the appropriate purpose for which they were provided. Given that, I think it would be irresponsible of the government if it did not have such a measure in there. It is extraordinary that we had lectures on accountability of government earlier on tonight, because I would have thought this was one way in which one could ensure that.

The Hon. S.G. WADE: I refer the minister to the minister's comment in another place, as follows:

> To encourage Julia Farr Services, that had the legal title of these assets, to agree to these changes. These are the sort of assets that have been conferred upon it.

I repeat the key phrase: the legal title of these assets. The minister then goes to say:

> We transferred $6.85 million to Julia Farr in unencumbered housing assets; $21 million to Julia Farr Housing Association in new assets encumbered.

In other words, clearly the minister in the other place in his second reading summing up understood that this was recompense for legal title transferred. In those circumstances I do not believe it is government money being provided to Julia Farr; it is their money. I ask the minister in that context: if a community housing association invests its own money, is it government practice to impose a statutory charge or a debenture?

The Hon. P. HOLLOWAY: I do not have that advice here. I am not the Minister for Housing. Obviously, the adviser is here in relation to Julia Farr. I cannot speak for what happens with the rest of the community service sector. Generally, when talking about Julia Farr Services and about whose money is what, it does need to be recognised that since 1983 there have been tens of millions of dollars in taxpayers' money put into the operation of that facility. No-one is denigrating the work of the volunteers and others who have been involved there, but we should not pretend that, over the past 20 or 30 years, virtually the entire operating costs have come out of government.

The Hon. S.G. WADE: I find that statement quite disturbing. We have had community service organisations like Julia Farr receiving funding from government for well over 100 years. Julia Farr, as I mentioned in my second reading contribution, received government money from day one—£1 for £1 from the government of the time. Hundreds of community organisations have developed an asset base substantially relying on government provision. Is the government really suggesting that those community organisations do not have secure title to their property? In 1984, the government gave an assurance to the Julia Farr board that, by incorporating as a health unit, they would maintain control of their assets. The government respected that during the following 20 years, in the sense that the Julia Farr board was not required to comply with the land purchasing and selling requirements of government. The special status of Julia Farr was respected. Now the government is saying that, by some sort of leaching process, the government has acquired legal title. I find it legally untenable and morally offensive.

The Hon. P. HOLLOWAY: No-one is saying that at all. The government is saying that the use of a debenture instrument is current practice within that sector to ensure the assets are used for the appropriate purpose for which they are provided. The fact is that, for however many years it is—130 or 140 years—with the accumulation of assets both privately and with the public support—and I am sure it was a lot more than one for one in recent years from the government—nevertheless those assets are being used for a particular purpose. Obviously, it is desirable that that should be the purpose for which they are used. I would have thought that to say that those assets should continue to be deployed for the purposes for which they have been for 125 years is scarcely an onerous provision.

The Hon. S.G. WADE: I think the minister is trying to obfuscate this issue. The issue is not whether the community of South Australia needs the government to be the custodian of their benevolent gifts over 125 years. The people of South Australia put their trust in the Home for Incurables and then Julia Farr Services to manage their community assets. The government is not suggesting that it needs to manage all the other capital assets of all the other community organisations to ensure that the original objects are respected. After all, Julia Farr operates and is intended to operate in its new form under objects which are clearly charitable objects to the benefit of people with a disability. I do not believe the Julia Farr board and the community need to have the government make an asset grab on these moneys and to secure them by some sort of debenture.

It is not proposing to do it with other community organisations. Unless the government thinks that Julia Farr is particularly badly managed, then I do not see any reason for this bizarre proposal. My advice from the community housing sector is that debentures and statutory charges are applied only when the resources are coming from government. As the minister said in the other place, this is a transaction in relation to legal title. It is not the government's money: it is the community's money. The government should keep its debentures and its statutory charges to itself.

The Hon. P. HOLLOWAY: We can argue this all night. Perhaps it is appropriate that we report progress. I will get some more information in relation to what happens with other parts of the community housing sector and we can resume this tomorrow.

Progress reported; committee to sit again.

CLIMATE CHANGE AND GREENHOUSE EMISSIONS REDUCTION BILL

The House of Assembly did not insist on its disagreement to amendments Nos 12 and 17 of the Legislative Council, did not insist on its alternative amendments and agreed to the consequential amendment of the Legislative Council made as a result of the Legislative Council no longer insisting on its amendment No. 3.

ESTIMATES COMMITTEES

The House of Assembly requested that the Legislative Council give permission to the Minister for Police (Hon. P. Holloway), the Minister for Environment and Conservation (Hon. G.E. Gago) and the Minister for Emergency Services (Hon. C. Zollo), members of the Legislative Council, to attend and give evidence before the estimates committees of the House of Assembly on the Appropriation Bill.

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

That the Minister for Police, the Minister for Emergency Services and the Minister for Environment and Conservation have leave to attend and give evidence before the estimates committees of the House of Assembly on the Appropriation Bill, if they think fit.

Motion carried.

ADJOURNMENT

At 10.47 p.m. the council adjourned until Thursday 21 June at 11 a.m.