LEGISLATIVE COUNCIL

Wednesday 27 February 2008

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:17 and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.M. GAZZOLA (14:18): I bring up the 13th report of the committee 2007-08.

Report received.

PAPERS

The following paper was laid on the table:

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

National Environment Protection Council—Report, 2006-07

WORKCOVER CORPORATION

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:18): I lay on the table a copy of a ministerial statement relating to WorkCover legislation made today in another place by the Premier.

TRANSADELAIDE DERAILMENTS

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:18): I lay on the table a copy of a ministerial statement relating to TransAdelaide derailments made today in another place by the Minister for Transport.

QUESTION TIME

BUILDING SURVEYORS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about accreditation of building surveyors.

Leave granted.

The Hon. D.W. RIDGWAY: The peak body representing the building surveying professionals is the Australian Institute of Building Surveyors. That body is responsible for ensuring that building work and construction is carried out in accordance with the building rules. In fact, the Development Act 1993 requires that all persons who undertake the building rules assessments be accredited by an approved building industry accreditation authority. Since 2002, the South Australian government has recognised the Australian Institute of Building Surveyors as the only approved building industry accreditation authority in South Australia.

The Australian Institute of Building Surveyors is the accreditation authority for building surveyors for four states and territories (South Australia, Queensland, the Northern Territory and the ACT) and also for the Department of Defence. The Australian Institute of Building Surveyors, in conjunction with the COAG agreement, provides the federal government's national accreditation framework for building surveyors, as prepared by the Australian Building Codes Board.

The Development Act in section 101 provides that the minister, in relation to any matter arising under that act that is declared by regulation, may grant that authority to a person under that act. Is the minister aware that one of his staff has made a representation to the Building Advisory Committee with a view to setting up an alternative body to accredit building surveyors in South Australia?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:24): I received a letter yesterday (and I note that a copy was sent to the Leader of the Opposition) from the Institute of Building Surveyors in relation to the accreditation of building surveyors. However, it has a much longer history than that.

Section 101 of the Development Act makes provision for the recognition of people to provide planning advice pursuant to regulation 86 of the Development Act regulations. Also, section 101 of this legislation provides the opportunity for ministerial recognition under regulation 87 to enable persons to provide building advice. That provision has been in the building act since the early 1990s. It has been used a number of times. In fact, if one looks at the website of Planning SA, under section 101 they will see a list of about 30-plus names of people who have been granted accreditation as planners down the years.

Of course, there is an alternative way in which people get recognition for planning advice under section 101, and that is through membership and the associated qualification of the Planning Institute of Australia (PIA).

In relation to building advice, traditionally, although the provisions existed under that section of the act for a long time, hitherto recognition has been given through the institute as a delegated authority. I received an application from a person late last year for recognition I think under planning. Subsequently there has been one for recognition under the building section. There have been a number down the years—they certainly predate me. There are over 30 of them in planning. Previous governments and the honourable member's colleagues have used section 101 for a number of years. It has been used regularly in planning as sometimes you need people in remote areas, or there are other reasons for getting recognition. If the honourable member goes back it is probably the sort of clause the Liberal Party would approve of because it claims it does not believe in a closed shop.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Wait a moment—there is a long story here. I find it extraordinary. The Liberal Party is saying that we should have a closed shop arrangement in relation to the Institute of Building Surveyors being able to determine this. Issues have been raised in New South Wales and I will go on to that in a moment, but when I had the application for planning accreditation it raised the issue of what is the basis on which this should be done. I wrote a minute to the Chief Executive of Primary Industries and Resources back on 14 November last year, as follows:

> From time to time I received requests from persons seeking recognition under section 101(2) of the Development Act to enable them to provide planning advice pursuant to regulation 86 of the Development Act regulations. I note that the legislation also provides opportunity for ministerial recognition under regulation 87 to enable persons to provide building advice. In considering such application I am of the view that there needs to be a clear and robust system in place. Accordingly, I have resolved that where applications are received seeking recognition under regulation 86 that these be referred to the Development Policy Advisory Committee (DPAC) for the provision of advice and a report to me on the suitability of the applicant.
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> In the case of applications received seeking recognition under regulation 87 [to which the honourable member referred], these are to be referred to the building advisory committee for the provision of advice and report to me on the suitability of the applicant. I note that further work is required to map out a formal work flow for how applications are to be assessed and believe that these should be worked out in consultation with each committee before being presented back to me for formal endorsement. There are obvious advantages in ensuring consistency of process between each committee. Could you please liaise with Mr George Vanco from my office to ensure that an appropriate report is presented to the next meetings of both BAC and DPAC.

That was the action I took when the issue was raised. Someone had applied for section 101 recognition under the Development Act. There had been no precedence for building accreditation, and it is my understanding that that person, who was formerly qualified under the Institute of Building Surveyors, has subsequently renewed their membership and that issue no longer arises, but we need to get this process in place.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: The leader should be aware of the situation in other states. Some states use the Institute of Building Surveyors to accredit building surveyors, but the honourable member should be aware of a joint committee on the quality of buildings back four or five years ago. The inquiry commenced in March 2002 in New South Wales. The government has made two decisions relating to the New South Wales certification system and I will read from the report of the select committee, as follows:

> On 7 May 2002 the minister for planning withdrew authorisation of the Building Surveyors and Allied Professionals (BSAP) to operate an accreditation scheme for New South Wales certifiers. This decision followed concerns about the BSAP administration and management of complaints and disciplinary duties delegated to it by the minister under the EP&A Act. It was assessed that BSAP was failing to respond to complaints against its accredited certifiers in New South Wales.

Evidence of long delays and non responses to complaints by BSAP, have been revealed through subsequent complaints from Councils and consumers to PlanningNSW. Failures to investigate and discipline certifiers also appears to have occurred, as well as failure of BSAP to report activities to the Minister. The Director-General of PlanningNSW has responsibility for the accreditation scheme for an interim period and, since taking over the function, has provided the following data:

The statistics follow. The report continues:

PlanningNSW's action plan in response to this issue includes:

- a moratorium on new accreditations and exploration of accreditations for 2 months
- reviewing the complaints held by BSAP and possible disciplinary actions
- setting up re-accreditation criteria
- identifying certifiers operating without valid accreditation and examining implications given this is a serious offence under the act
- general review of the accreditation scheme.

Since I have been the planning minister in this state, some issues have emerged about certification. History has shown that very little action has been taken in cases where certifiers have certified work that has subsequently been found to be inappropriate. It is important that certifiers be properly qualified and that these regimes of certification be properly audited. If one looks at the act, there is no monopoly and nor was there intended to be in relation to the accreditation of building surveyors. If one looks at the regulations one can see that they have always allowed for other bodies to be involved.

Regarding planning accreditation, as I said, over 30 people have been accredited under section 101, and there are good reasons for it. The Planning Institute of Australia does not have a monopoly in relation to that assessment. So, there is history in New South Wales in early 2002 which suggests that there are problems with outsourcing accreditation of building surveyors. It is a very important area. People rely on surveyors to accredit the safety of buildings.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: The honourable member says that our consumers do not matter. So, you are saying that we should not be looking—

The Hon. D.W. Ridgway: What complaints have you had?

The Hon. P. HOLLOWAY: So, the opposition is saying, 'We don't care about consumers. We don't care whether our surveying—'

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: You see: he obviously does not care about it. We had amendments to the act last year, but I want to ensure that, because of the importance of building surveyors—and, when they sign on the line, consumers expect that their buildings are sound—any accreditation, however it is done, is appropriate for protecting consumers. That is why back in November last year I wrote to the chief executive to set up a process to ensure that we have the proper accreditation planning for building surveyors. That work is ongoing. Given the findings in New South Wales a similar thing has happened there, and the accreditation has been removed. Incidentally, the New South Wales BSAP that I referred to was, in fact, a wholly owned subsidiary of the Australian Institute of Building Surveyors.

The question really is: should we just rely totally on accreditation from the AIBS, do we need to at least audit the process, or should other avenues be allowed for assessing building surveyors? That is what I have asked the head of my department to look at. At present, as I said, under section 101 there are 30 or 40 planners who have been accredited, and these go back for many years, including, I would imagine, during the former government. These people include some people who work in Planning SA. These people work on the development plan amendments and obviously they need to be accredited planners.

The Hon. D.W. Ridgway: Planners or surveyors?

The Hon. P. HOLLOWAY: As I said, there are two categories: both planners and building surveyors. In relation to planners, the PIA does not have a monopoly, and section 101 has been used a number of times in relation to that. I have no intention of using that clause until I get the report back from the chief of the Department of Primary Industries and Resources so we can have a proper review of the provisions that relate to the accreditation of building surveyors. It is

important. Changes have been made in other states. We need to assure the public that whatever process is used is correct. I do not suggest that there have been any problems in relation to the accreditation to date but, given that there—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: How am I wasting resources? This government likes to act in advance. We pre-empt problems. Members opposite wait until things happen; they are the people who do not react. It was obvious, when I received this letter yesterday, that the Leader of the Opposition, given that he received a copy, would try to raise this letter. What I can do is to assure the chamber and the public that the government has this matter well in hand and that we will ensue that, however building surveyors are accredited in the future, we will have a scheme that is properly audited. Given the experience in states such as New South Wales, we will not allow it to be outsourced to a body that may or may not be properly audited to do it.

Incidentally, since the honourable member will, no doubt, be sending this response to the Institute of Building Surveyors, my office has contacted the institute and I will be talking to it as soon as this session of parliament is over, and as soon as I have some time in my diary in March. I will be happy to discuss and explain things to the institute. I will say that we would like it to be involved in any process that will enable us to move forward. I am not suggesting for one moment that the AIBS should not continue in that role but, given the experience in other states, to satisfy the public that the accreditation of building surveyors is properly assessed, we will be doing that.

CONTROLLED SUBSTANCES ACT

The Hon. J.M.A. LENSINK (14:37): I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about the Controlled Substances Act.

Leave granted.

The Hon. J.M.A. LENSINK: The government, I understand, has made a decision to shift the Drugs of Dependence Unit from the Department of Health into DASSA and, in so doing, has made decisions in relation to withdrawing authorisations for certain medical practitioners to prescribe or supply drugs of dependence. In relation to a particular practitioner, the opposition has been inundated with letters of support from patients to which I would like to refer. One letter states:

> Dr (X) is the best doctor in the world and he's helped me with pain in my leg more than any other doctor, and my life has improved since I've seen Dr (X). Now I have a house, job, car, family and no more pain in my leg, thanks to Dr (X).

Another one states:

> At the date of this writing I still have not found any suitable doctor willing—

with that word underlined—

> to treat me. Most are very scared of trouble with the Health Dept. for trying to do the right thing.

A further one states :

> I have been a chronic pain sufferer for a back injury for almost a decade that was caused by an injury while working ... Dr (X) has helped me regain quality of life, to some degree, and I feel indebted to him to offer any help that I can to his cause. My GP referred me to him for the exact reasons he is fighting. Namely, fear of doing something wrong and have a ton of bricks fall on him for overprescribing, while I was essentially poisoning myself with paracetamol-based over the counter supplements to my prescriptions.

I assume that that is referring to this particular individual self-prescribing to manage his own pain. There are a number of other testimonials that I will not read out because they are much too lengthy.

This doctor's authorisation was withdrawn on 18 December last year. My questions are:

1. What is the rationale for the withdrawal of authorisation and the rationale for the shift from the Department of Health into DASSA?

2. Has the minister met with any of the patients of this particular individual, who was also referred to in an article in *The Independent Weekly*?

3. Will the minister outline for the council what pain management exists within DASSA and how many doctors are authorised to prescribe or supply drugs of dependence, as an alternative for these 40 or more patients?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:39): I thank the honourable member for her important question. Indeed, the specific case that the member refers to has been before the courts and, for that matter, may still be before the courts, so it is something that I am not able to comment on, in terms of any specifics, in relation to that case.

However, I can talk in a general sense about DASSA's policies around authorities that are given to enable physicians to prescribe drugs, particularly those of dependence. There is a system available which requires a particular authority and which in turn requires a particular level of scrutiny and monitoring of drugs of addiction that are prescribed over a long period of time. Only certain doctors are given that right.

If a basic GP has a client who requires those sorts of medications for a longer period of time, they need to go through this authorised system. It is a way of not only protecting the community but also offering a higher level of public and professional scrutiny in relation to drugs of dependence.

The authorities to prescribe are withdrawn if there is a belief or perception that the conditions around those authorities have not or are not being met. There is a process that is then put in place to investigate that and, as always, it involves due process.

In the case of a doctor who has had prescribing authority rights in the past but who has a changed condition, their clients are all attended to and alternative arrangements are made for the ongoing management of the problem or condition, and drug or medication management is also referred to another suitably qualified person. So, clients are not just left in the lurch to make do: they are, in fact, cared for quite well.

As to the other part of the question, chronic pain management is a very complex issue. Chronic non-malignant pain is one that continues for more than two to three months. It is quite a common condition and occurs in about 20 per cent of our population at some time in their life. Pain is complex and has different components.

Patients may need to be assessed by a multidisciplinary panel in a pain management unit, and a range of treatments may be used for the treatment of chronic non-malignant pain. These include non-drug treatments, such as physiotherapy, weight control, surgery or transcutaneous electrical nerve stimulation machines. There are drug treatments, such as anti-inflammatory drugs; membrane stabilisers; antidepressants; non-opioid analgesics, such as paracetamol; and opioid analgesics, such as morphine.

In terms of the use of opioid drugs, in some cases these are essential drugs for the treatment of severe pain. However, they are also subject to inappropriate medical use, which can lead to abuse, misuse and, in some cases, diversion back onto the black market.

Treatment of chronic pain can be as complex as chronic non-malignant pain. It may evolve into a chronic pain syndrome, and I am sure that each and every one of us here knows of examples where it has destroyed a person's quality of life. There are also complex chronic non-malignant pain patients who make very heavy demands on their prescriber's often limited time. They may be uncooperative and aggressive as their pain is not controlled or poorly managed.

Chronic non-malignant pain patients may resent the controls on drugs and the dosages that they feel are warranted. So, sometimes there is a difference of opinion in terms of what dosages the patient might believe they need and what their trained and educated professional might believe, and sometimes tensions occur there. So, there is a range of different treatments, as I have outlined. It is a very—

An honourable member interjecting:

The Hon. G.E. GAGO: Well, I was asked the question about pain management regimes that are in place, and I have answered that part of the question. Drugs of dependence are more often or regularly used for the treatment of chronic long-term pain, so that is why I have outlined the sorts of courses of action that we currently provide for those often complex clients who suffer great difficulty.

Members interjecting:

The PRESIDENT: Order!

CONTROLLED SUBSTANCES ACT

The Hon. J.M.A. LENSINK (14:46): Arising out of the answer and the minister's reference to alternative suitably qualified persons, can she advise the council of how many medical practitioners are, in fact, authorised under section 55 to prescribe or supply drugs of dependence?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:47): I will need to take that question on notice and bring back a response. I do not have the actual number with me at present.

HICKS, MR D.

The Hon. S.G. WADE (14:47): I seek leave to make a brief explanation before asking the Minister for Correctional Services a question relating to David Hicks.

Leave granted.

The Hon. S.G. WADE: The departure of Mr David Hicks from Yatala Labour Prison in December 2007 involved a dozen police officers, police cars, motorcycles, blocking of lanes of traffic and the use of decoy tactics. The media reported that police vehicles zigzagged through back roads assisting Hicks in his getaway. The escort ended at a roadway where controlled air space prevented media helicopters from following the Hicks vehicle. David Hicks's father, Terry, indicated his gratitude to the authorities for the planning of the getaway and for their help in shuttling Hicks away from the public eye. My questions for the minister are:

1. Which government agencies planned the departure of Mr Hicks from the Yatala Labour Prison?

2. If road safety was the key driver, as claimed by the government, why were decoy tactics deployed, including zigzagging through back streets (which would, in itself, be a road safety hazard) and driving under controlled air space?

3. How much did the operation cost; and, considering that Mr Hicks was a federal prisoner, has the federal government reimbursed these costs?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:48): That question concerns police operations. The advice I received at the time was that the last thing the police wanted was a media scrum, with a whole series of cars chasing this car because they all wanted to get pictures and that sort of thing. Their concern was that if you had media vehicles jockeying for position behind it there would obviously be some risk to road safety.

I believe that the South Australian police acted entirely properly. All this suggestion of zigzagging down side streets and decoys and so on, I think much of that is probably a bit of media hype to make their story more readable. The advice that I received at the time was that the police were acting to ensure that there was not this hot pursuit with a whole lot of media vehicles chasing Mr Hicks all over Adelaide. The police have my full support in the way they handled the situation.

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (14:49): I concur with my colleague the Hon. Paul Holloway that it was a very well run operational decision on the day. Certainly, the Department for Correctional Services had a responsibility to ensure it met critical requirements, including with respect to national security, community safety, and, importantly, maintaining the security and safety of the system and staff, as well as ensuring the safe, humane and lawful management of Mr Hicks.

Members interjecting:

The PRESIDENT: Order!

HICKS, MR D.

The Hon. R.D. LAWSON (14:50): I have a supplementary question. What was the cost of this operation to the South Australian taxpayer?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:50): Police were on duty at the time, and certain police officers would have been assigned to this task, but I do not believe there would have been any additional cost to the taxpayer other than what would exist from

ordinary police activities. However, had there been a media car chase and had an accident occurred then, of course, the cost may have been considerably greater. Our police get attacked for all sorts of things; they are expected to provide safety for the public, but when they do that we get members opposite being critical.

Members interjecting:

The Hon. P. HOLLOWAY: Well, is the purpose of the South Australia Police to provide entertainment for the media or is their principal obligation to provide safety for the public of South Australia? I suggest it is the latter.

COOPER BASIN

The Hon. R.P. WORTLEY (14:52): My question is to the Minister for Mineral Resources Development. Will the minister provide information on petroleum exploration results in the Cooper Basin?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:52): I thank the honourable member for his question. The Cooper Basin remains Australia's most popular on-shore destination for oil exploration investment, and it has attracted record numbers of explorers and very high tenement work programs.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: New explorers in the Cooper Basin have drilled a total of 111 exploration wells and 36 appraisal/development wells since January 2002 through to the end of December 2007. Most have targeted oil; however, both oil and gas have been discovered. The new entrants found new pools in 24 of these wells (representing a technical success rate of 49 per cent), and 48 were cased and suspended as future producers (representing a commercial success rate of 43 per cent). Cooper Basin explorers are to be congratulated on this excellent result.

This year Cooper Basin drilling activity is at record levels and this is increasing the number of new field discoveries for explorers and resultant royalties for South Australia. Activity based on guaranteed work programs is forecast to exceed last year's high levels, and includes 27 exploration wells and 180 kilometres of two-dimensional seismic and 500 square kilometres of three-dimensional seismic in 2008, although rains in the Cooper Basin may delay some operations.

New entrants in the Cooper Basin had drilled 20 petroleum exploration wells by the end of December 2007. Seven of these exploration wells have discovered new petroleum accumulations at a commercial success rate of 35 per cent, one well was suspended for future evaluation, and the remaining 12 were abandoned. In the six-year term from January 2002 to the end of December 2007, the Santos joint venture drilled 264 new wells in joint venture petroleum production licences. Of 37 exploration wells, 17 were successful and 20 were abandoned; of the 52 appraisal wells, 44 were successful and eight were abandoned; and of the 175 development wells, 167 were successful and eight were abandoned. This corresponds to a commercial success rate of 46 per cent for exploration and 93 per cent for appraisal and development.

There has also been a significant increase in Santos joint venture Cooper Basin oil appraisal and development drilling in the past 12 months, with the Cooper Oil Project targeting 400 wells in South Australia and 600 in Queensland in a five-year period. Both the new entrant explorers and incumbent Santos joint venture have a significant inventory of good targets still to explore, and it is inevitable that yet more oil and gas fields will be discovered in the Cooper Basin. All in all, South Australia's Cooper Basin remains a rewarding, attractive destination for petroleum exploration investment, and further discoveries are inevitable.

CHILD PROTECTION

The Hon. A. BRESSINGTON (14:55): I seek leave to make a brief explanation before asking the minister representing the Premier a question relating to ministerial responsibility and accountability.

Leave granted.

The Hon. A. BRESSINGTON: Approximately two weeks ago, the public of South Australia heard about the tragic case of baby Elijah who was born on a footpath to a drug-addicted mother

and whose death, according to the Coroner, probably could have been prevented if the child had been removed from the mother's care. The Coroner stated:

> ...unable to draw any casual links between acts of omission of departmental employees for the reason I do not feel that would be appropriate to make a recommendation about the Children's Protection Act. In my opinion it is extraordinary that the act would not permit the ready removal from the custody and guardianship of the mother of a child born in the appalling circumstances confronting Elijah, born on a footpath and with an addiction to the drugs thoughtlessly consumed by her mother during pregnancy and marked by a total failure to look after the interests of her unborn child.

The only intervention that took place in this case was that workers from Families SA developed a safety agreement with the mother and grandmother of Elijah (both substance abusers). The Coroner's comments about the safety agreement was:

> It was unclear as to whether the mother or grandmother was to be the primary carer for Elijah.

He went on to say that on the evidence presented the grandmother had not even sighted the agreement. On the first visit the midwife noted that baby Elijah was overdressed, and the mother was advised on the appropriate amount of clothing to be worn. She also noted that the baby had lost 95 grams in weight.

I remind members that my first question in this council in April 2006 was in relation to the services and facilities available to drug-addicted mothers. I have met with many representatives sent to my office by the Minister for Health regarding post-natal health services for drug-addicted mothers, and I was told of the after-care that is offered. Upon prompting, however, I was informed that only 4 per cent of drug-addicted mothers access these support services (which, of course, translates to the fact that 96 per cent of drug-addicted mothers do not); and, according to the Coroner, the Children's Protection Act does not allow for the removal of such children. This means that 96 per cent of drug-addicted babies are released into the care of their drug-addicted mothers without follow-up.

I was also told in this meeting by advisers to the Minister for Health that the support provided for these mothers was some sort of safeguard for the babies. The Coroner stated that according to the midwife employed by the Women's and Children's Hospital in baby Elijah's case it was not her practice, nor that of other midwives, to check the sleeping arrangements of new-born babies. We are all aware that baby Elijah was sleeping on two couches pushed together. There was no cot and no appropriate bedding for a new-born baby, and it is presumed that the baby smothered to death on a full sized pillow.

As reported in the *Guardian Messenger*, Dr Haslam, the head of Perinatal Medicine at the Women's and Children's Hospital, has stated that there has been a 20 per cent increase in babies born addicted in the past year. Clearly, this has become a problem that requires immediate action. We have no less than three ministers who are equally responsible and accountable for the systems that are or are not in place to deal with the many cases such as baby Elijah. So, my questions are:

1. When will the Premier insist that the Minister for Mental Health and Substance Abuse take action and provide facilities that accommodate the needs of both drug-addicted babies and their mothers?

2. Will the Premier request that the Minister for Health undertake to revise the after-care services to drug-addicted mothers to determine the effectiveness in eliminating the harm to babies released into the mother's care; and why were the concerns of the social services department of the Women's and Children's Hospital ignored by Families SA in the case of baby Elijah?

3. If the Children's Protection Act prevents the removal of drug-addicted babies, as stated by the Coroner, will the Premier instruct the Minister for Families and Communities to make the necessary amendments to ensure that babies born addicted are protected from harm and neglect?

4. Will the Premier investigate whether any department under these three ministers made any attempt to notify the child protection authority on the matter of baby Elijah?

5. When will the Premier insist that ministers involved in child protection services sit down and develop an overall strategy to ensure that the safety of children born addicted to drugs takes priority over the rights of the parents?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:59): On behalf of the

Premier, I can assure the honourable member that the Premier has full confidence in his ministers working in this area, and I am sure those ministers are well aware of the issues involved and have developed a number of strategies for dealing with them.

TRADE MISSIONS TO ITALY

The Hon. C.V. SCHAEFER (15:00): I seek leave to make an explanation before asking the minister representing the Minister for Industry and Trade a question about trade missions to Italy.

Leave granted.

The Hon. C.V. SCHAEFER: From time to time, the South Australian government takes trade missions and displays to various trade fairs in countries where there are opportunities for us to build trade, particularly in exports. Last week, *The Advertiser* ran an article that stated that Mr Foley will lead just such a mission for the second year in a row to the Fiera del Levante in Puglia, Italy.

My information is that the South Australian contingent last year cost at least $500,000 and, with consultancy fees and wages included, the cost was probably closer to $1 million, yet my research shows that the whole of Australia—not just South Australia—does only $1.7 billion of trade to Italy and imports about $4.8 billion. South Australian trade with Italy is virtually nil. Not only that, but there are only 4 million people in all of Puglia, which is quite a poor region at the 'heel of the boot'.

Also, Puglia's major products mirror our own. They are olives, grapes, cereal, almonds, figs and livestock; and its minor manufacturing includes iron, steel, and processed food and wine—hardly, then, a place where South Australia has major trading opportunities. My questions are:

1. Why has the government chosen for two years in a row to target Puglia as a major trade destination? Does it have anything to do with the fact that the Premier spent his honeymoon there and has family connections there?

2. How much will this year's mission cost in total?

3. How many and what businesses will be attending?

4. Is this trade mission being funded from the Market Access Program and, if not, why not? If not, where will it be funded from?

The PRESIDENT: It should not cost a lot if they are all staying with family.

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:03): In the twilight of her career, the Hon. Caroline Schaefer is being given the bucket job by members of the Leader of the Opposition's staff.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes. One would have thought that the Hon. Rob Lucas would be much more appropriate for that task; he has much more experience in it. This government undertakes trade missions to many places. One could go through the benefits of trade with Italy. I know that we do export a number of things; for example, in terms of produce, onions is one of our significant exports to Italy. Also, Italy is a very significant supplier of food processing equipment. It is very important, as much of our food processing equipment is manufactured in Italy.

So, there are significant benefits from having a two-way trade and, of course, we do have a significant Italian population within this state. The Italian Chamber of Commerce, as some members would be aware, is one of the most active and effective chambers of commerce. I am sure that, in addition to any trade mission to Italy, there will be a number of others, including to China, Asia, India and other developing markets all around the world. If the Treasurer, as Minister for Industry and Trade, has anything further to add, I will invite him to do so.

TRADE MISSIONS TO ITALY

The Hon. C.V. SCHAEFER (15:04): I have a supplementary question. Can the minister also ascertain what extra trade has been done with Puglia since last year?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:05): I will take that question on notice.

NATURE CONSERVATION

The Hon. I.K. HUNTER (15:05): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about nature conservation.

Leave granted.

The Hon. I.K. HUNTER: As you are undoubtedly aware, Mr President, South Australia is home to some of the most interesting plants, animals and invertebrates and some of the most fetching fungi in the world. Each is (or used to be) a valuable part of a carefully balanced ecosystem that has evolved over millions of years.

In the past 200 years, this very closely interrelated environment has been changed at perhaps a greater rate than ever before. Will the minister inform the council of recent efforts to improve our understanding of the South Australian environment for better management in the future?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:08): I am pleased to inform the council that this government recently invested $150,000 in important wildlife conservation projects. We have put a lot in place to help us preserve South Australia's biodiversity, so it was with great pleasure that recently I was able to announce the $150,000 in annual grants for local researchers to carry out vital studies into how we can achieve these goals. More than half the money from these annual grants will go to local universities and the SA Museum to help fund projects including studies on the reproductive habits of the threatened pelagic sharks in southern Australia. As the old saying goes, knowledge is power, and in these cases better understanding of the natural environment will give us the power to act responsibly and to conserve these fragile ecosystems.

I am pleased to announce that the Nature Foundation of SA is actively involved in these grants, topping up several of the projects to the tune of almost $9,000, and we can all appreciate the value of this contribution not only to research projects but in terms of building valuable partnerships between this government and the Nature Foundation. Some of the successful recipients include: Dr Simon Goldsworthy, awarded $10,000 to study pup production by the Australian sea lion at Dangerous Reef; Pamela Catcheside, awarded just over $4,600 to study the larger fungi in Flinders Chase National Park; Dr Dan Harley and Chris Davey to share $7,800 to study the recovery of the bush stone-curlew population in South Eastern SA; Dr Peter McQuillan received $5,720 to study the needs of South Australia's geometrid moths; Dr Daniel Rogers and Dr David Paton, recipients of nearly $5,600 to study the foraging ecology of the breeding fairy tern in the Coorong; and Dr Terry Bertozzi and Michael Hammer, awarded just over $6,000 to study the diversity and distribution of gobies in South Australia and the identification of exotic, endemic and translocated species. The last project is an excellent example of the work being carried out.

For the benefit of members of the council, gobies are an excellent example of a hardy local species. They are one of the largest families of fish and include mudskippers. They have adapted to surviving for extended periods on land through a combination of behavioural and physiological adaptions, including pectoral fins that act as simple legs. Many have the ability to breathe through their skin, as do frogs, and they can live in damp burrows to avoid drying out.

Understanding a survivor like the goby could be a key to many other ecological questions we face today. These are vital research projects that help contribute to South Australia's long-term sustainability. By understanding the world around us we can work in harmony with nature and help preserve the unique and fragile ecosystems that make South Australia such a diverse and beautiful state.

BUILDING ENERGY EFFICIENCY STANDARDS

The Hon. SANDRA KANCK (15:09): I seek leave to make a brief explanation before asking the Minister for Urban Development a question about energy efficiency standards for buildings.

Leave granted.

The Hon. SANDRA KANCK: We recently heard criticism from ETSA Utilities about the energy inefficiency of buildings at Mawson Lakes, despite the fact that the company responsible promoted the project as being environmentally friendly. Mr Lew Owens of ETSA Utilities revealed that the average home at Mawson Lakes is peaking in its power use at 12 kW/hr, compared with

3 to 6 kW/hr in metropolitan Adelaide. He has called on the government to change the planning laws to ensure that new homes are better designed.

The energy efficiency standards we use in designing buildings are assigned a building star rating, which has been called into question. Some city buildings gain extra points for energy efficiency simply by virtue of being close to a public transport route, which has nothing to do with the energy efficiency of the building and makes the star rating system less credible. In addition to that issue, a constituent has raised with me the question of who signs off on what are promoted as energy efficient buildings.

Section 88(2) of the Development Act requires that an independent technical expert will certify that a building complies with the appropriate standards. My constituent is concerned that we in South Australia do not have these independent technical experts in large numbers, and he has queried whether high energy-use buildings, masquerading as energy efficient, might have slipped through under the radar as a consequence. I note also that Archicentre has recently called for 10 star energy-efficient buildings as part of the necessary response to climate change, and this places pressure on the government to ensure that our energy-efficient building standards are robust. My questions to the minister are:

1. How many local government authorities in South Australia have staff with knowledge of and training in energy-efficient building standards—that is, qualified auditors—to be able to sign off on compliance for energy efficiency?

2. Do any of the companies constructing houses and buildings have their own in-house expertise available to sign off on such compliance? If so, is it appropriate that this be done in-house, given that section 88 of the act refers to technical experts with the rider 'independent'?

3. Does the minister agree with ETSA Utilities that better building design is required in South Australia? If so, what changes will he be making as a consequence, and will he take the matter of improving energy-efficient building standards to COAG?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:11): I will take the last question first. One of the issues we have to address in relation to building design—and this comes back to housing standards—is that there are national agreements. The building standards that we adopt under our various codes are, of course, national standards. There are variations in certain areas to allow for geographical differences but, for very good reasons, there are national standards.

In relation to the question about whether better building design is important, yes, of course that is the case, but it is not the only thing. I think one of the points that I suspect Lew Owens was making is that, even if one has a well-designed house, if people do not utilise it properly, such as leaving the lights on, just because it is well-designed does not mean that it is low energy usage. Obviously, a small, well-designed house will on average use less energy than a very large, well-designed house. Reducing energy through building design alone is a difficult issue, but it is obviously something that this government pays a lot of attention to.

We have the Office of Sustainability and other government agencies which contribute to the design and standards. Obviously, the government adopts a number of policies to encourage energy efficiency so, where design is important, it is not the only factor. We have to work in with other states regarding the building materials that are used, with the right insulation properties and so on. As 8 per cent of the market, we cannot expect that building materials will be unique or made especially for our state. So, we have to work in with other states.

Different methods are used in some states, such as New South Wales, to assess energy efficiency. We have a star rating, and the honourable member has highlighted some of the shortcomings of that. Other states such as New South Wales have a different system of assessing, which also has shortcomings. A lot of work is being done on a national level through the relevant ministerial council (the planning minister's council) to try to produce better codes which, at a national level, can improve efficiency.

The first two questions asked for statistics in relation to experts within the local government sector and the housing sector who are able to judge compliance. I do not have those statistics on me, and I am not sure whether that information will be easily obtained, but I will undertake to provide what information I can on that matter.

MITSUBISHI MOTORS

The Hon. R.I. LUCAS (15:15): I seek leave to make a brief explanation before asking the minister representing the Treasurer a question about Mitsubishi.

Leave granted.

The Hon. R.I. LUCAS: A leaked copy of the cabinet submission forwarded to the former government, dated 24 January 2001, states:

> The two automotive manufacturers—

that is, Mitsubishi and Holden's—

> directly employ over 7,000 people and support a further 14,000 indirect jobs.

I interpose that that estimate by the department of industry and trade (as it was then known) was based on a paper produced by a respected economist, Barry Burgan, dated 16 December 2000, entitled 'Mitsubishi Motors: the Role in the South Australian Economy.' That cabinet submission, in another part—and this was in relation to a previous assistance package, prior to the government's $35 million package post the 2002 election—stated as follows:

> Should the company not continue as a substantial manufacturer for at least 10 years—

that would be 2011—

> then 50 per cent of the government's support will be repaid with interest.

Then, further on in the recommendations, it states:

> Any repayment of loan funds under default conditions specified above will attract interest charged at the state government borrowing rate.

My questions are:

1. Did the government, when it provided $35 million in assistance after the 2002 election, also require repayment of interest at the government borrowing rate, as well as the repayment of the $35 million? I note that the Premier has made great play of the fact that he sent a letter of demand for the $35 million and that it was repaid.

2. Given the decision to close Mitsubishi, what repayment—if any—of the previous assistance provided to Mitsubishi is required and is being pursued?

3. Does the government now acknowledge that the approximately 1,000 remaining direct jobs in Mitsubishi also support a further 2,000 indirect jobs in the South Australian economy?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:17): I was acting minister for industry and trade at the time of the Mitsubishi closure, so I did sign off the letter in relation to the request for the $35 million that was paid back. Interest was required and I believe there was an additional amount—something in the order of $34,000 or thereabouts (if I recall correctly)—of interest when that money came back.

An honourable member interjecting:

The Hon. P. HOLLOWAY: It was $34,000 or something like that on top of—

The Hon. R.I. Lucas: On $35 million?

The Hon. P. HOLLOWAY: It was for two or three days. It was based on the date of the default, when the default took place, which was, of course, the announcement of its closure. In relation to the multiplier effect, again, I can comment, having been the minister at the time. When I was asked about this question it was certainly true that, in the 1980s, the motor vehicle industry was considered to have a significant multiplier effect.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Well, 2001, but a significant multiplier effect. However, what has been obvious in relation to Mitsubishi is that, of course, it produced only 10,000 cars in the year prior to its announced closure. Clearly, a number of other component manufacturers, and so on, had been diversifying their production. Of course, engines were probably imported back in 2001. That was probably prior to the closure of the engine plants so, again, Mitsubishi was significantly importing towards the end. One suspects that, from some of the anecdotal stories, all of the 930 or so employees were not actually fully employed during the final days.

I think it is clear, and it is certainly the advice that I had as the acting minister at the time, that the multiplier effect would be significantly less than one would have expected in the past because of those and other factors.

MARINE HABITATS

The Hon. J.M. GAZZOLA (15:19): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about marine habitats.

Leave granted.

The Hon. J.M. GAZZOLA: As you know, Mr President, the waters off South Australia's coast are some of the most vibrant in the world and are home to a huge diversity of sea life. Given the importance of our marine environment to the state's economy, environmental health and biodiversity, understanding these habitats is very important. Will the minister inform the council on recent efforts to better understand our coastal environments?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:20): I thank the member for his question and his ongoing interest in these very important policy areas, particularly those that involve fish.

I am pleased to report that on Sunday scientists from the Department of Environment and Heritage departed on a week-long voyage to map the sea floor off the Southern Yorke Peninsula. In November last year, this government announced the launch of a 7.5-metre research vehicle. It was a former charter craft that had been purchased and modified to allow DEH scientists to undertake scientific field assessments in the state's waters. As I reported previously, the boat was named the *TK Arnott* in honour of the late maritime archaeologist, Terry Arnott, who died unexpectedly in January.

This boat can carry teams of up to six people for biodiversity surveys and habitat mapping research. I am pleased to report that it has been put to extensive use and is now part of an intensive research project off Yorke Peninsula being conducted by DEH in partnership with the Northern and Yorke Natural Resources Management Board.

Two teams, basing themselves at Point Turton and Marion Bay, aim to map about 56 square kilometres of the sea floor off the foot of Yorke Peninsula during this study. As members are aware, these waters are important breeding grounds for sea life as well as feeding areas for larger maritime animals. A better understanding of the area gives us the knowledge to manage the environment more effectively. The team uses underwater video and acoustic sounding, and it is able to gather more detailed information on the ocean floor than ever before.

ANSWERS TO QUESTIONS

SCHOOL CROSSING, NAIRNE

In reply to the **Hon. SANDRA KANCK** (30 May 2007).

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs): I advise:

Compulsory acquisition associated with extending the road would be undertaken by Mount Barker Council through its powers under the Local Government Act.

ABORIGINAL HOUSING AND WELFARE

In reply to the **Hon. SANDRA KANCK** (5 June 2007).

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs): The Minister for Housing has provided the following information:

The premise of the honourable member's questions is incorrect. A number of the matters she asserted as fact in her explanation prefacing the questions, and upon which the questions are based, are not accurate. In particular, the eviction asserted by the honourable member to have occurred, to my understanding, did not take place.

Housing SA considers eviction as a last resort and undertakes a range of steps to ensure that, where possible, the tenancy is sustainable. These include:

- regular visits to ascertain issues and refer to appropriate community supports;
- referral to the supported tenancy program which enables a worker to work with the family to sustain their housing. In some Housing SA regional locations an Aboriginal specific supported tenancy intensive intervention program is available; and
- Housing SA and Families SA have protocols in place to ensure that support is available to families who are at risk of eviction where there are known child protection issues within the household. The focus is on early intervention and prevention and housing sustainability.

Housing SA acknowledges that it is more cost effective to keep people in stable housing and has developed a range of programs and protocols, such as those outlined above, to ensure that, where possible, housing is supported and sustained.

Because the eviction of the family was not contemplated in the case raised by the honourable member, no issue of the comparative cost of maintaining or displacing the family arose.

The Department for Correctional Services does not collect data on post release prisoners who are no longer under the supervision of the department. While in custody, prisoners who have drug and alcohol problems are generally provided with programs to assist with their dependency. During those programs, they are made aware of the dangers of illicit drug and alcohol use.

Prisoners whose case plan identifies that relapse prevention is required, or who want to undertake these programs on their release into the community, can access them in various community corrections centres.

The department does have specifically developed programs for Aboriginal offenders that amongst other things emphasise the dangers of continued drug use.

Housing SA has a number of policies that enable households and families to remain united. For example, the same address transfer policy enables the Housing SA property to be transferred to another family member, usually the partner, to ensure ongoing tenancy. If a situation is outside of policy guidelines, Housing SA will undertake an assessment of housing and social need and, where possible, ensure a case management plan is in place for alternative housing options and support services.

Housing SA will address individual customer circumstances should permission for release of personal information be provided to a member of parliament to act on their behalf.

Housing SA is committed to ensuring that staff are sensitive to the needs and diversity of customers and links staff into cultural awareness training programs in a number of ways, which include:

- newly appointed staff undertake an Aboriginal cultural awareness module at induction into the Department for Families and Communities;
- an Aboriginal cultural awareness program is run within DFC several times a year and staff are encouraged to attend; and
- in September 2006, approximately 500 Housing SA housing services regional staff participated in a two day Aboriginal cultural awareness training program which had a particular focus on cultural and social issues affecting Aboriginal access to housing services. Aboriginal-specific housing programs were also discussed and staff were provided with related reference materials.

Office for Aboriginal Housing is currently considering developing additional resources for use within Housing SA that focus on specific housing and cultural issues faced by Aboriginal households.

Housing SA recruitment and selection processes promote knowledge and experience in working with people of diverse backgrounds, this is a key competency reflected in most job and person specifications.

CHILDREN IN STATE CARE

In reply to the **Hon. A. BRESSINGTON** (11 September 2007).

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for

Multicultural Affairs): The Minister for Families and Communities has provided the following information:

The Hon Anne Bressington MLC in her explanation preceding the question, asserted that 600 children in the care of the state may have been accommodated in serviced apartments, hotel, bed and breakfast and like accommodation. This assertion was wildly inaccurate. At 26 October 2007 there were 45 children accommodated in interim emergency accommodation. None of these children were accommodated in caravans.

During 2006-07, 186 individual children spent at least one night in interim emergency care.

In 2006-07, $14.7 million was expended on motel, bed and breakfast, serviced apartment and like accommodation. Of this expenditure $1.89 million was for the cost of accommodation and $12.81 million for the cost of carers.

Since forming government, this government has increased the numbers of carers by over 30 per cent. In South Australia, foster carers receive a subsidy to help them with expenses related to provision of care for young people. This subsidy is tax free and there are additional allowances for education and medical expenses.

In June 2007, the government announced 'Keeping Them Safe—In Our Care', the government's blueprint for the alternative care system. $103.9 million was injected into the alternative care system to support 'Keeping Them Safe—In Our Care'.

As part of 'Keeping Them Safe—In Our Care', the government increased the subsidy payment to foster carers by 5 per cent, effective from 1 July. Furthermore, a children's payment review was announced. We will be providing $21 million over four years to better support foster and relative carers, to increase the quality of training and support for carers and to recruit new carers. This includes the 5 percent increase in allowances.

Additionally, the assessment and training needs of those seeking to become carers is being reviewed to ensure that the process is responsive to the needs of carers.

The Department for Families and Communities (DFC) provides funding to Connecting Foster Carers SA, who act as a support group for carers and advocate for carers' needs.

Within Families SA, there are also support functions, including the Foster Care Services team which provides a State-wide information service to people enquiring about foster care. Additionally, this team convenes a regional reference group for non-government agencies, including Connecting Foster Carers SA and CREATE SA.

Within DFC's customer relations unit, there is a specific foster care liaison role which seeks to provide support to foster carers and address issues as they arise.

Each foster carer is allocated a support worker from the agency with whom they are registered. This agency will also provide ongoing training and is responsible for the annual review of foster carers. Agencies may also coordinate local events for foster carers, such as family fun days, sometimes in partnership with Families SA district offices in their region.

Another key part of improving the lives of foster carers is to reduce the red-tape that has previously been associated with caring. The government will remove many of the hoops that carers are required to go through in looking after the children in their care. This will allow carers to focus on caring, rather than negotiating over everyday caring decisions with government agencies.

ADELAIDE HILLS MOTORCYCLING ROAD SAFETY STRATEGY

In reply to the **Hon. J.S.L. DAWKINS** (22 November 2007).

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs): I am advised:

Prior to its voluntary disbandment in 2005, the Adelaide Hills Community Road Safety Group undertook an investigation of motorcycle safety in the Adelaide Hills and Mt Barker Council areas. The group received $5,000 funding for this project, which was part of the Community Road Safety Grant Scheme, then administered by the Department for Transport, Energy and Infrastructure (DTEI), (currently administered by the Motor Accident Commission). The project's outcome in May 2004 was the development of the Adelaide Hills Motorcycle Road Safety Strategy document.

This strategy document presented a summary of issues raised through consultation with the local communities, leading to suggested actions for improving motorcycling safety in the Adelaide Hills. Although the strategy was presented to the Adelaide Hills Council and District Council of Mount Barker, as a consequence of the group's termination, no further action was undertaken by the community group.

About implementation of the actions contained in the Adelaide Hills Motorcycle Road Safety Strategy, I am told that many of its actions are of general relevance to all motorcycle riders in the state, not just to those in the Adelaide Hills. Such actions generally correspond to those in the South Australian Motorcycle Road Safety Strategy 2005-10 released by the government late in 2005. The South Australian strategy was developed by the Road Safety Advisory Council's Motorcycle Task Force, which comprises representatives from DTEI, South Australia Police and several peak motorcycle rider associations. I can say that at least 24 actions in the statewide strategy have so far been implemented. In consequence, the following actions from the Adelaide Hills strategy can be considered to be implemented:

- Developing appropriate campaigns that recognise the broad range of motorcycle riders
- Availability of retraining after a period of 5-10 years not riding a motorcycle
- Considering the best methods of education/awareness about motorcycle safety
- Considering the use of variable message/mobile signs
- Promoting motorcycle-friendly road maintenance practices
- Undertaking road safety audits on popular motorcycle routes
- Reviewing high risk road locations nominated through consultation
- Reviewing the adequacy of road widths on curves and developing programs to undertake localised shoulder sealing
- Reviewing maintenance practices to ensure diesel spills are cleaned as soon as possible
- Promoting the 1800 018 313 hazard report phone number
- Undertaking licence/registration checks at key locations
- Undertaking enforcement as appropriate on drivers who cut corners
- Undertaking enforcement as appropriate on high speeds by motorcyclists
- Promoting road safety education in schools.

Finally, I have received a few enquiries from the Southern and Hills Local Government Association and from some members of parliament regarding re-constituting the Adelaide Hills Community Road Safety Group. I am advised that DTEI will consult the Southern and Hills Local Government Association and its individual local councils, to explore re-forming this group in 2008.

AUDITOR-GENERAL'S REPORT

In reply to the **Hon. S.G. WADE** (20 November 2007).

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs): I am advised:

The Department for Correctional Services and the Department for Families and Communities contracted one firm (Turner & Townsend) (T&T) as the lead consultant on this project, (public private partnership consultancy service) and T&T sub contracted two other firms to complement their team:

1. Financial/commercial advisers—Ernst & Young (E&Y), and technical advisers—Sinclair Knight Merz (SKM).

2. The total value of the contract is $3.4 million.

3. The purpose of the contract is to gain advice on public private partnership issues about the proposed new prisons and the secure youth training centre. The advice covers a range of issues around the development of public sector comparators and the processes involved in the

development and management of a successful public private partnership, and also technical advice on design specifications.

MATTERS OF INTEREST

COUNTRY PRESS SA AWARDS

The Hon. J.S.L. DAWKINS (15:22): Last Friday evening, I was pleased to attend the Country Press SA Awards dinner at the Wallaroo Marina hotel. It was the culmination of a conference that had been conducted in the neighbouring towns of Moonta and Kadina and hosted by Country Press SA President Michael Ellis, managing editor of the *Yorke Peninsula Country Times*. Also attending the dinner was the Hon. John Gazzola and the member for Goyder in another place, while the guest speaker was the President of the Senate, Senator the Hon. Alan Ferguson.

Once again, I presented my award for Best Community Profile. This year's judge, *Stock Journal* legend Richard James, had to choose from 21 entries. He gave the award to Kay Calder of *The Plains Producer* at Balaklava for a 'wonderfully documented story on farm accident victim Kerrin Rowan'. Mr James went on to comment:

> It was a superb piece of reporting by Kay, covering every aspect of the accident, the victim's incredible courage, his positive attitude and his remarkable rehabilitation. His family and friends must be bursting with pride at the brilliant way he has handled his adversity.

I also congratulate Judy Richards of *The Courier* at Mount Barker and Ros White of the *Yorke Peninsula Country Times* for being adjudged second and third in this category respectively.

Before summarising the results of many of the other awards presented at Wallaroo, it is appropriate to mention briefly another newspaper event that took place the following evening at Renmark. I was pleased to participate in a dinner to celebrate the 15th anniversary of the *Greek Community Tribune*, which is published in that town. It is the only Greek language newspaper published in South Australia and is read all over the state and in many other parts of the country. I congratulate the editor and proprietor Peter Ppiros for achieving this important milestone.

In the best newspaper section for newspapers with a circulation of over 6,000, the winner was *The Times* of Victor Harbor, second place went to *The Courier*, and third place went to *The Bunyip* of Gawler. In the section for a circulation of 2,500 to 6,000, the best newspaper was adjudged to be *The Murray Valley Standard* for the fourth time in a row. The runner-up was the *Northern Argus*, and third place went to *The Recorder.* In the under 2,500 circulation category of the best paper, the award went to *The River News*, with second place to *The Plains Producer* and third place to *The Islander*.

In the category allocated to the best advertisement, the winner was *The Leader* from Angaston, the runner-up was *The Bunyip*, and third place went to *The Transcontinental* of Port Augusta. The best advertising feature was won by *The Bunyip*, second place went to *The Murray Pioneer*, with the *YP Country Times* third. The best supplement category was won by *The Murray Pioneer*, with second place going to *The Border Watch* and third to *The Murray Valley Standard*.

The best news photograph category was won by Jason Wallace of *The Border Watch*, with second place going to *The Bunyip* and third to *The Courier*. The best sports photograph this year was won by Lenny Robinson of *The Islander*, with second place going to *The Bunyip* and third to *The Barossa and Light Herald*.

The best front page category was won by *The Bunyip*, with second place going to *The Murray Pioneer* and third to *The Recorder*. The winner of the editorial writing category was *The Border Watch*, with second place going to *The Loxton News* and third to *The Courier*. The excellence in journalism award was taken out by Greg Mayfield of *The Recorder*, ahead of *The Courier* and *The Flinders News* respectively. Karleigh Smith of *The Recorder* also won the category for best sports story, with *The Murray Valley Standard* second and *The Transcontinental* third.

The awards ceremony was very well compered by the vice president of the organisation, Mr Ben Taylor. It was an excellent event and once again Country Press SA shows itself to be a peak body of the highest standard. The newspapers compete very strongly for these awards but they also display—as the Hon. Mr Gazzola would attest—great camaraderie in their celebrations at the event.

Time expired.

STOLEN GENERATIONS

The Hon. B.V. FINNIGAN (15:27): I rise to add my strong personal support to the apology to the stolen generation which was delivered by the Prime Minister (Hon. Kevin Rudd) on 13 February this year, and seconded by the Hon. Brendan Nelson, in the federal parliament. As my honourable colleagues have said, the South Australian parliament was indeed the first in the nation to make an apology to the stolen generation following the Bringing Them Home report, and that was moved on 28 May 1997 by the Hon. Dean Brown, who was minister for Aboriginal affairs and former premier at the time, and seconded by the now Premier as the then leader of the opposition. For those members like myself who were not in the parliament at that time I think it is worth recalling that the motion stated:

> That the South Australian parliament expresses its deep and sincere regret at the forced separation of some Aboriginal children from their families and homes which occurred prior to 1964, apologises to these Aboriginal people for these past actions and reaffirms its support for reconciliation between all Australians.

Perhaps more concise than the national apology in the federal parliament, but certainly as a member who was not here then, I would like to add my strong support to that motion and to the sentiments expressed by the Prime Minister and the federal parliament on 13 February 2008.

The matter of an apology to the stolen generation has been a matter of some controversy over a period, and particularly the former prime minister would not come at it, at least not to say sorry as such, but I think it is important that we do that. Certainly, on my own behalf, and I am sure on behalf of my honourable Labor colleagues, I am sorry for those injustices that occurred.

We hear a lot of people saying that as people today we do not bear responsibility for what has happened in the past. I do not think we take on a personal responsibility for something in order to be able to apologise for it and to be sorry that it happened in the name of the parliament and the government of the state. As the Prime Minister pointed out in his speech, it is sometimes said that we should not apologise because the policy was somehow well motivated or justified by its historical context. I do not think either of those considerations are valid reasons for not making the apology.

Without reflecting on the work done at the time by people who were involved in caring for indigenous children who had been removed, it was, nonetheless, a very specific policy erected by statute that targeted indigenous people solely on a racial basis. I do not believe anyone doubts that the state has the right—and needs to have the right—to remove children for their own protection; it happens every day in both non-indigenous and indigenous families. However, that is a quite different proposition to the case of the Stolen Generations, where people were targeted because of their race and children forcibly removed from their families. So, I certainly welcome the national apology and voice my own strong support for the sentiments expressed in it.

I would like to finish on a slightly indulgent note. I would like to offer my congratulations to my friends Shannon Sampson and Reggie Martin on their engagement to be married. I know first-hand that Shannon has had many inviting propositions from various people, and I am delighted that she has chosen to become Mrs Martin. So I congratulate Reggie the dog, and Shannon.

WORKCOVER CORPORATION

The Hon. R.I. LUCAS (15:32): Well, Mr Acting President, I do not want to go there, but Reggie the dog getting married might require further explanation!

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The clock is ticking.

The Hon. R.I. LUCAS: At the outset I would like to say that it has been interesting, in recent weeks and months, to see the passionate positions adopted by some Labor members in this chamber on a variety of issues. With anything to do with fish or fishing the Hon. Mr Gazzola is to the fore in wanting to put his particular point of view, and of course the Hon. Russell Wortley, when it comes to David Hicks, was most passionate in standing up in this chamber and fearlessly and independently putting his point of view and defending the rights of Mr Hicks and the like.

Of course, in the past 48 hours a number of union leaders and injured workers and their representatives have been wanting to know where is the voice of the Labor Party, supposedly the voice standing up fearlessly and independently on their behalf and representing their views. The reality, as we understand the events of caucus meetings yesterday and today, is that all these fearless and independent advocates, who are prepared to speak up on a variety of issues—as I said, whether it is the poor fish or whether it is David Hicks or one of a variety of other causes that

Labor members in this chamber are quite happy to defend and speak on passionately—are strangely silent on issues relating to injured workers.

When the legislation comes before this chamber it will be very interesting to see which members are prepared to stand up and speak fearlessly and independently on behalf of their unions and on behalf of the people and workers they previously represented, and which ones will sit fat, dumb and mute on the backbench and not say anything. Of course, these members have rolled over in the caucus in the past 24 hours and had their tummies tickled. They are quite happy; they are earning $130,000 base salary, plus benefits if they happen to be the Whip or the chair of a committee or two. They are quite comfortable; they are quite relaxed; they do not have to worry any more about the interests of the workers they formerly claimed to represent and who they reckon they still represent.

One can understand the members of the Labor right in South Australia, the wholly-owned subsidiaries of machine men and operators such as now Senator Farrell and Attorney-General Atkinson, and others. One could almost forgive the bleating silence of the Hon. Mr Finnigan, and others, on the issue, but, Mr Acting President, where are the voices of members of the fearless left—President Sneath, the Whip (Hon. Mr Gazzola), minister Gago, and the Hon. Mr Hunter? The fearless advocates of the left within the Labor Party have rolled over, had their tummy tickled and are not prepared to stand up and fight for the interests of the workers.

Time has not permitted—and time does not permit today with only one minute left—to go through some of the wonderful contributions to debates that we have heard from the Hons Mr Sneath, Mr Gazzola, Mr Wortley and Mrs Gago in recent years—and the Hon. Mr Holloway himself—whether it be on WorkCover, industrial relations or the rights of workers. However, when the legislation comes before us we will have time to explore some of those lofty proclamations made by the Hon. Mr Gazzola, and the Hon. Mr Sneath in particular, in relation to, supposedly, their passionate defence of workers and, in particular, injured workers here in South Australia.

I think the question that is being asked by union leaders and injured workers in South Australia is: where are their voices now, what are they going to do on their behalf, or was it just empty rhetoric? Now they have the opportunity to put a point of view and, if they really believed what they said before, they could vote against the legislation and do as some other Labor members in the past have done when it was an important matter of principle—they stood up for what they believed in, crossed the floor and voted against or for the legislation.

Time expired.

EMERGENCY TELEPHONE NUMBER

The Hon. J.M. GAZZOLA (15:37): I appreciate the Hon. Rob Lucas' fishing expedition.

An honourable member interjecting:

The Hon. J.M. GAZZOLA: The injured workers' position of the Labor Party is vastly superior to yours, that is for sure, but nonetheless, Mr Acting President—

The ACTING PRESIDENT: I think the honourable member should address his remarks through the chair.

The Hon. J.M. GAZZOLA: I will, thank you, Mr Acting President; and thank you for your protection. A constituent recently raised a safety issue which requires our constant attention and care. The issue makes us realise how misleading and dangerous some television programs can be when information on basic safety issues goes unchallenged or uncorrected. I am referring here to the effect on young minds—and even some adults—of imported television programs that inadvertently present 911 as the emergency call number for assistance. We know that the emergency call number in Australia is 000 (triple zero).

Where does the potential for confusion arise? In our television programming the Australian Broadcasting Association stipulates that 55 per cent of all drama, documentary and children's television on free-to-air television channels must be locally made. The remaining percentage of free-to-air programs (in the main, American) potentially carries misinformation for Australian viewers on the emergency number issue. Also, outside of free-to-air television we have further potential for misinformation on the emergency number issue with the coverage and growth in pay television, so the theoretical percentage for possible dissemination of incorrect information on emergency numbers could be much higher.

Leaving percentages and speculations aside, what hard evidence do we have that such potential for danger exists? Information supplied to me by Mr Ross Smith (whom I will discuss later in more detail) is most worrying. Mr Smith once asked a class of year 1 and 2 primary school students who were being taught first aid to identify the emergency telephone number. To his surprise, over one-third of the combined year class called out the 911 number.

There is more disturbing evidence involving the use of the incorrect emergency number, and I again use information given by Mr Smith. In July 2007 a fatal house fire in Sydney saw the tragic death of a young girl. Media reports at the time claimed that someone had yelled, 'Call 911.' Another tragedy gives direct evidence. A South Australian mother frantically calls 911, over and over again, in an attempt to call an ambulance for her drowned baby. She eventually ran to her neighbours, where they reached emergency services on 000, but, tragically, the child died.

In response to these reactions by the public, a spokesperson for Intensive Care Paramedic South Australian Ambulance has stated:

> We continue to promote 000 but we are hearing all too often that that 911 is called more frequently than we would like.

It is pointed out here that, while some calls to 911 will be redirected by Telstra, 911 landline calls will not, nor will many 911 mobile calls get through to Telstra or through to other carriers. Apart from the confusion it creates if people continue to think or suggest that the 911 number is a reliable alternative, when time is critical, calling the correct emergency number in an increasingly busy operations centre is essential to both the efficiency of the operations centre and, obviously, the safety and wellbeing of the patient.

This brings me to the person of Ross Smith, a paramedic for 17 years and now a director of a national emergency training company. Mr Smith, in pursuing a number of lifesaving initiatives, sees the education of the very young as instrumental in creating the foundation for correct emergency responses. To this end, his company, Kookaburra Publishing, was created to bring to the public his vision through the advent of *Little Heroes* books and CDs. Utilising the talents of experienced collaborators such as Peter Townsend, who is the book illustrator and developer of the *Bananas in Pyjamas* characters, and song producer Peter Stevenson, music producer for *Australian Idol*, amongst many other talented people, Mr Smith has assembled a talented team to push this message into schools, kindergartens and homes.

Hopefully, the efforts of Mr Smith, in conjunction with the endless advertising undertaken by relevant state and federal government bodies and agencies, will ensure that the message keeps getting across. In closing, I wish Mr Smith all the best in his important public adventure.

MOTORSPORT

The Hon. SANDRA KANCK (15:42): Last weekend, Adelaide played host to the V8 supercar race. I think most members in this place know that I am not a fan of motorsport. To me, it represents something of a frenzy of testosterone-charged, high octane, greenhouse gas emissions. I saw the race described as having a 500 tonne ecological footprint.

I know that in the past road toll statistics have shown that after these car races there is an increase in the number of road crashes. My staff tried to find South Australia's road safety strategy on the website, and it is currently unavailable, which is a bit of a surprise. However, it is important that we are pursuing activities to reduce fatalities and serious injuries on our roads. I think it is a truism to say, 'Roads do not kill people; people kill people.' So, creating safer roads is not the be-all and end-all of road safety. In fact, some would say that, the better the road, the faster some drivers will drive. So, it makes little sense to do more than to set realistic speed limits and encourage drivers to drive to the conditions.

Making people safer drivers is, I think, the real key, and the nub of it is changing driver attitudes; engendering social responsibility on our roads; stressing the importance of driving at safe and legal speeds; and ensuring that road users understand the effect of legal and illegal drugs, fatigue and emotional stress on their driving ability. These are the challenges of creating road safety.

Last weekend, there were several hideous motor vehicle accidents or incidents: one was on track; two were off track. When we have a whole ministry dedicated to road safety, I consider it constitutes a conflict of interest that another part of government is promoting motorsport, including very fast driving, because attitudes are formed by following example. Whether someone is learning

to drive and following the example of their teacher or whether they are observing racing car drivers not much older than themselves in a glamorous sport, their attitudes to driving are being formed.

The notion that good drivers can go fast, that as long as you are just under 0.05 you are all right to drive, and that running a red light is okay as long as there is no camera are all common attitudes in the community, and they need to be addressed in a consistent and aggressive manner, because the message does not really appear to be getting through.

I would like to see qualitative research on the effect of motorsport on the attitudes of drivers under 30 years of age. I would like to see the end of alcohol sponsorship of motorsport because it presents a lethal mixed message. Alcohol and driving do not mix, just as excessive speed and driving do not mix. With a post-race concert sponsored by a bourbon manufacturer, it is time to examine the involvement of the state government in sponsoring, facilitating and promoting this race event.

It was also interesting to note, in terms of this mixed message, that people who had bought a ticket to the Clipsal 500 were provided free travel on the Adelaide Metro if they presented their Clipsal 500 ticket. I would like to see a day when the weekday riders of our public transport system get a free ticket. As it is, those people who are doing their best to ensure that we are not impacting on climate change and peak oil are the ones who have cross subsidised the petrol heads to go and see this race, and it hardly seems to be fair and is inconsistent.

Similarly, there is a huge inconsistency in this government having sponsored the solar cities congress for three days of last week and two days later changing its emphasis to promoting the Clipsal—an event that has the consequence of releasing huge tonnages of greenhouse gases, plus using a precious non-renewable fuel resource. I am not a fan of motor racing. It is something that ought to go the way of the dinosaurs. It is a bit like those events in Roman times, throwing Christians to the lions: it has had its time, it is out of date and it is time it went.

TRANSPORT SYSTEM

The Hon. M. PARNELL (15:47): I reflect today on two important but undervalued aspects of our transport system and the relationship between them, namely, trains and bicycles. As a regular cyclist and regular public transport user, as you are yourself, Mr Acting President, I receive a lot of correspondence from bike riders and public transport users about the difficulties and problems they experience with the network.

When it comes to the link between bicycles and trains, there is an important and worthwhile partnership known as dual mode transport. With the shape of Adelaide being elongated some 90 kilometres north and south, and with railway lines running for the bulk of that length, we find that we have a useful spine from which people can reach a range of destinations, if only they could get from the stations to where they need to go in an easy way, and this is where bicycles come in.

There are two issues with bikes and trains. The first is the issue of bicycle storage, in particular at railway stations; and the second issue is the ability to carry bikes on trains. When it comes to bicycle storage I note that TransAdelaide provides lockers at some stations and there is a facility, albeit an inadequate one, at Adelaide Railway Station. I note with the bicycle facilities at suburban stations there is a charge, even though adjoining car parking, which costs more to provide, is made available for free. There is an inequity there, yet we have some facility—those lockers—which can be used by a small number of people, and that is good.

At the Adelaide Railway Station, on the other hand, we have the situation where the facility has declined over the years from a dedicated large room to a dedicated small room to a situation now where there is a small number of racks at the end of one of the platforms, and the signage in conjunction with that facility exhorts people not to leave their bicycles there overnight. That is a problem because it is precisely those people who work in the CBD and commute on the train who are likely to need to leave their bicycles there overnight.

As an example, in a previous job I worked close to South Terrace, yet the train arrived at North Terrace. The way to get between North Terrace and South Terrace—and this was before the tram, I should say—was by bicycle. In fact, if you work in the south-east corner of the city or some other part of the square mile, or even in North Adelaide, it would be ideal to catch the train to work and have a bicycle waiting at the Adelaide Railway Station which you can then take to your final destination, but you would need to leave your bicycle there overnight. That is what dual mode transport is all about.

The attitude of TransAdelaide has varied over the years from one of complete hostility to bicycles to a more accommodating approach. I would like to think that the accommodating approach is the one that will now prevail. As a member of the Bicycle Institute I receive its newsletters, and I know that the organisation has met with TransAdelaide. TransAdelaide says that it does understand the importance of dual mode transport and it understands how it can help advance the government's agenda for increasing cycling, walking and fostering active transport, and all of the impacts that that has on greenhouse reduction and reduction of car use.

However, the attitude is not universal amongst the staff of TransAdelaide. I have received a lot of correspondence from people complaining about officious staff throwing them off trains because of some real or perceived breach of the carrying capacity of different carriages. Just this Monday I received an email saying:

> G'day, Mark. Yet another case of an inspector trying to insist on the number of bicycle limits on the 7 o'clock train leaving from Mitcham. The inspector wanted to insist that it was a four-car limit, but there was plenty of room for more bikes. There was a bicycle storage area and fold-down seats.

This was a letter from an adult. They were able to argue with the inspector and got their bikes on the train. I have seen teenagers turfed off of trains and I have seen them left abandoned at stations. TransAdelaide needs to do much more to promote dual mode transport.

Time expired.

REGIONAL SOUTH AUSTRALIANS

The Hon. R.P. WORTLEY (15:52): I rise today to acknowledge the many recent achievements of residents in my duty electorate of Chaffey. Members on this side take great interest in our regional South Australians, and it is good to see that there are so many people contributing so much to rural activities and the standards that are enjoyed by the regional areas. In *The Murray Pioneer* I came across a story detailing the many achievements of Senior Constable Carol Bristow entitled 'Carol—a model of safety'. It states:

> Senior Constable Carol Bristow of Renmark was recently acknowledged by Safer Communities Australia and was awarded an award of merit for outstanding service to the organisation. A great part of the success of the Riverland and Mallee Safety Assist Committee is due to Miss Bristow contributing a significant amount of her own time and energy to expanding the program and educating the community on issues of safety.
>
> Miss Bristow has also worked with local schools to establish safety initiatives and arrange safety ambassador workshops. Miss Bristow is also the driving force behind coordinating all emergency services, including Safer Communities and the establishment of the Safer City marquee for the Riverland field days.

Acknowledging the achievements of Constable Bristow, spokesperson Bryce Saint of Safer Communities Australia is quoted as saying:

> Carol is well respected throughout the Riverland area for her energy, enthusiasm and commitment to the local community.

Another local achiever is Graeme Ward, who was recently announced Citizen of the Year. For the past 30 years, Graeme has volunteered his services to the Waikerie CFS. Graeme's involvement in the organisation has been from the ground up. Graeme has been Waikerie's captain for the past 17 years and is the driving force behind the training and success that the teams have experienced in competitions over the years. On accepting the award, Mr Ward acknowledged all the volunteers in the community, saying that 'it did not matter who you were: you made the community thrive. The involvement (in volunteering) is not to get something back but to do what I can.' That is the sort of spirit that we see quite often in regional South Australia.

In the *Loxton News* I came across an article about long-serving Rotarian Robert Fielke, who has been recognised in Loxton Waikerie Council's Australia Day awards. Mr Fielke was named Australia Day Citizen of the Year. Joining the Loxton Rotary Club in 1976, Robert served as president in 1985-86 and again in 2001-02.

During his role as Rotary President, and as a member of the Loxton Recreation Grounds Trust, Robert has been heavily involved in the many beneficial changes to the Loxton area. These changes include the Mill Corner redevelopment of Bookpurnong Terrace, and the transformation of Loxton's western entry, from a barren wasteland to the Loxton Community Conservation and Heritage Park.

Robert's community involvement does not stop with Rotary. Mr Fielke is chairman of the Loxton Recreation Grounds and has been an active member for more than 20 years, a lifelong member of the Bookpurnong Lutheran Church, a member of the Northern Mallee United Farmers,

and Stockowners Federation, a life member of the Loxton Football Club, and a playing member of the Loxton District Bowling Club. Mr Fielke has also received the Paul Harris Fellowship Award for contribution to Rotary, and is highly noted for his involvement in the formation of the Murray-Mallee Pig Farmers Producers Group.

Acknowledged for its commitment to the environment is Waikerie Primary School. The primary school has put together a Youth Environment Team, with its main goal being to educate children and adults about the environment and how to preserve it. At an award presentation I attended last year, the Youth Environment Team was awarded the ACSO (Australian Community Support Organisation) Award for SA Schools Community Projects, for its environmental study of drought.

The Youth Environment Team participates in many environmental activities in the school and the local community. Activities include community clean-ups, tree propagation for the Loxton and Waikerie councils, community and school recycling projects, joint projects with Rotary and presentations to other schools, Rotary and the Murray-Darling Basin Natural Resources Management Committee. The Youth Environment Team is also involved in peer teaching, where members present lessons to younger classes. It is great to see these young students taking pride in and helping to preserve our environment for future generations.

It gives me great pleasure to acknowledge the contributions these residents have made for the benefit of the Riverland community.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE: ANNUAL REPORT

The Hon. J.M. GAZZOLA (15:57): I move:

That the annual report of the committee 2006-07 be noted.

The Aboriginal Lands Parliamentary Standing Committee is the only standing committee of the South Australian parliament with a statutory obligation to report annually on its work. The committee is mindful of the importance of that obligation and the opportunity it provides to bring the concerns and aspirations of Aboriginal people before parliament and the wider community.

Since the committee was established in 2003, its first priority has been to consult with Aboriginal people in their home communities and to engage with their elected representatives and leaders. The committee was reminded of the following by Mr Malcolm McKenzie, councillor with Davenport Community Council, who stated:

> The days are over where Aboriginal communities will accept things that are 'good for you'. We want to understand what it is really about. We are entitled to that. We should be treated with respect.

During the course of the reporting year, the committee has faithfully committed itself to this fundamental priority of indigenous engagement, visiting, consulting and hearing evidence from an extensive range of Aboriginal communities and organisations across South Australia. As detailed in section 6 of the annual report, the committee has visited the Koonibba, Yalata, Oak Valley, Umoona, Mimili, Fregon and Davenport communities, as well as Maralinga Village, Section 400 and Umuwa.

The committee has also heard formal evidence from 46 witnesses, including 31 representatives from eight Aboriginal organisations and community councils. In summarising the issues brought to the committee's attention, it is sobering to see many all too familiar concerns regarding health, housing, education, employment, respect for the diversity of indigenous people, respect for culture and country, safety for women and children and relationships with government. The committee has listened to and respects the passion and honesty with which these views have been expressed, and it believes it is one of the committee's essential functions to provide opportunities for direct, open and often robust discussion between parliamentarians and Aboriginal South Australians and to report upon these matters for the attention of parliament. The committee is also mindful of the need to respond to community concerns and does so by following up many issues, requesting detailed and comprehensive information from government agencies and organisations.

Through community consultation and information gathering, the committee has further developed its understanding of the way services and programs are delivered to Aboriginal people. Importantly, committee members have, as legislators, gained improved insights into how government policy impacts upon Aboriginal people's lives, their communities and their country.

I believe that, as a consequence of this greater involvement and understanding, the Aboriginal community in South Australia is better served by parliament through the informed

contributions of standing committee members to our debates and deliberations. Of particular note, during this reporting period the committee has conducted two inquiries: first, in regard to access to Aboriginal lands (appendix D to the annual report) and, secondly, in regard to commonwealth municipal services funding, which was tabled on 25 July 2007. Both these inquiries have enabled the committee to bring to the attention of parliament with greater clarity the views and concerns of indigenous South Australians regarding specific government policy changes.

During the reporting period, there have been a couple of changes to the committee's membership and staffing. On 24 April 2007, the Hon. Michelle Lensink resigned from the committee and was replaced by the Hon. Terry Stephens MLC. I take this opportunity to thank the Hon. Ms Lensink for her valuable contribution to the work of the committee during her membership, and I welcome the newest member, the Hon. Terry Stephens.

During the year, the committee's Executive/Research Officer, Mr Jonathan Nicholls, resigned and was replaced by Ms Sarah Alpers. On behalf of the committee, I thank Jonathan for supporting the committee since its inception in 2003 with his excellent research skills and diligence. We wish him all the best in his new position.

I also thank all the committee members for their dedication, hard work and multipartisan contribution: the Presiding Member (Hon. Jay Weatherill); the Hon. Lea Stevens; the member for Giles (Ms Lyn Breuer MP); the member for Morphett (Dr Duncan McFetridge); the Hon. Andrew Evans; and the Hon. Terry Stephens.

I also thank those across the government and non-government sectors who have contributed to the work of the committee during the period of this report. In particular, I thank all the Aboriginal communities and the Aboriginal people the committee has met over the past year. We appreciate their openness, generosity of spirit and insight. The committee and, indeed, I believe the parliament have much to learn from Aboriginal people, and I wish to pay tribute to their community strength, resilience and knowledge.

The Aboriginal Lands Parliamentary Standing Committee is strongly committed to continuing and further developing its positive relationships with indigenous South Australians in order to work in partnership towards equality of opportunity for all.

Debate adjourned on motion of Hon. T.J. Stephens.

PROTECTION OF PUBLIC PARTICIPATION BILL

The Hon. M. PARNELL (16:03): Obtained leave and introduced a bill for an act to protect and encourage participation in public debate and matters of public interest and dissuade persons and corporations from bringing or maintaining legal proceedings that interfere with another's right to engage in public participation. Read a first time.

The Hon. M. PARNELL (16:04): I move:

That this bill be now read a second time.

This is the same bill I introduced into this place at the end of 2006. I will not repeat now all the things I said over two days at the end of 2006-07 by way of explanation as to why the bill is needed.

I will refresh members' memories very briefly to remind them that I referred in particular to two South Australian case studies that showed why this legislation was needed. I referred to the case of Entech at Devon Park, where two women were sued by a factory owner for their activities in advocating for a reduction in pollution and cleaner air in their environment. I also referred to the case of the Holcon development at Walkerville, where elected members of the local council were threatened with legal action for opposing a development.

They were two particular South Australian case studies and I referred to a large number of other studies and a large volume of research that has been done on this topic around the world. The subject is often referred to as the problem of strategic litigation against public participation (SLAPP) suits. My bill is designed to provide some right of response to people who have had their democratic right of free speech infringed by the actions of (most commonly) big corporations and their lawyers.

In my previous contributions on this bill, I was prepared to name and shame some of the legal professionals in South Australia who engage in this type of intimidating behaviour, but what has prompted me to bring the bill on again now is yet another shameful South Australian example

of corporate bullying behaviour. The bill I introduced previously lapsed without it going to a vote, and I am keen to make sure that this bill stays on the *Notice Paper* until it is eventually passed.

The new case study that I want to refer to is one that all members will be familiar with, and that is the Le Cornu site in North Adelaide. All members would be aware of this site. It is a prime piece of real estate in Adelaide. It is a site that has remained vacant for, as I understand it, coming up to two decades. It has been a hot political football, with blame flying backwards and forwards as to why development proposals in the past have not succeeded on that site. What we now have is a situation where a development is likely to proceed, and that is a development by the Makris Group.

The current situation in terms of development approvals is that the Makris Group proposal was declared to be a major project on 1 May 2007; a development report was prepared by the proponent and released for public comment on 23 January this year; and we are now in a six-week public consultation period which expires on 5 March 2008. As part of the statutory process for major projects, there was also a public meeting held on Tuesday 19 February at the North Adelaide Community Centre.

So, that is the Le Cornu situation that members would be aware of. But what members might not be aware of is that not everyone is particularly happy with the way the development is proceeding on that site. A residents group has been formed to challenge the development and to query whether it is the best development for North Adelaide, and for that site in particular.

As part of a campaign the residents prepared a brochure. This brochure was, as I understand it, circulated in some parts of North Adelaide. It was a simple two-sided A4 brochure, with the heading 'It's not a done deal'. The brochure also states what many of us say when faced with a development that has progressed a certain way down the approval path: 'But there's nothing I can do.'

That statement is answered by saying, 'Yes there is, act now! Voice your concerns—see overleaf.' When you go through the brochure and look at what is overleaf, you might wonder what they are exhorting us to do. Will it be a call to arms, an exhortation to violence or rebellion, is it urging the overthrow of the capitalist system? No; what the brochure exhorts people to do is to 'have your say, send your submissions, call talkback radio, call and write to newspapers, council elected members and parliamentarians.' Now, that is exactly the advice that every one of us gives to our constituents every day when they ask us how they can engage in the political process, how can they have their say.

The Hon. Sandra Kanck interjecting:

The Hon. M. PARNELL: As the Hon. Sandra Kanck says, it is called being part of a democracy—and that is exactly what it is. The other thing the brochure exhorts people to do is to attend the public forum—the public forum that is part of the statutory process under the Development Act. So, it was not organised by these people; it is a statutory process. The brochure says, 'Come to the public forum...and ask questions of the Makris Group.' This is a fairly tame exhortation to people to engage in public debate.

It also urges people to 'view the plans and read the report for yourself', and it gives the address where the plans can be found. Finally, it tells people to write a submission to the minister through the Assessment Branch of Planning SA, which is exactly the way the legislative scheme has been designed to operate. The flyer also invites people to come to the site and 'we'll show you what 23 metres looks like' (23 metres being the height of the building).

That is on the back of the flyer. Let us return to the front of the flyer, which I will describe in a few words. It is basically set out in two columns, one called 'Myth' and the other called 'Fact'—a fairly standard approach to informing the public of a situation. For example, the first myth is that the development has already been approved and, under the column headed 'Fact', the flyer says, 'No, the development has not been approved.'

It goes on with various myths and facts. One of the myths is that the developer has considered community opinion. Opposite that, in the 'Fact' column, it says, 'No, developer ignored public opinion and made considerable financial donations to political parties.'

The Hon. Sandra Kanck interjecting:

The Hon. M. PARNELL: I will come back to which political party and why those words are the cause of so much grief to the Makris Group. The final thing I would like to say about the brochure is that it provides the names, phone numbers and email addresses of three North Adelaide residents and invites people to contact them for more information. So, this is not some

scurrilous, anonymous flyer full of vitriol and lies: it is, in fact, a very responsible flyer that invites people to engage in debate over what—I think we would all agree—has been one of the most controversial developments in Adelaide in recent decades.

What does this have to do with my protection of public participation bill? At face value it seems that these residents are well organised, and are behaving themselves appropriately and responsibly; what possible need could they have for the type of protection offered by my bill? Well, it is at this point that we see enter the Makris Group and its lawyers. Two weeks ago a North Adelaide resident received a letter from the Adelaide commercial law firm Cowell Clarke. The letter was from a Mr Jon Clarke, a partner of that firm, and I would like to read parts of it into *Hansard,* because I believe it provides a perfect example of why my bill is necessary. The letter commences:

> I act for the Makris Group of Companies and its owner, Mr Con Makris. My client has provided me with a copy of a flyer entitled 'It's not a done deal!' relating to the development of my client's site at 88 O'Connell Street, North Adelaide...I note from the flyer that you purport to represent 'concerned North Adelaide residents' and that a meeting has been scheduled to take place at the site on Saturday, 16 February 2008 from 11am to 1pm.
>
> I note also that people are invited to participate in a public forum concerning the development on 19 February 2008 at the North Adelaide Community Centre.
>
> Whilst my clients naturally have no objection in principle to interested residents and others viewing the site and expressing their views, any such statements must not be defamatory of my clients.
>
> My clients note with concern certain statements made in the flyer and in particular reference to political donations. That particular statement is defamatory of my clients. The imputation that any reasonable reader would infer from that comment is that my clients have improperly made a donation to a political party in order to obtain an advantage in relation to the development. That statement and the imputation arising from it is untrue.
>
> Unless you or any other person at the meeting has evidence that the statement is true then you are on notice that any repetition of the material contained in the flyer will not be privileged. The making of such a statement or statements of a like effect will be vigorously pursued by my clients as they are false and defamatory.
>
> My clients will take such action as advised without further notice against anyone who makes defamatory remarks of my clients or makes statements which are a misrepresentation or are otherwise untruthful.
>
> You should understand that neither you nor any other person who attends the gathering (at the site) are invited onto the site (which is my clients' land). Any entry onto the site will be unlawful.
>
> My clients will take such action as advised against any person who enters upon the site without authority or causes any damage to or upon the site.
>
> Any injury or damage caused to any person who enters the site without authority will not be the responsibility of my clients.
>
> Yours faithfully, Cowell Clarke, per, Jon Clarke, Partner.

What do we make of this? First, there is the suggestion that the statement in the flyer that the developer made political donations is false and defamatory. I invite all members to go back to the debate in this council on 2 May 2007 where the Makris Group's political donations were the subject of extensive debate. It was raised by me in question time, and it was raised by the Hon. Rob Lucas in a motion before the council. You can look at the Australian Electoral Commission website and you will find the Makris Group and its donations to the Australian Labor Party, so the statement that the developer has not made donations to political parties is itself false.

The other thing I think should be pointed out is that the issue of the developer giving political donations featured prominently in *The Australian* newspaper of Thursday 3 May. Michael Owen may well have had this story published in both *The Advertiser* and *The Australian* but I am not 100 per cent sure. The story was under the heading 'Developer gave ALP $180,000'. The first part of that article states:

> A development firm twice helped by state government fast-tracking in the past month has used associated companies to donate more than $180,000 to the Labor Party, it has been revealed.
>
> The opposition says the Makris Group, which this week was granted major project status for its $150 million development of the former Le Cornu site in North Adelaide, was the second biggest donor to Labor last financial year, only being outspent by party funding body ALP Holdings.

It goes on to specify exactly where those donations come from. Then Michael Owen's article continues:

> Makris chief executive John Blunt said on Wednesday that the company had donated money to the Labor Party because 'we want to make our projects happen.'

It goes on to say:

> He would make no further comment yesterday.

So, this is clearly a matter that has been on the public record.

In fact, I will even take it one step further and remind people who may listen to the ABC early morning program hosted by Matt and Dave that on 2 May 2007 the presenters interviewed John Blunt, the CEO of the Makris Group, on their program. He was asked about donations to political parties. Whilst he was reluctant to give details of the amount the Makris Group had given to the Labor Party, it is clear from the Australian Electoral Commission returns that there was at least the sum of $32,000 and, due to the Hon. Rob Lucas' investigations, that sum has gone up to $180,000 when you take into account related companies. During that interview on ABC Radio, Mr Blunt gave an extraordinary insight into the way in which development decisions are made in this state. In responding to a question from David Bevan about why the Makris Group chose to donate to Labor, John Blunt replied:

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

Matthew Abraham interjected:

> You want to be looked after, too?

In response, John Blunt agreed and said:

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

So this material has been on the record for over a year, yet, when the residents of North Adelaide raised it in a very mild and obscure way in a community leaflet, they were subject to bullying, intimidating and threatening tactics from the firm of Cowell Clarke acting on behalf of Makris. I think that this is shameful behaviour, and that naming and shaming of the companies and their lawyers is an appropriate thing to do in this place.

I would also ask honourable members to ponder this: if the Makris Group is so worried about these statements being made in the public realm, why does it not sue *The Advertiser*? Why has it not sued Michael Owen? Why has it not sued the Hon. Rob Lucas? Why has it not sued me? I have not just said these things in parliament; I say these things whenever I give lectures to students of political science at our universities. I talk about political donations. I talk about facts on the record—which companies give to which political parties. I think that is an appropriate thing for us to do.

Let me now refer to the impact that this lawyer's letter has had on the residents of North Adelaide. I spoke to one resident who was a fairly articulate and robust person and whose reaction was one of outrage. This person said to me, 'How dare they? Who does he think he is?', speaking of Makris's lawyer. 'I'm entitled to my opinion', was another thing they said. 'I'm exercising my democratic right.' Then, in relation to the latter part of the letter, they queried whether the developer was proposing to have people on the site taking violent action against those who turned up to have a look at what the height of the development might look like.

However, there were other residents who clearly were not so robust in their response to this letter. What I have been told by people involved with this campaign is that a number of people are now too scared to engaged in debate on this topic. They have received a lawyer's letter, and they are worried about what the implications might be. They are scared to go to public meetings.

Most people do not have a law degree, and most people do not know that companies cannot sue for defamation: that was a change to the law made a couple of years ago. Most people do not know that truth is a defence to a charge of defamation, and most people do not know, or would not know, that the Makris Group's prospects of success in any defamation action based on that leaflet are so remote as to be laughable. Most people do not fully appreciate that lawyers—or, at least, many lawyers—in this town are simply guns for hire who will do whatever their clients ask of them regardless of the merits of the case.

I think it is important that I put on the record this latest case of corporate legal bullying in South Australia. I invite members to support the bill. We cannot stop this type of bullying behaviour. We cannot stop the Makris Group, and we cannot stop Cal Clark or Mr John Clark from behaving in this bullying, threatening and unprofessional manner, but what we can do is give an opportunity for citizens to be able to respond and try to nip this type of behaviour in the bud.

I want to give citizens the right to be able to go to the Magistrates Court to get a declaration that they are simply exercising their democratic right to participate in public debate and to hear

from the magistrate that they are behaving properly, and therefore the developer and their lawyers should back off, and that is what my bill does.

In the absence of a bill of rights and in the absence of a constitutional right of free speech, we do need to create these additional statutory rights. The right to public participation is a fundamental part of our democracy, and I urge all honourable members to support this bill.

Debate adjourned on motion of Hon. I.K. Hunter.

CONSTITUTION (CASUAL VACANCIES) AMENDMENT BILL

The Hon. SANDRA KANCK (16:25): Obtained leave and introduced a bill for an act to amend the Constitution Act 1934. Read a first time.

The Hon. SANDRA KANCK (16:27): I move:

That this bill be now read a second time.

Australians, in their electoral choices, are becoming increasingly fascinated with candidates who badge themselves as Independents, and in South Australia we are no exception. We have seen, for instance, in the lower house the return of the member Fisher on a number of occasions. At the last election, the Mitchell electorate elected an Independent, and in this chamber we have two Independents.

The problem with this is that, for the most part, the Constitution Act and also the Electoral Act envisaged that candidates would belong to political parties. We saw last year in this place the difficulty arising from that when Nick Xenophon resigned his Legislative Council position.

Because the Independent No Pokies grouping on the ballot paper for the 2006 state election was not a registered political party, there was no procedure in place to advise the parliament what action it should take. The Constitution Act 1934, in section 13(5), provides:

> Where a casual vacancy in the membership of the Legislative Council is to be occupied by a person chosen by an assembly of members of both houses of parliament, and the member, whose seat is vacant, was at the time of his or her election publicly recognised by a particular political party as being an endorsed candidate of that party and publicly represented himself or herself to be such a candidate, the person chosen by the assembly to occupy that vacancy shall, unless there is no member of that party available to be chosen, be a member of that party nominated by that party to occupy the vacancy.

So, although the act clearly refers to a political party and Mr Xenophon had made it clear at all times that the Independent No Pokies grouping was not a political party, the matter was 'resolved' by Mr Xenophon advising the Premier that he believed the No. 3 position of that group at the 2006 state election (John Darley) should fill that vacancy, and the Premier duly nominated John Darley in the subsequent joint sitting. This is certainly not how the act envisages the process, and the Premier, in a ministerial statement to the parliament, said that his legal advice was that the matter was justiciable.

The odds now are that both the Hon. Ann Bressington (who was elected on the No Pokies ticket in 2006) and the Hon. John Darley (who replaced Nick Xenophon in 2007) will live happy and fulfilling lives and contribute to this parliament and the electorate until March 2010.

The Hon. A. Bressington: Fulfilling.

The Hon. SANDRA KANCK: Yes; fulfilling. However, the replacement of Nick Xenophon with John Darley has exhausted any further possibilities of replacement and, if either the Hon. Ann Bressington or the Hon. John Darley is unable to complete their term, there is no-one who could feasibly fill the position. It is therefore sensible that a solution be in place so that in that unlikely event we will have somebody, and that is the purpose of this bill.

There is also a highly improbable but still faintly possible scenario—a sort of perfect political storm—that could see casual vacancies emerge for Nick Xenophon at the Senate level and for Ann Bressington at the state level, which would cause a constitutional crisis at state and federal levels. This bill adds a new subsection (6) to follow subsection (5), which I quoted a short time ago. So, in the event of a casual vacancy to fill a position that has been held by an Independent it would require the Electoral Commissioner to advise via the *Government Gazette* which of any continuing candidates in that election, after the eleventh member had been chosen, had the highest number of votes. If that candidate had stood for a registered political party, that party would be called upon to nominate a replacement. It is possibly quite an easy task with this in place for the Electoral Commissioner at the time of the count at a general election to advise this information as a matter of course.

The bill does not deal with the federal part of that perfect storm scenario, as we as state MPs cannot pass legislation requiring action of the Australian Electoral Commission. However, sound risk management requires that we make sure that important systems and institutions are designed to cope with potential damage, even if the risks are not highly likely. It is most likely that there will never be a need to resort to this provision, but it is nevertheless a sensible decision to have something like this in place just in case.

Debate adjourned on motion of Hon. I.K. Hunter.

IRRIGATION BUYBACK

The Hon. SANDRA KANCK (16:32): I move:

That this council—

1. Notes the crisis in the Murray-Darling basin and calls on the Rudd Labor government to urgently commence the purchase of water from irrigators for environmental flows, utilising the $3 billion allocated by the Howard government in 2007 for this purpose;

2. Directs the President to convey this resolution to the Prime Minister of Australia.

The River Murray is dying. The red gums that depend upon that river have been dying for years and now, as the water level drops, the exposed river banks and lake beds are turning acid. There is the threat of salinity seeping into the river and wetlands as the water levels fall. Fifty to 80 per cent of the wetlands in the Murray-Darling Basin have been severely damaged or completely destroyed, according to the Australian Conservation Foundation.

The Coorong is dying. Prof. David Paton of Adelaide University found in his annual survey of the Coorong's health that there were no fish in the whole of the south lagoon, which is 50 kilometres long and up to 5 kilometres wide, and as a consequence there are no fish-eating birds. The pelicans disappeared from the southern lagoon three years ago and the fairy terns that relied on the Coorong as a prime breeding ground no longer nest there and they face regional extinction.

Migratory wading birds, which relied on the Coorong as a rest and feeding site before heading to their breeding grounds in Alaska and Siberia, have dropped in number from 250,000 in the 1980s to about 35,000. The communities that depend on the river are struggling. This ranges from layoffs in the Riverland to the sort of hardship revealed down on the Murray Lakes, where farmers are crawling out over the mud to get hoses into the water for their stock.

Our reckless endangerment of this continent has wiped out many plants and animals and now it looks like we will be the generation that killed a river. The causes of this are no mystery. The culprit is not drought: it is reckless and, one might say, hoon irrigation. More than 80 per cent of the average annual volume of water in the Murray is diverted for industry and domestic use. Irrigation accounts for 95 per cent of this. As a consequence, median annual Murray River flows to the sea are now around one fifth of what they were at federation in 1901.

The occasions when there is no flow at the River Murray mouth have increased from one year in 20 under natural conditions to one year in two under current conditions. What more convincing case do we need to argue for irrigation licences to be brought back? It is clear that we need urgent and dramatic action. We need strong leadership, but instead big business and bad irrigation practices are sucking the life out of the river, and there is no sign of that stopping.

Last year the scandal of the managed investment schemes began to get public recognition. Under these schemes big businesses have continued to plant timber, almonds or apples along the river, even near Berri, despite the drought. Somehow, getting water for them was not a problem, despite what was then recognised as a record-breaking drought. Then there is cotton farming. In 2000-01, the last normal year of production for that industry, the cotton industry used 2,900 gigalitres of water. That is more than South Australia's total annual allocation of 1,850 gigalitres. Similarly, the amount of water used for rice growing is around 1,900 gigalitres—again, more than the entire allocation to the state of South Australia.

Scientists have been saying that the Murray-Darling needs at least 1,500 gigalitres to survive, and most political parties have said that they agree to these environmental flows. If we paid cotton or rice farmers not to plant crops for just one year we could probably have that 1,500 gigalitres. For several years now I have been asking why we are growing cotton in Australia—a flood irrigated crop in areas with an annual rainfall of less than 300 millimetres. I have been criticised for attacking cotton farming. The former director of the South Australian Museum, Tim Flannery, recently suggested that a positive of cotton is that as an annual it needs to be

planted only when there is rain and that therefore it can respond to the climate. That might be a theoretical advantage, but let us look at what happens in reality.

In 2004 there were floods in Queensland, and local graziers claimed that Cubbie Station funnelled the Culgoa River into its storages, denying water to graziers downstream. Pop Peterson from Brenda Station says Cubbie has a diversion channel three times the width of the river. He told ABC Radio, 'The water was roaring in through there, and what doesn't go into the diversion channel gets backed up by their weir.'

So, they got the bulk of it. I understand that between 1994 and 2004 irrigation properties on the Lower Balonne River system, north of the New South Wales border, built dams and water storage systems capable of retaining 1.2 million megalitres, or twice the water capacity of Sydney Harbour. Cubbie station, just near the New South Wales border, stores 38 per cent of that total. Four years later there has been rain and flooding in Queensland yet again, and again cotton farmers are siphoning off the water that could be recharging the Darling River system.

I have previously called for the state government to buy up the Cubbie Station water licence. Prior to these rains it was a golden opportunity; now that has passed. ABC TV's *Landline* last Sunday reported that, since the rains in Queensland in the last week of December last year, Cubbie Station has already diverted water to the extent of 150,000 megalitres. With 8 metre high dam walls, they can. *Landline* reported that graziers on the New South Wales side of the border claimed that only 17 per cent of the water from Queensland is coming across the border; although the Queensland government says it is more like 26 per cent. We should be grateful, it seems, that three-quarters of the water is being retained in Queensland.

Craig Wallace, the Queensland resources minister, says that his state has got it right on irrigation allocations. I would like him to come down to South Australia to confront our Lower Lakes irrigators and tell them that to their faces. The promoters of cotton and rice argue that they have created jobs and sustained communities; however, we can find other jobs and industries for those who depend on cotton, but we cannot find or make another River Murray.

I invite members to recall how the federal government closed down the timber industry at Ravenshoe in Queensland. As a nation, we decided that that land and the vegetation it supported ought not to be used for a particular industry. Paul Keating showed that it could be done. It is obvious to anyone not blinded by a vested interest that we cannot keep pulling water out of our river.

I note that Professor Mike Young of Adelaide uni this week released a paper in concert with a colleague from the CSIRO, Jim McColl, called 'A future proofed basin: a new water management regime for the Murray-Darling Basin.' He begins by saying:

> The first and arguably most important test of the new Rudd government's capacity to fix the national water crisis will come in the Murray-Darling Basin and, more particularly, in the southern half of the basin. This region is often described as the River Murray system, where the river system is. It's aquifers, its environment and the livelihoods of people who depend upon it are under threat.

We need visionary thinking. In January last year, John Howard gave us a glimpse of that with his $10 billion water plan. It was a hastily conceived, politically inspired plan, but it was a plan. It included $3 billion to buy back water for the environment and billions more to line channels and ensure accurate metering of water so that we know how much water is in the system; but then progress stopped. John Howard blamed Victoria for not signing up. A year later, the new Rudd Labor government is still hiding behind Victoria.

We should not accept this deception. Victoria's reluctance to sign up should not be used by the Rudd government as an excuse for inaction. Certainly, longer term solutions such as new governance arrangements for the river are complicated and will take time, but the water buyback, which is a short term emergency measure, can be implemented very quickly, and it does not need the agreement of any state.

Federal minister Penny Wong does not need John Brumby's permission to spend $3 billion of federal money buying up water from irrigators and corporations. She has just announced a meagre $50 million mini buyback, so she is showing that that is the case. She does not need Victoria's permission to fund local irrigation trusts to line channels. In fact, a flow of federal cheques to New South Wales and South Australia would soon bring Victoria to the negotiating table for fear of missing out.

Kevin Rudd, when leader of the opposition, placed a lot of importance on South Australia as part of his strategy to win the election. I hope that South Australia and the plight of the Murray

were not just pawns in an election chess game. I hope that we do not have another federal government that thinks that if all is well east of the great dividing range then the rest of the country is irrelevant. A buyback is sensible and practical and does not diminish the rights of holders of water licences.

There will, of course, be a need to give some thought to the criteria governing the buyback. For example, permanent water should initially be sought from unsustainable crops such as cotton. Where a buyback leads to a loss of jobs, income support and development of alternative industries will be needed. Again, I hark back to what happened with the timber industry at Ravenshoe. I assume that the federal bureaucracy would have developed these sorts of guidelines anyhow after John Howard announced the buyback in January last year but, if it has not, it would not take long for an expert group to come up with a blueprint. I know that a water buyback is not the complete answer, but this is an emergency measure, and the death of a river is an emergency if anything is.

We need a longer term process that protects the environment and supports the communities that depend upon it, and already our best minds are putting forward ideas. I draw members' attention to that paper by Professor Mike Young and Jim McColl that I have already referred to. We cannot sit around waiting for these long-term governance arrangements to be sorted out: we need action now. If we cannot implement a buyback very quickly, pressure will build for more draconian action, such as the compulsory acquisition of water licences. This buyback is the last chance to use voluntary measures to fix this crisis.

Supporting this motion will send a clear signal to the federal Labor government and South Australian Senator Penny Wong that the people of South Australia are demanding decisive action. The time has now come for the federal government to put the river first.

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

DARLEY, HON. J.A.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:45): I move:

That the Legislative Council welcomes the Hon. J.A. Darley, elected by an Assembly of Members of both houses to replace the Hon. N. Xenophon, resigned.

At the time, the leader of the Liberal Party in the House of Assembly, Mr Martin Hamilton-Smith, welcomed Mr Darley, but this is the first time that I have had an opportunity to do that formally on behalf of the Liberal opposition. I think I speak also on behalf of all members of the Legislative Council in welcoming Mr Darley here today, and we look forward to his contribution in his maiden speech.

The ACTING PRESIDENT (Hon. R.P. Wortley): I advise members that, as this is Mr Darley's maiden speech, he should be given your utmost attention, in accordance with tradition.

Honourable members: Hear, hear!

The Hon. J.A. DARLEY (16:46): Thank you, Mr Acting President. I take this opportunity to thank the honourable member, and the council, for the warm welcome given to me since being elected on 21 November 2007. It is, indeed, a great privilege and honour to have been elected to the Legislative Council as an Independent member. I have to say, at the outset, that my voting will be based on the merits of the issues being debated.

I congratulate former MLC the Hon. Nick Xenophon on his election to the Senate. I am sure that he will continue to argue strongly on behalf of South Australia in the federal parliament.

My speech today will focus, first, on a brief summary of my background, although some of this was outlined in the Premier's speech at the joint sitting of both houses of Parliament; and, secondly, some of the issues that will influence my voting on proposed legislation.

My great-grandparents emigrated from England in the mid-1800s and opened up land for farming purposes in the Narridy-Crystal Brook area of the Mid North. Successive generations, including my parents, helped to accumulate and work on a number of farms in the area, extending to Georgetown and Gulnare. My father, like many young men in the Mid North, was a competent horseman and a volunteer in the 9th Light Horse Regiment immediately after World War I in the early 1920s and 30s.

I was born in Clare in the Mid North and, in 1939, at the outbreak of World War II, the family moved to St Leonards (or, as it is now known, Glenelg North) and my father enlisted in the RAAF. He was initially based at Point Cook in Victoria and subsequently served in the Pacific campaign until the war ended in 1945. I attended St Leonards Primary School from 1943 until

1949. During the war years most of my classmates lived in single-parent families whilst their fathers served in the armed forces. School life was an adventure in those days, as we were required to provide our own entertainment. We played football, soccer and cricket but, typical of the education system in those days, we were never taught the skills.

After school we would go fishing in the unlined Sturt Creek, where it was not difficult to catch freshwater fish and yabbies. Rabbits were plentiful on the Glenelg Golf Course and on land that subsequently became the site of Adelaide Airport. I recall the barbed wire barricades along the foreshore at Glenelg, the trenches which covered the school oval, the air raid practices that occurred on a daily basis, and the searchlights that crossed the sky at night. These were both sad and happy times. I recall the day my best friend was told that his father had been killed, after his aircraft had been shot down over Europe. On another occasion a friend, whose father was a prisoner of war in Changi Prison, was told that his father was alive and was being repatriated to Australia.

My mother was actively involved in community affairs during the war years and was president of the Glenelg Good Neighbour Council. Immediately after the war, the council was involved in the integration of Baltic State refugees from the Glenelg North migrant hostel into the community. She later went on to teach intellectually disadvantaged children with the psychology branch of the education department.

After leaving primary school I attended the Adelaide technical high school from 1950 until 1953. On leaving high school, I was employed as a junior draftsman with the Engineering and Water Supply Department and worked on the Mannum-Adelaide pipeline, the South Para Reservoir, and the Myponga Dam. In 1956, I completed three months of compulsory national service training at Woodside, followed by two years of part-time training in the Royal Australian Army Medical Corps. I must admit that, at the time, I was not particularly enthusiastic about this but, in hindsight, it turned out to be a worthwhile experience.

In 1960, I had the opportunity to join the chief assessor's branch of the Engineering and Water Supply Department and immediately commenced study in valuation, completing qualifications for admission as an Associate of the Commonwealth Institute of Valuers in 1964. I was seconded to the Public Service Board in 1965, at a time when the government had purchased its first mainframe computer, which occupied an area about the size of this chamber, but with the computing capacity similar to one of today's laptops.

I was assigned to an investigating team to examine the feasibility of establishing a central valuation authority and a computerised land and property information system for South Australia. In 1969, I led a team to develop a computerised land tax revenue collection system for the state Land Tax Department, a system that returned to bite me and other property owners in 2003.

I was appointed Valuer-General in 1982 and was instrumental in the decentralisation of the department into country and metropolitan locations, along with a system of annual valuations to better service the needs of the community and government. In 1986, I was appointed chief executive officer of the lands department and simultaneously at times held positions as chairman of the pastoral board, chairman of the land resource management standing committee, chairman of the SA land information council, and a member of the government's major projects committee.

From the mid-1980s to the 1990s, the department developed the land ownership and tenure system, an online inquiry system providing information on land ownership, land titles, valuation and real estate sales, the digital Cadastral database or geographic information system, and the computerised title. The department was also involved in international projects, including the development of land titling, surveying and evaluation systems for several Third World and other countries.

After a short period as chief executive officer of the state services department from 1992, I retired from the Public Service at the age of 56 in late 1993, but I continued as member and Chairman of the Commissioners of Charitable Funds from 1987 until 2007, responsible for the investment of approximately $80 million of gifts, bequests and donations held on behalf of several public hospitals for medical research and other purposes.

In 2005, I was appointed Chairman of the Board of Directors of Safety Medical Products Ltd, which includes two subsidiaries: Procontrol Systems and Bagot Press. The company is involved in the design, manufacture and distribution of products for the food, health and pharmaceutical industries and also the design and implementation of automatic plant and machine control.

I would like to highlight several issues, some of which have been of concern and others which have been of interest to me. I was encouraged by the government's announcement of a strategic plan that includes major initiatives and targets to be achieved over the foreseeable future. I believe it is essential that the various components of this plan are effectively communicated to the whole community and, in particular, to the people who will be directly affected by the various proposals.

Whilst this is not a criticism of the government, it is more a concern about the implementation by the bureaucracy. A good example where this communication has, in my opinion, been less than acceptable is the Anzac Highway-South Road underpass through to Torrens Road and the Northern Expressway. Concern has been expressed about the manner in which the plan was communicated to owners of property located in the path of this project.

The South Australian Land Acquisition Act provides the legislative framework and procedure to be followed, which protects both the government and the dispossessed owner, yet there appears to be a reluctance to use this legislation by some agencies. It may be necessary in future to formalise arrangements to compel departments to use the legislation when acquiring whole properties, particularly when they comprise part of an ongoing project.

The North Terrace tramline extension has been a success, and I look forward to the next stage of the grand plan, which may include an extension of the light rail system in Adelaide. The existing buildings located on the Fullarton Road frontage of Victoria Park are not particularly attractive, and the heritage grandstand has been in a state of disrepair for many years. Those who live close to or who are familiar with the park know that there are a number of soccer and cricket pitches within the racecourse area. These facilities are used extensively during weekdays and at weekends by school and sporting groups.

When the government announced the integrated multipurpose facility to accommodate the Clipsal 500 and the SAJC, I supported the project provided that these facilities could be used for other activities in addition to car and horse racing. I am still of the view that a multipurpose development, designed with sensitivity to the environment, would be an asset for the state and would be less intrusive when compared with the existing Adelaide Oval facility.

We are all aware that the government's target for population growth is to increase it to 2 million people by 2050. This will have a major impact on water supply, mass transportation planning policy and reduction of greenhouse gas emissions. The current drought conditions have raised serious concerns about water security. As I mentioned earlier, I worked on three major water infrastructure projects in the early fifties, but I think that the Kangaroo Creek Reservoir is probably the only water infrastructure project to have been completed since. I recall being involved in the acquisition of land for a proposed Clarendon reservoir in the early 1960s. However, this project has never proceeded under any government.

The Premier recently released plans for a desalination plant at Port Stanvac, the doubling in size of the Mount Bold Reservoir and a possible controversial weir at Wellington. Whilst these initiatives are a positive start, I believe that much more needs to be done in connection with stormwater retention, aquifer recharge and development of wetlands similar to the Salisbury council wetlands project in the Mawson Lakes area.

As a member of the SA Water Resources Council in the late 1980s, I recall that the Langhorne Creek Water Resources Committee was involved in a successful aquifer recharge experiment on the Angas River at Langhorne Creek. It is probably time to consider the feasibility of aquifer recharge along the River Torrens and Sturt, Brownhill and other creeks that currently discharge stormwater into the gulf. The potential for groundwater recovery and supplementation of the existing reticulation system should also be examined.

Electricity generation is a major issue for the future, particularly in relation to greenhouse gas emissions. If targets are to be set, these will need to be strictly adhered to if we are to address climate change issues. It is likely that demand for electricity will increase over the next 10 years before any significant reductions are achieved through implementation of more electricity efficient systems.

Whilst current alternatives include clean coal technology, wind power, solar power, hot rock technology and generation of electricity from wave action, it appears that nuclear energy will at least need to be considered as part of the mix, particularly as I understand that 16 per cent of the world's energy comes from electricity generated from nuclear power stations.

Irrespective of whether or not nuclear power generation is a safe alternative, the disposal of waste, including low-level waste (much of which is located on North Terrace), needs to be addressed. The whole question of nuclear waste disposal is a global issue and, as Australia is a major exporter of uranium, the problem of waste disposal must be tackled.

Housing affordability in Australia is another concern of mine. I understand that the current level of home ownership in Australia is about 60 per cent. Adelaide is rated as severely unaffordable in a recent study of affordable cities in the world, and it is becoming more difficult for young families to purchase a home in the rapidly escalating real estate market.

Apart from the fact that the cost of building homes is rising as a direct result of inflation, the cost of land is increasing, mainly because of the shortage of supply. Part of the shortage can be attributed to the lack of suitably zoned broadacre land and the time it takes to obtain planning approval from local government to subdivide land. Affordability is also compounded by expensive holding costs, which include government rates, charges and levies, which are passed on to the potential purchaser.

Similarly, with an ageing population there are many elderly people living in homes on land that could be subdivided if the planning laws were flexible enough to allow subdivision. This is particularly evident in newly created heritage conservation zones where some councils place unrealistic demands on minimum block sizes for the area. This creates another problem for the elderly because they are then faced with the problem of selling existing homes and, in many cases, moving to other suburbs away from families and support systems.

Housing affordability is further compounded by stamp duty costs that impact on young families on the purchase of a home and elderly people when attempting to downsize to smaller more affordable and manageable properties. The government's current stamp duty exemption of $250,000 virtually means that very few potential home purchasers receive any concession at all.

Land tax is a major revenue earner for the state and the recent sharp increases in this tax led to the formation of the Land Tax Reform Association. I have always argued that there is a need for land tax on property to pay for health, education and police, however there needs to be a fairer system of land tax that does not place an unfair burden on some sections of the community.

The issue that concerns me most about the current land tax is that over the past 30 years exemptions have been granted for primary production properties and properties that are the principal place of residence of an owner. This has resulted in the taxpayer base reducing from about 450,000 taxpayers to 90,000 taxpayers who are left to carry the total tax burden. Whilst property values have escalated rapidly in the past five years and show no real sign of abatement, the land tax threshold and scale of rates have not been adjusted in line with this increase, apart from a tax relief package that was announced in February 2005 which has now been all but absorbed by further increases in property valuations.

Parts of the Land Tax Act need a complete overhaul to bring it into line with the 21st century. The state's rating base is flawed with inconsistencies in valuations and these flow through to the various rates and tax accounts issued by revenue authorities. As the valuation is the key component in any rate or tax account it is essential that valuations meet commercially acceptable accuracy standards and are relative to one another.

The state's rating base is maintained by the Valuer-General, who is an independent statutory authority responsible to parliament. The Valuer-General considers that staff numbers required to provide valuations on all properties have not been consistent with the increase in the number of properties to be valued. This, in itself, is not an acceptable defence for the lack of quality, relativity and accuracy of valuations being determined, and it is apparent that there have been no technological advancements in recent years which would normally offset staff reductions. It is quite noticeable that there has been an increase in bureaucratic procedures which place an additional burden, and an unfair burden, on the community when they exercise their right to secure justice.

I have noticed in the past decade that there has been a marked decline in service standards within the Public Service, particularly in areas in which I have been associated. There is no doubt that the majority of public servants provide excellent service but their efforts have been frustrated by bureaucratic processes developed and imposed on staff by increased layers of management which, in my opinion, add nothing to the process. I understand that reform of the Public Service is being examined by the former premier of Queensland, the Hon. Wayne Goss, and

it is to be hoped that recommendations by this committee will streamline and cut red tape in the existing bureaucracy.

I believe we need to get back to a position where public servants have responsibility, matched with authority, to make decisions to enable them to act quickly and decisively in the interests of the community. They need not be dominated by antiquated and, in some cases, imported obsolete processes.

Finally, I am interested in anything that reduces the negative impact of poker machines in this state. Like former MLC the Hon. Nick Xenophon, I am alarmed at the increase in problem gamblers and consequential flow-on effects to their families. Mr Xenophon had a number of bills in the pipeline before he resigned, such as the Building and Construction Industry (Security of Payment) Bill, the Summary Offences (Medical Examination of Suspects) Amendment Bill and a number of gambling related bills. It is my intention to continue with some of these bills. I have also agreed to work with him on issues that affect both South Australia and the commonwealth, such as fighting for the rights of asbestos victims and victims of crime.

I would like to finish by thanking my wife Tilly, whose support is unending, my staff Connie, Natalie and Jenny, who probably know more about this place than I do, and my fellow Legislative Council members for your warm welcome and encouragement. I look forward to working with you for at least the next six years so that together we may contribute to making South Australia the best place to live.

Honourable members: Hear, hear!

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (17:06): In supporting the motion, I congratulate the Hon. John Darley on his maiden speech in this place and wish him all the best for a long and productive future in this chamber.

Honourable members: Hear, hear!

The Hon. M. PARNELL (17:06): I extend to John a welcome from the Greens. I was very pleased to hear him say that he will be judging issues on their merits, which is a trademark of those of us on the crossbenches. We can make the big parties cross when they say, 'What is your position on an issue?' and you reply to them, 'I have not heard the debate yet.' So, we look forward to having you join us on the sensible benches here in this chamber.

Motion carried.

TOBACCO PRODUCTS REGULATION (A SMOKE-FREE ADELAIDE) AMENDMENT BILL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:07): Obtained leave and introduced a bill for an act to amend the Tobacco Products Regulation Act 1997. Read a first time.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:07): I move:

That this bill be now read a second time.

Some may say that there are far more important issues facing South Australia today than amending the Tobacco Products Regulation Act (A Smoke-Free Adelaide) Amendment Bill; however—and as I am sure members saw from my comments in the media when I floated the idea—I am alarmed at the number of people smoking in our city, especially outdoors in our city, following the banning of smoking in hotels. While a number of hotels have provided smoking venues for their patrons a number have not, and of course we often see workers congregating outside their offices, in alleyways, in garden areas, or outside the front doors of buildings and workplaces. What upsets me most is the lack of respect the vast majority of these people have in throwing their cigarette butts on the ground.

I decided to introduce this bill to stimulate debate and, as I will discuss later in my comments, I have had a number of contacts from and consultations with interested parties (a lot of my colleagues in this place are interested, for a range of reasons) and I will discuss those issues. I am introducing this bill today, but members will recall from the comments I made in the media that what I would like to achieve with this is that on Friday 30 May 2008 (the Friday prior to World No Tobacco Day) everyone in Adelaide who smokes will try to last the day without having a cigarette.

I will use our workplace as an example, although I have not looked at the *Notice Paper* to see whether we are sitting that week. However, I know we are sitting the following week, and some of our colleagues in this place—whether they be members of parliament or staff in the building—do enjoy a cigarette, so this is an opportunity for us to support our fellow workers, parliamentarians,

and inhabitants of Parliament House with some diversionary tactics. Perhaps we could take them for a walk or get some sort of nicotine-type replacement and distract them that day to see if they can get through a day without smoking a cigarette.

People undertake a whole range of activities that are spread over many hours. During a flight on an aeroplane, a journey in a train, a bus or an interstate coach, even sitting here in this chamber, there are a number of hours when it is not appropriate—in fact, it is illegal on aeroplanes and a whole range of public transport modes—to smoke. Most people say, 'I could not go a whole day,' but think about an international flight. Mr President, I know that you are not a particularly keen traveller yourself but I also know a lot of members, and people who are smokers, who can quite enjoy a 14 or 15 hour flight overseas.

So, on this one day I am trying to empower the community to engage in something that would be a world first—a city to stop smoking for one day. It really is not about attacking smokers; it is about empowering the community. This is a voluntary day we want to have prior to when I actually call for this bill to be voted upon (which will be the first Wednesday for Private Members' Business in June). It is quite some length of time, but I want people to think laterally about this and think about ways (which I will discuss later in my contribution) that we might be able to amend other pieces of legislation—or even amend this.

As I said, this is a piece of legislation designed to promote some debate and to try to come up with something for Adelaide that is unique. As I will also discuss later, there are a vast number of countries in the world that have smoking regulations and bans, even to a total prohibition on the sale of tobacco products.

The argument has long been used that smoking legislation should be made from the production end—in other words, ban the sale of it—rather than the consumption end, but I do not have a problem with an individual's right to smoke in a designated smoking area or in their own private home if that is their choice. People have a whole range of different habits; some people like to watch Port Adelaide Power in their own home, for instance. I choose not to, but we should never take away an individual's rights to do whatever they like in their own home.

Smokers have a right to a legally available product but they do not have that right where it affects others; everyone has a right to clean air and tidy public places. I guess this was brought to a head for me when I walked down the mall to buy a hat (which I am sure the Hon. Paul Holloway has seen me wear at a number of police graduations). On my stroll down to the end of the mall and back, across my vision (which would, I guess, be about 3 metres that you scan while you walk) I counted some 2,000 cigarette butts at 11 o'clock in the morning. I was looking at a 3 metre wide stretch, and I assume there is probably five times that in the mall from here to there, so there are some 10,000 cigarette butts lying on the ground by 11.30 in the morning. It is swept and cleaned every night!

The Hon. A. Bressington: Where have the ashtrays gone? There used to be ashtrays.

The Hon. D.W. RIDGWAY: The Hon. Ann Bressington asks about the ashtrays. There are lots of ashtrays, but the other thing I find very annoying is the number of butts lying on the ground near an ashtray. However, I have also come to ashtrays where people have not bothered to take the step and put their cigarette butt in the ashtray, but just flicked it on the ground. So, there are some other issues with ashtrays.

I recognise that most smokers do respect rights as much as practicable. However, the issue of passive smoking is still prevalent and, regardless of how well smokers abide by the current tobacco legislation, we all have a right to breathe clean air. In fact, when this was raised in the media, *The Advertiser*, as it often does, had a blog site, and a number of people suggested that I was probably out of my mind for suggesting this. However, a significant number of people said they did not like going to places where they could not breathe clear air and they did not like the cigarette smoke and smell in the mall.

There is no safe consumption level of cigarettes. We cannot compare smoking legislation with that of other controlled substances such as alcohol. Of course, people have often raised with me that tobacco is a legal product and therefore we should be able to smoke it and we should be able to do it in the city. I remind members that alcohol is a legal product yet in this city we have a dry zone because a small minority in the community are not able to manage their alcohol consumption in a public place in an appropriate manner. Likewise, I suggest that there is a small percentage of smokers who are not able to manage their addiction to cigarettes and smoke in an inappropriate manner for the rest of the community. Because of the manner in which they consume

it, it is impossible to separate the health impacts on the consumer and nearby bystanders. The size and relative insignificance of one littered cigarette butt makes it a waste which is inconspicuous, but when it builds up it is a huge environmental problem.

The Adelaide City Council, when it contacted me when we were doing this consultation, raised a number of issues. It did not have any particular facts on the number of cigarette butts and the cost of cigarette butt collection, but we know they run off down streets into stormwater drains and clog drains. They have a synthetic nature and do not biodegrade easily, and they take many years to biodegrade, if at all. The paper from around them comes off but, of course, the material the filters are made of stays there for some considerable time.

I obtained an article from the Australian Medical Association when I met with it regarding the bill, and the article was published in one of its magazines. It is rather interesting and indicates why this is a particularly important issue. The article states:

> South Australia's Strategic Plan includes the preventative health objective of reducing the percentage of young cigarette smokers aged 15-29 by 10 percentage points to 17.9 per cent by 2014.
>
> This is a modest but commendable target, which doctors support. One would hope that having established its objective the government would move heaven and earth to meet it. It was therefore disappointing to see the budget report an expected rise in smoking prevalence for this group [to an estimated] 24.6 per cent for 2006-07 against [an actual in] 2005-06...of 23.4 per cent.
>
> Just how statistically significant this deterioration is is a moot point, but the government's failure to adequately increase funding for Quit SA for advertising and promotional campaigns to target smoking rates surely cannot be assisting the situation. If we have a target, the AMA [of South Australia] believes the government must get serious about meeting it.

While this bill proposes a ban initially on just one day in 2009 and two days in 2010, I realise that should this legislation be supported it would open up the opportunity to investigate a permanent ban in public places, and I feel it would be our responsibility as a parliament to investigate the feasibility of these changes. If this bill is supported and debate on a total ban ensues, other legislative changes will be necessitated, and I will discuss them a little later.

I observed with interest the poll results on the AdelaideNow website when I raised this in the media back in December. A total of 1,417 people voted on the proposed two-day ban. Of those, 691 voted for a permanent ban and 683 against banning it totally, but only 43 people favoured my proposed two-day ban. So it is interesting to note the majority of respondents to that online poll supports a total ban, not just a two-day ban.

The Hon. R.D. Lawson: It was me voting 600 times.

The Hon. D.W. RIDGWAY: I know the Hon. Robert Lawson is a wealthy man, but I would not have thought he would have 600 different internet addresses. It is impossible to vote more than once because, when you try to vote the second time, a message will come up saying that you have already voted and the results are such-and-such. I have often checked and, when looking at the polls on some of the outrageous changes to the WorkCover legislation that we will see shortly that will be introduced by this Labor government, I am sure one person will not be voting many times: there will be many people voting one time to show their disgust.

When I met with Adelaide City Council members, the costs of cleaning up cigarette butts and regular sweeping that they quoted were quite outstanding, and they also mentioned that in their experience the banning of smoking in pubs and clubs has worsened the overall litter problem and resulted in areas of concentrated litter. Again, you will often find—and I guess I have been a little pre-occupied by looking at the ground—butts around trees and Stobie poles. It is quite interesting to see the areas where cigarette butts accumulate.

Other disturbing facts in that meeting indicated support for the AMA's assertion that the government is not succeeding in its own program to cut youth smoking. Closed circuit TV has shown footage of youths knocking the bottom off the butt litter bins in order to scavenge the unused and smokable remains of cigarette butts.

The Hon. Ann Bressington talked about having more cigarette butt bins in public places but, clearly, as the price of this product goes up, there will be young people in the mall and other areas who feel the need to smoke cigarettes accessing the leftover remnants of cigarette butts.

A leading cigarette manufacturer openly stated to me in its submission on this bill that cigarettes cause fatal diseases, and it argued that we should be producing education programs, rather than legislation, to curb this epidemic. My response to that is that all South Australians deserve access to education about the impact of smoking and that funding should be given greater

priority by our state governments. However, even after this education, many people will choose to smoke, and their decision to do so often affects others who have chosen not to smoke cigarettes. Education cannot fully solve this problem.

Perhaps part of the reason smokers feel such an attack on their rights is that legislative change has been so incremental and prescriptive. I am not arguing about the way in which these changes have prevailed, because research and evidence about the effects of smoking have developed greatly since the 1970s, when the first tobacco legislation was implemented in this state.

I might run just through the list of countries that have introduced controls (and I will not go through all the different controls) ranging from relatively small controls on smoking to actually banning the sale of cigarettes altogether. They are Argentina; Bolivia; Brazil; Chile; Peru; Uruguay; the Canadian states of Quebec, Nova Scotia, Ontario, Newfoundland, Saskatchewan, Manitoba, and New Brunswick; the US states of California, Delaware, New York, Maine, Connecticut, Massachusetts, Rhode Island, Vermont, Washington, New Jersey, Colorado, Hawaii, the District of Columbia, Utah and Montana; in Central America, the Bahamas, Costa Rica, Cuba, El Salvador; and, in the Pacific, the Cook Islands, Fiji, New Zealand, Papua New Guinea, the Solomon Islands and Tonga.

Then there is Mauritius, Morocco, the Seychelles, South Africa, the Sudan, Tanzania and Uganda. All the states of Australia have some smoking legislation. Then there is Syria, Thailand, Uzbekistan, Vietnam, Botswana, Egypt, Kenya, Malaysia, Mongolia, Nepal, Pakistan, the Philippines, Singapore, South Korea, Cambodia, China, India, Iran, Japan, Turkey, the Ukraine, Afghanistan, Bahrain, Bhutan, Sylvania, Spain, Sweden, Switzerland, Poland, Portugal, the Republic of Korea, Rumania, the Russian Federation, San Marino, Slovakia, Lithuania, Luxemburg, Macedonia, Malta, Moldavia, Montenegro, Norway, Iceland, Ireland, Israel, Italy, Latvia, France, Germany, Greece, Hungary, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium and Bulgaria. As you can see, there is a great—

The Hon. B.V. Finnigan interjecting:

The Hon. D.W. RIDGWAY: The Hon. Bernard Finnigan mentions Wikipedia. In fact, it was the international trends on smoke-free provision made available by Action on Smoking and Health; so it has nothing to do with Wikipedia. Even the most addicted smokers abstain from smoking on public transport because it is an unequivocal attack on the rights of others, and smokers respect that. I argue that, in 20 years, a trip to the city will be similar: that a smoker will abstain from smoking until they return home.

We need to try to do this on one voluntary day in May, and then vote on it following that, because I think it will demonstrate to the community that we can achieve a voluntary day in May. I have no doubt that, as time passes and research outcomes into the effects of second-hand smoke become more undeniable, those expectations will become such for all public spaces. To that end, it seems pointless to become more and more prescriptive with our tobacco laws.

South Australia can continue to prescribe smoke-free events and areas, such as playgrounds, bus stops and beaches. This will be a more incremental approach to what I would say it is inevitable—having smoke-free public places. At the moment, no council in Australia has a blanket ban on smoking, but New South Wales officers have the power to demand details and expiate offenders.

In terms of policing this legislation, the Adelaide City Council is all but hopeless in policing compliance with tobacco legislation. I am well aware that, should this legislation eventuate in a total smoking ban in all public places within our city council, other legislative measures will need to be reached first. At present, the council has regular patrols of delegated compliance and stormwater officers, who often speak to groups of smokers from a health and pollution perspective, and the clogging up of stormwater drains. If they witness someone littering with a cigarette butt, they have the power to expiate a $315 fine; however, they have no power to request their name and address. Of course, if someone refuses, or does not have the money to pay on the spot, as very few people would, there is no actual power or mechanism for the city council to follow up that individual.

Whilst most of us would agree that a $315 fine is appropriate for a trailer load of rubbish littered somewhere else, or a reckless act of littering, it is probably far too great for an individual cigarette butt. I wonder whether at some point one of the outcomes of this bill will be further discussions and consultation with the Adelaide City Council, and a change to the littering act and the Local Government Act that may well allow the city council to impose an expiation fee of, say,

$50 for a cigarette butt—maybe $20 for some chewing gum—and then also allow them to pick up the person's name and address and follow it up. Whilst it is not the focus of this bill, the city council would argue that chewing gum on the pavement is one of its biggest costs. Almost on a daily basis—a bit like the Sydney Harbour Bridge—the cleaning of chewing gum off our lovely Rundle Mall pavement occurs. It is an ongoing exercise.

Because Rundle Mall is not covered under the Local Government Act, the council cannot make those rulings in that area. In terms of consultation on this particular bill, we need to look at a whole range of other ways that we can assist the community once we have succeeded in having this first smoke-free day.

The Non-Smokers Movement of Australia, in its support for my bill, has suggested the addition of designated outdoor smoking areas, but not in main thoroughfares such as the mall. In jurisdictions elsewhere in the country and the world, a main precinct such as a mall (or Hindley Street or Rundle Street) has a designated smoking area off and away from it.

I prefer people not to smoke at all, but that may be another option that members in this place might like to investigate, to look for opportunities for people to go where they do not offend others, do not pollute the air and where their cigarette butts are adequately contained.

I have raised a number of these issues within this bill. I have had significant consultation with a whole range of people, including cigarette manufacturers and the anti-smoking lobby. The bill talks about an expiation fee and the profits going to the Cancer Council. At this point the Cancer Council has a couple of other smoke-free days. I am still discussing with it a way of involving its good work with this voluntary day we are proposing in May this year. We would then look at having, in May 2009, one calendar day—the last Friday in May before World No Tobacco Day—and if successful we could look at the Christmas Pageant day, when 400,000 people come to the city, the vast majority of which are children.

I urge members to look at the contribution I have made, engage in debate with the Adelaide City Council, the Cancer Council, Quit SA, and the Australian Medical Association. The evidence is overwhelming that it is in the best interests of the community to do this. I am proud of Adelaide as a city and state that has led this nation in a whole range of reforms. To be the first city in Australia to be smoke free, even initially for just one voluntary day in May this year, would be the catalyst to further leadership on this issue and would be a great step forward. If only one or two people succeeded in giving up as a result of this one voluntary day in May this year that would make it a success. I know a number of smokers who enjoy cigarettes, but I do not know one who says that it is doing them the world of good and is extending their life. I commend the bill to the chamber and look forward to other members' contributions.

Debate adjourned on motion of Hon. J. Gazzola.

STATUTORY AUTHORITIES REVIEW COMMITTEE: ANNUAL REPORT

The Hon. B.V. FINNIGAN (17:33): I move:

That the report of the Statutory Authorities Review Committee 2006-07 be noted.

I commend the report to members. It has been a busy year for the committee. We have had personnel changes because the Deputy Leader of the Opposition, following the coup and her promotion, is no longer on the committee and the Hon. Rob Lucas has taken her place. With the resignation of the Hon. Nick Xenophon, the Hon. Ann Bressington has come on to the committee. I thank the Deputy Leader of the Opposition and the Hon. Nick Xenophon for their former service. The Hon. Mr Xenophon was on the committee for some years—I think for all the time he served in this place. I welcome the new members, the Hon. Ann Bressington and the Hon. Mr Lucas.

We have concluded our report into the Medical Board of South Australia, which was tabled, and we are working on a number of inquiries that are before the committee. There is the ongoing inquiry into the Independent Gambling Authority; an inquiry into the Land Management Corporation; and, we now have a reference from this venerable council itself regarding the WorkCover Corporation. There are at least one and perhaps more matters on the *Notice Paper* that would refer matters to our committee, so if that happens there will be a fairly heavy workload for the committee for the rest of this year. I thank the other members of the committee, old and new, especially the Hons Mr Stephens and Mr Hunter, for their contributions and work on the committee. I also thank the committee secretariat: the secretary, Mr Gareth Hickery; the research officer, Jenny Cassidy; and our administrative assistant, Cynthia Gray. I look forward to serving on the committee for the next year.

Debate adjourned on motion of Hon. T.J. Stephens.

GLENSIDE HOSPITAL REDEVELOPMENT

The Hon. J.M.A. LENSINK (17:36): I move:

1. That a select committee of the Legislative Council be established to inquire into and report on the state government's proposed sale and redevelopment of the Glenside Hospital site with specific reference to—

(a) The effect of the delivery of services by the proposed co-location of mental health, drug and alcohol, rural, regional and state-wide services and the possible security implications;

(b) The effect of the proposed sale of 42 per cent of the site and its impact on the amenity and enjoyment of open space for patients and the public, biodiversity, conservation and significant trees;

(c) The impact of the reduction of available land for more supported accommodation;

(d) The effect of the proposed sale of precincts 3, 4 and 5 as identified in the state government's concept master plan for the site and its possible effect on access to the site and traffic management generally;

(e) The proposed sale of precinct 4 by private sale to a preferred purchaser; and

(f) Other matters that the committee considers relevant.

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

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

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

I begin my contribution by looking at some of the history of mental health in South Australia. An instructive article written by Professor Robert Goldney, professor and head of the Discipline of Psychiatry at the University of Adelaide, was published in Australian Psychiatry last year. It is entitled 'Lessons from history: the first 25 years of psychiatric hospitals in South Australia'.

One thing of which honourable members may not be aware, which I was quite bemused by on one of my visits to the Old Adelaide Gaol, is that when South Australia was first established in 1836 it was not deemed necessary that South Australia would need to have a gaol and, as a result, when people were being disorderly, they were detained in the Adelaide Parklands by marines from *The Buffalo*, and what is known now as the Old Adelaide Gaol was subsequently built.

The opening of Professor Goldney's article quotes George Santayana who said that those who cannot remember the past are condemned to repeat it. In looking at the history, in 1841 a paper was issued concerning people with mental illness being detained in the gaol and it states that it was the practice to keep any lunatics, which is what people were unfortunately referred to in those days, who were difficult to manage in the Adelaide Gaol. Further concern was expressed by the colonial surgeon, Dr James Nash, who I understand gives his name to the current forensic mental health facility, that there were eight male and four female lunatics segregated in the gaol in December 1845. But the governor's response was that no funds were available for more suitable accommodation.

This led to some public outcry which in turn led to planning for a new psychiatric hospital, and that was located on grounds which were close to what is now the Royal Adelaide Hospital. An article, which was published in May 1849 in *The Adelaide Times,* referred to the planning of what was known then as a lunatic asylum and it stated:

> But to speak seriously, we would ask why do not our officials, who know nothing of such matters themselves, ask the opinion of persons competent to advise.

I refer to that because it is something that has been raised, particularly by the College of Psychiatrists, in relation to the concept master plan of the Glenside Hospital.

A description of the operation of the new lunatic asylum—which, as I mentioned, was located close to the Royal Adelaide Hospital—was, for some reason, sent to the International Exhibition of 1862 in London. The observer, a Mr Frederick Sinnett, came to the view that the building was too small but that the grounds were large and soothing, and those grounds were more than suitable as a place for people who had mental illness. The building itself was described as a

place of confinement, not containing enough 'lightness and cheerfulness' and, on the grounds themselves, 'there appears to be a lack of means of recreation and employment.' I will go on and quote more extensively. Mr Sinnett stated:

> Force is entirely disused, there not being a single straitjacket or similar relic of barbarity. A large number of the lunatics work in a vineyard, orangery and garden of about 10 acres in extent, which has recently been very usefully added to the establishment, and the superintendent assured me that, though the lunatics here work with axes, spades, pickaxes, and other tools, which half a century ago anyone would himself have been thought mad to put in madman's hands—

I apologise that this language is rather archaic—

> no accident or attempted violence has resulted. When I visited the establishment the dinner hour was approaching, and in most of the wards tables were laid out with knives and forks, and no apprehension of ill consequences appeared to be entertained. There was less noise and fewer outward manifestations of insanity than in other asylums that I have visited elsewhere, and, indeed, in one or two cases, the lunatics addressed me in such rational styles and complained of the hardships of being confined when in full possession of their faculties, that it was only by recollecting the total absence of all motive for confining people unnecessarily long in a public asylum, that I was able to overcome the impression that injustice was being done. Fewer people, than at other asylums that I have visited, came forward with the wild, incoherent stories and fancies, though, of course, such cases were not wanting.

He goes on to say:

> The lunatic asylum is not large enough for the requirements of the place. On the occasion of my visit, there were 171 patients, and the Colonial Surgeon said that they had been obliged to put some of them to sleep in the corridors although, in the majority of the cells there were two beds, and they had also made the experiment of the dormitory with eight or 10 beds in it.

The article then goes on to refer to the establishment of Glenside, which was known as the Parkside facility. In this article, Professor Goldney states:

> The perception of governments not listening is also as pertinent today as it was 150 years ago. Initial professional concern appears to have been ignored prior to the establishment of the first psychiatric facility. Furthermore, when a more substantial psychiatric hospital was built, there was public comment about the lack of consultation with 'persons competent to advise', and there was also contention as to whether it should have been situated adjacent to the only general hospital in the colony, or whether it should stand alone.
>
> This has particular relevance in terms of the contemporary debate about the success or otherwise of mainstreaming patients with mental disorders into the general hospital system. Although in the early 1990s it was stated that 'the mainstreaming of acute psychiatry to general hospitals offers a new opportunity for the profession to reassess itself', it is increasingly apparent that there have been unwanted consequences. For example, a diversion of liaison psychiatry expertise from general wards to overcrowded emergency departments has been noted, and 'long waiting times for beds and an inadequate physical environment in which to contain psychiatric patients has led to the use of both chemical and physical restraint' to an increasing degree.

There is a reference to the Senate select committee and the most recent review and plan for mental health reform with the cautionary words:

> ...there is some unease reflected in the conclusion of the Senate Select Committee on Mental Health that there are limitations, because the environments of general hospital wards can be less than therapeutic for seriously ill people in disturbed states...With changing design standards, general hospital sites—with a focus on short length of admission (average of three to five days)—will struggle to provide the space and tranquillity that facilitate effective treatment for people with serious mental illness.

Just on that point, I am grateful to the minister and her staff for facilitating briefings and site visits at a number of our mental health facilities in the state. The one in particular that I would have to say shocked me was the facility at the Royal Adelaide Hospital.

That shock was mainly because of the physical environment. The B8 Ward is located at the top of a multi-storey building at the Royal Adelaide Hospital. There are dormitory-style rooms for both men and women, which means that there is not even a curtain to provide privacy between the patients. If they want to go downstairs to have a cigarette, one of the staff is taken off the floor to accompany them. There is very little space for recreation.

One of the general complaints that I have had from people who have been in acute facilities in our metropolitan hospitals is that they get bored. I understand that people enter those sort of facilities in a metropolitan hospital largely because they might have had an acute episode and they might need to be medically stabilised, but that is quite different from a lot of the other medical conditions in hospitals, in that a lot of these people are physically well and ambulatory, and they need things to occupy their time.

I understand that in ward B8 they stay only three days or so, but in this day and age I was quite shocked—that is the word I choose to use—that that is a way in which we attempt to assist people with mental illness to get better.

Then there is ward C3, which is on the ground floor of the same part of the Royal Adelaide Hospital. The first thing that you notice when you go in the doors is the smell. It is a very strong cigarette smell. There is a smoking room at the end of the ward which is used extensively by the patients. I understand that funds have been provided so that it will become a way to exit to the outside, and that will be located opposite the Botanical Hotel and will probably be quite pleasant.

It is a dingy place; it is a smelly place. There is very little there that encouraged me that it was a therapeutic environment for people to recover from mental illness. I make those comments in relation to those quotes.

I will refer again to Professor Goldney's article, in which he states:

> It is of interest to reflect on the number of beds available in 1862: 171 for a population of between 130,000 and 135,000 people which represents a bed availability of approximately 125 per100,000 population.

He also says:

> Naturally there are issues of what actually constitutes a bed (e.g., whether it is for acute or rehabilitation or community care).

However, the difference in ratios there is quite stark. I would add that bed numbers are also a separate issue from the environment as I have just described the acute mental health wards at the Royal Adelaide Hospital and ask whether that should be considered sufficient for people with mental illness to get better.

In his concluding remarks Professor Goldney states:

> Although the architecture of the Adelaide Lunatic Asylum may not have been as modern as desirable, even for the 1860s, the buildings were associated with gardens and space which allowed patients freedom of movement. Indeed, the environment described by Sinnett appears to have been marked by a sense of tranquillity which is hardly consistent with modern psychiatric institutions that are often housed in inappropriate situations in general hospitals.

I refer to the Margaret Tobin Centre, which is often held out as a modern facility—and it is. It is very nice in comparison to older mental health wards but, again, it is located within, I think, Flinders Medical Centre. It is fair to say it does not have a lot of extra space and, while there have been allowances made for people to go outside and there is some nice landscaping and barbecues and so forth, I think that the people there would benefit from additional open space.

I refer to more recent history, and that is the Cappo report which was squeezed out of the government because of a leak internally in February 2007 and which was used extensively to ward off questions in this place about what was happening with Glenside.

I would again like to refer to the work of Professor Bob Goldney, who delivered the Barton Pope Lecture in October 2007, which is a treatise on suicide prevention. He is quite scathing of the mental health system in South Australia. He poses this hypothetical question:

> If psychiatric illness requiring hospitalisation is the most important contributing factor to suicide, could there be something about the provision of services in SA that may be influencing the suicide rate?

He refers to coronial recommendations, the workload on staff and bed availability. He says, 'We are informed that our bed availability is adequate.' Worldwide availability is 44 beds per 100,000 population. He alleges that the government of South Australia is apparently trying to get our bed ratio down to 22 per 100,000, as is the case in Victoria. He also refers to the blockages within our acute hospital situation, which is something that I think has been dismissed by various members of this government, and also refers to optimum bed use, stating:

> Risks are discernible when average bed occupancy rates exceed about 85 per cent...acute hospitals can expect regular bed shortages and periodic bed crises if average bed occupancy rises to 90 per cent or more. There are limits to the occupancy rates that can be achieved safely without considerable risk to patients and to the efficient delivery of emergency care.

He then talks about the Stepping Up report and the Glenside redevelopment. He put to the audience, 'Is this simply another in a long line of government reports and announcements?' He states:

> It must be important: the Premier announced it; there were full-page advertisements in *The Advertiser* and *The Courier;* there was a letterbox distribution of glossy brochures in surrounding suburbs.

Then, in the PowerPoint slides, there are pictures of the Stepping Up report and the Glenside Concept Master Plan. One of the subsequent slides is of a book (which I have read myself) by Don Watson, a former Labor adviser, called *Weasel Words*. He says:

Consider the words used: Stepping Up—the state government concept master plan for SA specialist health services; mental health, let alone psychiatry, disappears from the title. Definitions: concept—idea, general notion. Master—person having control, to overcome, to reduce to subjection.

Then he quotes the minister and her weasel words, as he puts it:

An exciting and innovative new concept master plan; rejuvenate this important site; modern, world class; first class; purpose built; major and exciting reform; mental health system should be rebalanced; our valued health workforce.

I think that particular notion was well and truly poked in the eye last year, when the psychiatrists were so desperate for better conditions and were disparaged by one of the Department of Health bureaucrats for being greedy when, in fact, all they wanted was their fair pay. Under 'Valued workforce' he states:

Minimal consultation with the profession; no consultation with clinicians at Glenside—

and I would add that the James Nash House relocation decision took place without consultation with clinicians either—

Invitation to attend launch sent by email at 5.35pm for 9am the next day—

hmm!—

Secrecy surrounding the announcement was...?

Then he goes on to say:

Similarity to: announcement of the move of forensic psychiatry facilities to Mobilong. No consultation; widespread community concern, including that of the legal profession.

The final slide I will quote from is his headline asking, 'Does the Glenside plan address access to community care or to acute beds?' It states:

A 10-bed increase in secure mental health care beds; no increase in intensive care beds; no increase in acute care beds; no indication of integration with community services and continuity of care.

He says that the politics of mental health is driven by ideology rather than solid research-based policy. That is quite a scathing assessment by Professor Bob Goldney, one of the pre-eminent psychiatrists in this state. I was tipped off about the announcement of the concept plan in September last year by, of all people, a staff member at Glenside. It has become an increasing occurrence that whistleblowers who work within the system have been contacting my office with information because they are so appalled at what has been taking place.

From my quick reading of it (which turned out to be as horrific as I had first thought), a large part of that site was to be sold off. While the document refers to 'healing gardens', as the member for Bragg has put it, the healing gardens will probably be about the size of a handkerchief. The concept master plan can be found on the website. I add that we are not opposed to redeveloping the site. I think it is commendable, but the fact that this government cannot redevelop it without selling off such a large part of it is deplorable.

The new 129-bed hospital will be located in precinct 1, which is at the northern end, and at the north-west end there will be wetlands and an open space. A number of different services will be located in that hospital. In our briefings we have not been able to ascertain whether it will, in fact, be one building or whether there will be distinctive separations. The reason that is important (as the College of Psychiatrists has described) is that this mix of patients is a potent mix in that there are 40 secure mental health rehabilitation beds—and for people who are not aware exactly what that means, they are located in a closed ward—and there will be some open beds, as well.

The residents of Helen Mayo House, consisting of six mother and infant acute mental health beds (who are a very vulnerable client group), will be located there, as will the 23 rural and remote acute mental health beds. Again, a group that can be quite vulnerable. There will be 10 intensive care beds (which is comparable to the client group currently at Brentwood) and also 30 Drug and Alcohol Services beds will be relocated. I think that includes an additional eight beds. Drug and Alcohol Services are currently located at three prime real estate sites: one on Osmond Terrace at Norwood; one in Joslin; and one in North Adelaide. This hospital cannot be built without the proceeds of those sales.

Precinct 2 is in the centre and contains the heritage buildings with which many people would be familiar. We have been advised in briefings that that announcement—whether that is an arts precinct or so forth—will be made by the Premier. Although, given the way that the publicity surrounding this proposal has been going, he might be running a mile from that one. Commercial

precinct No. 3 will contain shops and so forth. Precinct 5 is mixed medium density housing, which could be two to three storeys and, on my rough calculations, based on the hectareage, could mean some 400 new dwellings, including the 40 supported accommodation places peppered throughout. Small provision exists for open space between precinct 5 and precinct 4. One of the issues that has been quite controversial has been the issue of precinct 4.

Contradictory statements have been made by the government, and it has said that it will look for the best available price, yet it is not going to open tender. An individual assessment of the value is being made. Many people would be familiar with the Foodland site, and it was admitted to us in one of those briefings that the first offer to that group was 'unusual'.

[Sitting suspended from 18:01 to 19:47]

The Hon. J.M.A. LENSINK: Before the dinner break, I had been talking about the Glenside concept master plan. As part of that process (and in some rather florid discussions) consultation was promised by the government, and I will refer to that subsequently in my speech, particularly in relation to some of the correspondence with local residents and with the City of Burnside. Those promises, I believe, led members of the community to believe that they would have some genuine input into the open space design and a whole range of other issues.

The release of the concept master plan raised a number of issues with different stakeholders. For patients and families there has been some uncertainty as to the continuance of services, particularly for the aged residents who will no longer be able to access a service at Glenside. Quite a number of those appear in one of the most recent briefings—I think that number was about 120, but I am not sure where that is up to.

The briefing we received from the department advised that there would be three avenues for those aged-care residents: one would be to mainstream nursing homes, which would be provided with the support of a unit within the health department; another avenue would be to the Oakden Nursing Home; and another would be returning to the community, and understandably that has concerned a number of families.

More recently, since the release of the concept plan in September last year, a number of families have received letters from the government advising that their loved one will need to be out of there by Easter. In a former life I worked for the aged-care sector. A proprietor member of the association of which I was the CEO (which was then known as Anheca) contacted me probably six to eight weeks ago. That member had taken in one of these tricky residents whom I think had been accepted from the Lyell McEwin Health Service. That resident may otherwise have been placed in the Glenside aged section. I am grateful that the minister's office—indeed, Derek Wright—got onto that case fairly quickly, but it typifies what could be extremely problematic for what we call mainstream aged care in that they do not have the expertise or the resources to manage very complex mental health clients.

The story was related to me about this particular chap who was placed at a nursing home in the northern suburbs from Lyell McEwin Health Service. He must have been attached to a MAC team. The MAC became increasingly less interested in assisting the nursing home when he would have one of his episodes. Frequently, he would become violent to the point of tearing off a fire door which, for the remaining residents and their families, would be a huge cause of concern.

Part of the difficulty that mainstream nursing homes have is that they come under the regulation of the commonwealth government, which has very strict rules about the way in which residents should be treated; and, indeed, family members have greater input into the way in which their relative is treated while they are in aged care.

One of the issues which arose and which was different from when this chap was in the Lyell McEwin Health Service is the amount of input the family had. They did not like him to be medicated, and that led to his becoming violent and having these episodes, whereas when he was in the Lyell McEwin Health Service they were able to manage him with his medication. I cite that as one example of which I am aware where mainstreaming people into residential aged-care providers, funded by the private or not-for-profit sector in South Australia, can be quite difficult. Also, I will talk about Oakden as a potential for receiving residents.

The issue of rehabilitation has been raised by patients and families of people who have been or are currently in Glenside. I have heard of a case of a lady whose son was on the waiting list. He has since been bumped off the waiting list (because there is no longer a waiting list), and he will not be able to receive rehabilitation services. When family members spoke at a meeting last

month they raised the loss of open space, and the healing impact that open space, trees and the natural environment has in assisting people to recover from mental illness.

Another stakeholder group is psychiatrists and their staff. The Royal College of Psychiatrists is unanimously opposed to this development. In my earlier contribution I cited Professor Bob Goldney's article about people who do not have the expertise to understand the decisions they make. He was referring to developments some 150 years ago in mental health and, clearly, this applies today. The Royal College of Psychiatrists was not consulted on this development. Indeed, it would not have been consulted on the decision to relocate James Nash House, either.

The issues it has raised include the lack of open space which, as Dr James Hundertmark says, 'has a proven role for people with mental health issues'. It is also concerned about the grouping together of diverse groups of people within a single service (including Drug and Alcohol Services) and the sale of open space. It believes it is a recanting of Mike Rann's promise when he told South Australians before the last election that Glenside would remain open. In an article in *The Advertiser* in November last year, Dr Hundertmark said:

> Our college has no interest in allowing shopping centres, housing developments or wetlands to encroach on what is akin to a sacred site for mental health in South Australia.

So, their point of view is very clear. They are also very concerned about the post-acute stage of people with mental illness, in that there will cease to be places for those people to recover, particularly those who are chronic resistant and who need closer supervision than the average (if I can call it that) mental health patient and closer supervision than is supplied by the government's current proposals for other step-down facilities.

A lot of mental health medications have some pretty difficult side effects, so some people need an extensive period of being monitored before the health care system can be sure that they are on the road to recovery—indeed, some psychotic patients will take up to four months. They need a consistent environment and they need their medication, and it is difficult to provide such a service in an acute setting, particularly places such as the Royal Adelaide Hospital, as I described earlier.

Another indication to me that the staff within the mental health system are highly dissatisfied is the increasing number of leaks and anonymous phone calls and emails that I have been receiving from people who work within Glenside, James Nash House and other parts of the mental health system. They are clearly afraid to speak out, because they know that they will not be treated kindly by this government. I recently received a letter from a former nurse who worked there (I am sure she will not mind me mentioning her name), Miss Flora McDonald, who now lives in New South Wales. In her letter she said:

> Dear Michelle
>
> It is with a sad heart that I read in the print media of the demise of part of the grounds of the Glenside Mental Hospital. I began my nursing career at this wonderful hospital, known then as Parkside Mental Hospital, in 1946, and spent 3¼ years, very happily, training as a psychiatric nurse under the tutorship of eminent medical specialists and senior nursing tutors. Dr Hugh Birch was medical superintendent. Male and female patients were nursed separately and patients were rehabilitated and returned to society after successful medical or surgical treatments. The loving care and compassion given to the mentally ill by all staff has remained in my memory ever since.
>
> The beautiful hospital grounds provided rest, exercise and sporting activities for the patients and staff. To realise that these lovely grounds will be subdivided and used by suburban developers fills me with much sadness. Why can't the entire area of buildings and grounds be classed as a heritage place? This would allow the place to always be a reminder to me, and other staff, on my return visits to my home state, of how the mentally ill were nursed and cared for instead of the present action of allowing them to wander our streets in all states, obviously lacking so much needed care and attention.
>
> Concern has already been stated about the number of mentally ill patients being sent to gaol where unskilled staff are expected to care for them. Will the proposed 129 bed specialist hospital provide the necessary care for the mentally ill?
>
> As for creating Wetlands in part of the grounds when South Australia so desperately lacks an adequate water supply beggars belief! Trusting this information may be of some interest to you. Yours sincerely...

Local residents have obviously been concerned as well, and I think that they have been the scapegoat for the government's attempting to dismiss the concerns of so many stakeholders. We had the farce of the two public meetings in October, where the residents were invited to participate in this so-called consultation process, and yet they were told unequivocally that it is non-negotiable.

So, I wonder whether the negotiable parts of the plan will be whether to have hedges of viburnum or hibiscus (and I say that in jest). What does 'consultation' actually mean?

The council and local residents have huge concerns that a ministerial DPA will be slapped on them and that they will have no input whatsoever. Their concerns relate to open space, the sale itself (particularly of precinct 5), and the lack of information—and, indeed, in the public meetings, no information has been forthcoming. I think the confidence of all these different stakeholders in this entire process has worsened since the original announcement, because it has been handled so incredibly poorly. There is a yawning gap between the promises and fine words that are in the published documents compared to what has taken place. If anybody is in any doubt as to the compassion and concern of some of the local residents, this is from one local resident, who states quite eloquently:

> I am concerned about safety and best practice for mental health patients—what supporting evidence is there that this model will be best for them? To minimise the mental health facility in a sea of high density houses and shops does not seem an improvement on the current situation. The current hospital site offers a magnificent setting with wonderful open space and natural wildlife, which is so special to be available for mental health patients, and would be so much more of a benefit to their mental health than being amongst houses and a shopping mall. There is also wonderful future potential at this site for any future mental health needs, which would be lost forever if the current redevelopment proposal goes ahead.

I completely agree with that last point: it is a crazy move on the part of the government to lock away forever any future expansion on that site. One of the people who attended one of these so-called consultation sessions wrote to The Messenger Press and, in a letter titled 'Glenside talks', she states:

> I was one of the local residents who accepted health Minister Gail Gago's recent invitation to discuss the Rann government's decision to sell off 42 per cent of the Glenside Hospital open space land. Despite the intimidation and red tape of actually getting into her office, I persisted, as I wanted to hear the minister speak on the subject. Thus far, the minister has refused to front any of the three recent public meetings held to discuss this matter. I was disappointed that all we heard at this ministerial meeting were 'sound bites', and that the decision was 'non-negotiable'. Whenever questions got tough, the minister's minders, or Health Department officials, took over the talking. It was a most unsatisfactory meeting. I urge people to register a protest at this forced removal of long-term patients of Glenside Hospital and the distress this has caused their families and of the loss of our open space land for yet another shopping centre and land division. Remember, once the 42 per cent of open space is gone, we can never get it back.

Members might note that I am quoting a lot. I am quoting from other people for several reasons: first, because I think they put it in very eloquent terms; and, secondly, because we have been accused—as Liberal members who have genuine concerns about this—of politicising the issue when in fact a huge range of stakeholders have come forward, put their names on the record and expressed their disgust and outrage at the proposal and at the process.

The City of Burnside wrote to the minister on 18 October last year, stating, in relation to this concept master plan:

> Unfortunately, given the significant lack of information and detail in the concept master plan and the manner of its release, informed council comment on the proposal cannot be made at this stage. The council would appreciate the provision of the following additional information...

There are some 12 dot points, which I will not read out in their entirety, but they relate to the proposed residential redevelopment in precinct 5; proposed wetlands and open space; details of the hospital and health services to be provided; details of the office and commercial development in precinct 3; details of the village green and open space; details of the shopping centre development in precinct 4; details of the use of heritage buildings in precinct 2; details of the overall road network; details of the broader open space management; details of proposed administrative security arrangements; details of the outcomes of the consultation undertaken on 4 October and to be undertaken on 23 October; and details of proposed methodology of future consultation. The author then expresses an interest in other potential purposes for the site, including dementia services, a community facility in one of the heritage buildings and sporting and recreational facilities such as a skate park.

The council received a reply on 30 October from the minister, which is the date the minister met with Mayor Wendy Greiner. The minister states that residents, staff and community members are able to influence the look and feel of the site and talks about a range of urban design issues. I will quote this paragraph, which sounds to me very like Sir Humphrey Appleby. It reads:

> To capture this input, the South Australian government has established an exhaustive and extensive community engagement process—a process that goes well beyond the minimum statutory requirements. In fact, the

process is in line with best practice community engagement methods internationally and is designed in such a way that community members have an opportunity to input in a constructive way.

On the second page the minister gets into the subject of what can only be described as hubris in her description of the way the so-called community consultation meetings organised by the government took place. She says:

> Large, open floor forums have been found to be susceptible to being dominated by highly vocal people who are comfortable making speeches in front of large audiences. Genuine consultation needs to be structured in a way that avoids manipulation. I am advised that at the recent Listening Event on Tuesday 23 October 2007, and via subsequent phone calls, my department was approached by Burnside residents who expressed their dismay and disappointment with those who disrupted the constructive session.
>
> Further, the project team advise me that of those who attended last Tuesday's session and participated in the workshops the project team received 301 constructive comments, while they received only four inputs once the format changed to a large open floor forum. I am pleased that the Department of Health has put a community engagement process in place that will allow us to hear from the many—rather than the few.

A few people at that meeting (including myself) might think that we were in completely different or parallel universes. I attended one of the meetings—admittedly probably for the first hour—and was sitting up the back, and I have to say that I heard a great deal of murmuring from a large number of people who looked to me to be genuine community members rather than professional stirrers. If you do not believe that from me, one of the locals, who rebuts the minister's claims, says:

> The reason only four inputs were received in open forum was that the mental health staff in control of the meeting only allowed four people to speak before turning off the microphone and terminating the public meeting even though others were waiting to speak, thus attempting to stifle discussion. Their treatment of the people of South Australia was contemptuous...After the microphone was switched off, the meeting resolved overwhelming[ly] on the voices the following:
>
> - no-one wanted the development to go ahead in its current format;
> - no-one present wanted the open space sold;
> - no-one wanted the elderly mentally ill evicted from Glenside; and
> - everyone wanted a public meeting to be organised by Burnside council so that views on the facility could be properly expressed and shared.

Indeed, *The Advertiser* reported that particular meeting as a 'sham'.

There was a huge number of questions and comments from the residents—some 43 of them—and seven resident resolutions, and if I was feeling like being troublesome I would read all of them. However, in view of the hour of the evening I will not; I am sure the government has seen them, and they are available for anyone else who would like to see them.

The council has, of its own volition, put a number of resolutions in relation to its concern, and at this stage I think it is still concerned about the lack of information. If you do not have information how can it be construed that you have been consulted at all? The council believes (and I agree) that the upgrades to the Glenside site should be funded from government revenue rather than from the sale of land. Indeed, the City of Burnside sought a meeting with the Hon. Paul Holloway as Minister for Urban Development and Planning, and I would like to quote from that quite recent letter. It is dated 13 February and titled 'Glenside Hospital Redevelopment: Burnside community feedback'. The letter reads:

> Thank you for agreeing to meet with...and me on 19 February...However, some of the elected members are extremely disappointed that they could not be included in our discussions on the redevelopment and raise the concerns on behalf of their residents.

I take it that it is Burnside council that has been excluded from meeting with government ministers. It continues:

> The council and community continue to be disappointed that the Premier is unable to receive a delegation. Council supports the upgrade and refurbishment of Glenside Hospital to meet the current and future needs of South Australian mental health patients. There is the need to provide an increased level of support for the ageing mentally ill and the projected population increase as recognised in South Australian Strategic Plan.

That is a very good point. I am very sceptical that the current number of beds caters for existing needs, let alone future needs. The letter goes on:

> There are significant community concerns regarding the project, in particular, loss of open space, safety (including impact on nearby schools), integration with adjacent residential areas, traffic access and egress, loss of significant trees, ministerial DPA proposed mix of services, and the lack of genuine community consultation.
>
> The use of ministerial DPA processes will be viewed with concern by many of the community. As the project proceeds, commercial-in-confidence procurement processes will hide relevant details from public

> scrutiny...The council has not been provided with any details regarding the residential, commercial and retail development proposals—in particular, dwelling density, floor space, height, subdivision patterns, landscaping, stormwater, security, impacts on State Heritage buildings, built form design themes, traffic and parking, and integration with adjacent development.

The final paragraph of the letter asks the Minister for Development and Planning to reconsider the proposed redevelopment.

All honourable members would be aware of the issues that arose in the mental health sector over the Christmas period, in particular, young people being placed in backpacker accommodation because there was nowhere else suitable or appropriate for them to go. Indeed, the government-run supported residential facility known as Palm Lodge had accommodated a couple of young people for some time but, due to that facility's own rules, they were not able to stay. Those young people needed a safe roof over their head and, in my view, the mental health system in this state let us down.

I became incredibly irate when the acting minister for mental health (Hon. Jay Weatherill) was barrelling on about this particular plan and saying there would be an increase of 86 beds. I think there are a number of ministers in this government who need to go and talk to the parents of some of the kids who are suffering from mental health problems. It would make the hair on the back of your head stand up and make you wonder what on earth we are doing, in this day and age and in a wealthy country like Australia, when these kids are left to fend themselves.

One mother who I have quoted on radio has a daughter who has got down to 35 kilos. Her mother does not know from one day to the next whether her daughter is alive or dead. This woman has made missing persons reports, and she is worried sick about her daughter. This girl has been placed in private accommodation, but those situations do not work because she has schizophrenia and she can be quite difficult for other young people to live with. She has spent some time in a backpacker accommodation situation, and that did not work out and, when that does not work out (what a surprise!) these young people end up on the street.

For minister Weatherill to glibly refer to '86 additional beds' as if that is going to solve any of the problems in the system I think is absolutely pathetic. As someone from the Left who claims that he is a social conscience, I say that, until he speaks to those parents and changes his mind, he has none.

We also have the situation of the Oakden nursing home, which is under commonwealth sanctions. Again, it is a facility that is run by this state government (as is Palm Lodge), and it has failed 26 of 44 commonwealth standards; it cannot receive new residents, and my office continues to hear horror stories coming out of that place.

This is a government that cannot run mental health facilities in other areas, and it is telling us that it has this fantastic plan for Glenside that is going to fix all these problems. It is just a joke. If Oakden nursing home is not able to accept new residents—and it is not—then how this affects the existing aged care residents on the Glenside campus makes the whole plan fall into disarray.

We had a bemusing announcement last week from the minister that there is a new reference group of 13 anonymous people, which I take as an admission of failure of the existing consultation process. The media release was entitled 'Community reference group to influence Glenside redevelopment', and I think 'influence' is a carefully chosen word, no doubt by some clever person in the Premier's media unit. It states:

> Some decisions have been made by the state government in the release of a concept master plan...The community reference group is being established to consider a range of matters.

The government has not even disclosed who is on that reference group, so how they are supposed to be contacted by concerned members of the public is really anyone's guess.

Our general concerns are: the reduced area for the care of mental health patients; fewer beds overall in the system; the mix of clients who will be on the new site; vastly reduced open space for patients on the site, general public and local schools; traffic congestion; the entire consultation process; and that this department has obviously been told by Treasury and Finance that it has to get the money for itself, because, unless that 42 per cent is sold, there is no new hospital.

I find it extraordinary that this government wheels out Monsignor Cappo to say, 'Oh, yeah, yeah; you know, don't worry; the government's going to fix this thing', and yet cabinet and the Treasurer of this state cannot even grant additional moneys so that we can fund these

developments in a proper manner, as they ought to be, without putting the blinkers on every stakeholder group which has some genuine interest and concern about what is taking place. I think this decision is an absolute disgrace and makes me quite angry. I will continue to fight it as long as I have breath in my body.

Debate adjourned on motion of Hon. J. Gazzola.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: COASTAL DEVELOPMENT

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

That the 61st report of the committee, on coastal development, be noted.

(Continued from 21 November 2007. Page 1487.)

The Hon. M. PARNELL (20:18): I rise to speak to the motion because it is a very important report that the government should take very seriously. It is the first major report to be completed in my time on the Environment, Resources and Development Committee. It did take us well over a year to pull together because we have done a very thorough job. The report consists of some 86 recommendations, all of which are supported by evidence that was presented to the committee, from experts in all manner of disciplines relevant to coastal management.

Whilst we are still awaiting the government's response to this report, out there in the community the report is already beginning to have an impact. One very brief piece of correspondence received by the committee was from Professor Sean Connell, Southern Seas Ecology Laboratories, at the School of Earth and Environmental Science, University of South Australia. He summed it up in very few words:

> Dear Sue [Dr Sue Murray-Jones, researcher to the committee] and Philip [Philip Frensham, secretary to the committee], I just read your report. I think it was excellent. I hope it brings some productive changes.

And that pretty well sums up my views on this report as well. Another group that has taken a real interest in this report is the Friends of Gulf St Vincent, a group that members would be aware has been very vocal in the past few months, especially in relation to issues of nutrient and sediment pollution of Gulf St Vincent and the impact that has on our seagrass beds and other parts of the marine ecology. The Friends of Gulf St Vincent this Sunday has organised an all-day forum specifically to discuss this committee's report. I will read a sentence or two from the flyer advertising this seminar as follows:

> There is increasing demand for development along our coastlines, which needs to be managed carefully to prevent further degradation. The issues of coastal development and the increasing demands by housing, industry, recreation and other users are interrelated and complex. There is increasing pressure on local communities who, as custodians, are keen to safeguard the uniqueness of their coastal environment.

The Friends of Gulf St Vincent coastal development forum will be held this Sunday, 2 March between 10am and 4.30pm at the Shores Function Complex, also known as the Woodshed, corner of Hamra and Military Roads, West Beach.

We often wonder, when we prepare these reports, whether they will ever see the light of day, whether anyone will read them or pay any attention to them, but the coastal development report of the ERD Committee is already creating waves out in the community. There are some 86 recommendations and, as tempting as it might be to go through each one in detail, I will spare the council that pleasure, although I am happy to discuss any one of them over a cup of tea with any honourable member at any time.

I will touch briefly on four sets of recommendations, four topics, just to highlight some of the important work this committee has done. The first recommendations I refer to are recommendations 5 and 6, which relate to the way our expert government bodies are able to respond to questions of coastal development. The particular body referred to in these recommendations is the Coast Protection Board. As members know, the Coast Protection Board is a referral body for development applications, which means that anyone who wants to develop anywhere along the coast must have their application referred to the Coast Protection Board. The recommendations are as follows:

> 5. The committee recommends that the government, as a matter of urgency, amend the development regulations to ensure the Coast Protection Board has power of direction for all development applications referred to it pursuant to schedule 8 of the development regulations.

6. The committee recommends that the government clarifies the role of the Coast Protection Board as a referral agency under the Development Act to ensure that the board's considerations, advice and direction extend beyond physical coast protection to include protection of habitat and wildlife.

Those recommendations might not sound terribly exciting, but they are born out of very poor practice in this state in relation to coastal development.

The way the system works is that all developments on the coast are referred to the Coast Protection Board, but the way the regulations are currently structured, the board only has the power to offer recommendations for the vast majority of those applications. For around 85 per cent of applications, the Coast Protection Board has no power to tell the relevant authority, usually a local council, what to do in relation to that application as it affects the coast. In only 15 per cent of applications does the Coast Protection Board have the power of direction. So, for the vast bulk of those applications, where it is an advisory power only, you would expect local councils to take very seriously the advice of the Coast Protection Board, yet the experience of the past several years has been that on average 20 per cent of the recommendations have been ignored.

That leads to situations such as those we have discussed in this chamber a number of times over the past two years. I have raised them, as has the Hon. Sandra Kanck, and they relate to coastal development at Scale Bay, Searcy Bay and Baird Bay—those remote areas on the west coast of our state where the Coast Protection Board, on the whole, has done the right thing. It has recommended to the councils not to allow these inappropriate developments in these locations. Yet because the development regulations do not provide for the Coast Protection Board to have a power of veto or a power of direction, if you like, its recommendations have been ignored and, as a result, inappropriate developments have been built.

Those of us who follow these issues would recall that less than a month ago we had reports of a sea eagle having been shot in that part of the west coast. It is not to say that it was shot by someone living in one of those developments but it goes to show that the remote wilderness coast with those few remaining populations of white-bellied sea eagle and osprey do not sit comfortably with increased housing development along that stretch of coast. The more people who move into that area, the greater the pressure on those birds. I think they are useful recommendations.

Let us give the Coast Protection Board some real teeth. I note that some groups like the Friends of Gulf St Vincent, which I mentioned before, had equally valid alternative recommendations to make, such as giving more power to the natural resource management boards to give direction over developments that will impact on the coast.

I turn now to recommendations 20 and 21. These relate to the important questions of development in the sea and major development status over developments affecting the coast. If we start with developments that affect the sea, the committee's recommendation 20 is that all development in the sea, including aquaculture, or on publicly owned coastal land, be categorised as category three for public notification purposes in order to better reflect the community's interest in the commons.

That is an issue that I have raised in this place time and again in the two years I have been here. The sea is not privately owned. The sea is our common heritage. It is our common responsibility. Yet the way the development system has been structured, we have industrial development—in particular, aquaculture—being given development approval in the commons with little or no public consultation. I have moved to disallow regulations on this topic in the past and I will continue to raise it because it is inappropriate for this government, or for any government, to privatise the commons. It is our common responsibility, and all development should be subject to rigorous public notification and the right of the owners of that resource to appeal against inappropriate decisions that are made. So, let us bring our marine environment back into the commons.

Recommendation 21 of the committee is that section 48E of the Development Act should be repealed or amended so as to enable breaches of process in relation to major developments to be remedied by the courts. Again, I am very pleased that the committee chose to make that recommendation. It is an issue on which I have been working for over 10 years. As we know, the major development process in this state is such that, once a declaration has been made, the privative clause, as it is known in the Development Act, protects all decision-making from all forms of judicial review.

It is one of the most undemocratic principles in the South Australian statute book. It is relevant to coastal development because all too often we see major project status being imposed

on coastal development, be it marinas or tourist resorts or the like. So, the committee has seen fit to recommend that we should at least allow people who are aggrieved by poor process or illegal process to be able to remedy the situation in the courts. It is not advocating open slather merits appeals. It is saying that, if the government has behaved illegally, and if the government has not followed its own planning laws, it should be open to the courts to remedy that situation.

The third recommendation that I want to draw the council's attention to is recommendation 44, which states:

> The committee recommends that the government mandates that immediate changes should be made to development plans to limit contributing activities where evidence is available to indicate that cumulative impacts have occurred, and that some environmental threshold has or will be breached.

At first glance members might not understand what that means, but it refers to that very simple concept that we all know called 'death by a thousand cuts.' We find that the cumulative impact of various forms of development has an impact on the environment that is usually not picked up when each development is assessed only on a case-by-case basis. So, it makes eminent sense.

I note that in her evidence to the committee Ms Bronwyn Halliday, the Chief Executive of Planning SA, agreed that there was a problem with those cumulative impacts. She said:

> Unfortunately, with a lot of management and environmental issues there are ongoing issues, and it is often the incremental impact that has the greatest impact. It is very difficult to control incremental issues at a particular point in time. The Development Act has no powers to be retrospective, and it has very limited monitoring powers, if they are implemented at all, so it cannot deal with things over time very well.

Yet, what we find is that it is those incremental impacts that cause the most harm. The 5,000 or maybe 6,000 hectares of seagrasses we have lost off the Adelaide coastline in recent decades were not the result of one catastrophic pollution incident: they were the result of decades of diffuse pollution. Every person whose toilet was flushed, where the effluent ended up in one of our sewerage treatment works and where that effluent ultimately ended up in the Gulf, is partly responsible.

Every person whose property drains into the Sturt River or the Torrens River which then enters our marine environment as polluted stormwater is partly responsible, yet we have very few mechanisms—and certainly no mechanisms in the Development Act—that deal adequately with these cumulative impacts. So that, I think, is a very important recommendation, because we need to get beyond just focusing on the individual developments to our collective impact.

The final of the series of recommendations that I want to refer to are recommendations 82 through to 85 which relate to climate change. Recommendation 82 states:

> The committee recommends that the government explicitly considers climate change and sea level rise in all aspects of planning, development and assessment.

It might be argued that the government has already thought about climate change, and we have some height restrictions in development on coastal areas, but I say it does not go far enough. Anyone who has looked at the science of climate change over the past 12 months would appreciate that it is a rapidly evolving science. We have had a number of reports, including the fourth report of the International Panel on Climate Change here in Australia, the interim report from Professor Ross Garnaut and the Stern report from the UK.

The theme that runs through these reports is that every time we look at the situation, it gets worse. If we look at the early IPCC reports, they show bands of possible sea level rise and, being a cautious bunch of scientists, they opted for a fairly conservative middle ground.

What we now find is that even scenarios that were regarded as extreme in the science couple of years ago are now being regarded as probably closer to the average. So, whilst we might have been talking about centimetres of sea level rise within the next hundred years or so, we are now starting again to talk about metres. Everyone would have seen pictures on television or in print of the impact of sea level rise on our coastal environment.

There is nothing more sobering than sitting next to a delegate from a Pacific island such as Kiribati at an international climate change conference and to look that person in the eye and say, 'We don't care about your country going underwater, because we're too wedded on coal. We're not prepared to cut our emissions.' In South Australia we need to make sure that the adaptation phase of our response to climate change must incorporate references to it at all levels in the development plan. There are just four of the recommendations out of the 86.

Just before I conclude, I again make reference to the Coastal Waters Study which was released just recently, and whilst that study did not form part of this committee's work, I think some very interesting lessons come from it. One of the lessons learnt from one of the people who spoke to our committee but who was also involved in the Coastal Waters Study was that it was a very useful approach to consider going to the beach, turning your back to the sea and then saying, 'We need to keep on land all this waste that we are generating.' I think that is the take-home message of the Coastal Waters Study.

We can no longer pump our effluent out to sea. We can no longer allow polluted stormwater to run out to sea without its being cleaned up first. That means that the planning system has to be responsive to these coastal impacts everywhere there is an impact. That means that every development in metropolitan Adelaide potentially has an impact on our Gulf St Vincent and our marine environment.

Finally, I put on the record my appreciation for the work of the committee. It was a long inquiry; it was a thorough inquiry. I especially want to give credit to Dr Sue Murray-Jones who was the principal researcher for the committee. She came to us from the Department for Environment and Heritage. She did a superb job in pulling together all the evidence from a diverse range of witnesses and helping us to incorporate that into the 86 recommendations.

I also thank the many witnesses and others who wrote submissions to the committee. We have tried in this report to do justice to all the things that were said to us and to incorporate as many of the ideas as we could. Without those people taking the time to write or to appear before the committee, we would not have been able to pull this report together. Now all that we await is the government's formal response. There are 86 recommendations. I am very keen to see the minister stand up in this place in the not too distant future saying that the government will support all 86 recommendations.

Debate adjourned on motion of Hon. Sandra Kanck.

INTERNATIONAL PANEL ON CLIMATE CHANGE

Adjourned debate on motion of Hon. M. Parnell:

1. That this council notes—

   (a) the release this week of the final part of the Fourth Assessment Report of the International Panel on Climate Change; and

   (b) that a 2°Celsius (median value) increase in global average surface temperatures above pre-industrial levels is accepted by the European Union as the limit beyond which there will be sufficient adverse impacts on the earth's biogeophysical systems, animals and plants to constitute 'dangerous' climate change;

2. And agrees that the imperative of constraining global temperature increase to no more than 2°above pre-industrial levels should underpin government policy responses to global warming.

(Continued from 13 February 2008. Page 1674.)

The Hon. SANDRA KANCK (20:39): I move:

That after 1(a) insert—

(b) the interim report by Professor Ross Garnaut released on 21 February 2008;

Scientific information about climate change is gathering pace. Given the release of the interim report commissioned by federal, state and territory governments from Professor Ross Garnaut, it is important to add this new information into the consideration of this motion. First, I want to look a little at the IPCC report to which this motion refers. The IPCC (as a body) does not predict; it provides scenarios and asks what the result would be under different scenarios.

In this fourth report, the scenarios suggest that sea level rise this century will be between nine centimetres and 88 centimetres. One has to consider the nature of the IPCC. For a start, they are scientists: they are not spin doctors and they are not politicians. The information received from this body of scientists always represents a conservative position because they return to their countries and obtain approval from their governments before signing off. When they represent countries such as the US and Japan, and at least until last November, Australia, we can be certain that they will not have produced a radical position paper. In fact, other climate scientists have criticised the conservatism of the IPCC report.

Dr Andrew Ash, Acting Director of CSIRO's climate adaption flagship, is one of those. James Hansen of NASA is another. Hansen says the IPCC made a mistake in assuming that

icesheet melting will continue at a slow and linear rate. To the contrary, he says that we are facing what he calls 'tipping points'. He is correct. I want members to consider a physical fact, that is, a fact of physics. Consider that one tonne of ice at 0º Celsius melting to one tonne of water still at 0º Celsius releases so much energy that this, in turn, allows another 80 tonnes of water to be heated so that more ice, in turn, is melted. We are talking about just one tonne of ice.

If members start to think about how many tonnes are melting, consider that the Greenland icesheet has lost up to 70 metres depth of ice over the past five years, they then have some sense of the drama of what is happening. Putting it in simple terms: the more it warms, the more it warms; and the more the oceans warm, the more they acidify; and the more they acidify, the more they release the carbon dioxide which they naturally contain which, in turn, adds even more greenhouse gasses to the atmosphere, which means more heating, which means more melting. It is clear that it is not a linear process. I say it not as a criticism of anyone in this place, but it is an observation that most politicians—just like the rest of the population—do not have training in mathematics, which allows us to be easily fooled into thinking that these changes do occur in a linear fashion.

The amendment that I have moved to the motion asks us also to consider the interim report by Professor Ross Garnaut. I include this because members who will respond to this motion, in effect, will be forced not only to look at the IPCC report but also at what Professor Ross Garnaut has said. It is instructive to look at what he says because what he is showing is that, every time we receive new information about climate change, the picture becomes worse. Whereas, for instance, I said that the IPCC's fourth report had indicated sea level rises between nine centimetres at the minimum and 88 centimetres at the maximum by the end of the century, what Ross Garnaut and his team is finding is that this is conservative. In his report he says:

> The reality of observed climate change in recent years has surprised mainstream scientific opinion, exceeding expectations from the increase in emissions concentrations that have accumulated to date...Comparisons between observed data and model predictions suggest that the climate system may be responding more quickly than climate models indicate.

Of course, if the change is not linear, in a way that is not surprising.

This motion asks this chamber to agree to the proposition that government policy responses to global warming should be underpinned by an acceptance of global temperature increase to no more than 2º above pre-industrial levels. This is commonsense when one considers what geological records show. The last time the world's global temperature increased by around 2º to 3º above the current temperature, the melting of ice resulted in a sea level rise of 25 metres in a relatively brief time.

The Garnaut report, released on 21 February, points out that economic growth is going at a much higher rate than anticipated under the IPCC's emission scenarios and that this suggests 'the likelihood, under business as usual, of continued growth of emissions in excess of the highest IPCC scenarios.' Garnaut says that they will continue to research energy and emission trends under the business as usual, ad hoc and partial mitigation, and comprehensive mitigation scenarios but says:

> These more realistic growth trajectories bring forward in time the critical points for high risk of dangerous climate change. Only urgent, large and effective global policy change leaves any hope of holding atmospheric concentrations at the 450 parts per million, or even the 550 parts per million levels.

In response to arguments that are sometimes advanced against taking arguments—that is, the information is uncertain, therefore our approach to this issue could be conservative—Garnaut asks:

> But what is conservative in a context where the possible outcomes include some that most humans today would consider catastrophic? Conservatism may, in fact, require erring on the side of ambitious mitigation.

According to his media release last week, he says that Australia needs to go considerably further than the 60 per cent cut in greenhouse gas emissions to which Australia has already committed and, in reading the interim report, it appears that this figure could be somewhere between 70 per cent and 90 per cent. It is interesting to consider that the amendments that some of us proposed last year to the climate change bill in this place were more consistent with these figures and, quite clearly, a lot of people are not going to be comfortable with such deep cuts.

Accepting this motion would be consistent with what Professor Garnaut has recommended. He says that strong action is in Australia's interests and that 'developed countries need to show unilateral and regional leadership.' He says:

> Whether the world will be able to progress to the degree required is unclear, but it is in Australia's interests to do as much as it can to support acceleration. Australia would be a big loser, possibly the biggest loser, amongst developed countries, from unmitigated climate change.

After the Bali conference in December last year I read some angry reactions on the Guardian website relating to the Bali conference decision to not set targets but merely to meet again to discuss them. One correspondent made a telling comment that, ultimately, what those on the list were discussing was just how many people we were willing to let die. Despite Australia having now belatedly signed the Kyoto agreement, the reality is that there are no new government policies capable of avoiding a greenhouse gas target overshoot of six million tonnes of CO_2 by 2012. We must take timely and responsible action, and recognising the facts of this motion is a small but sensible beginning which might result in that necessary action.

Debate adjourned on motion of Hon. J. Gazzola.

FAIR WORK ACT

Adjourned debate on motion of Hon. R.D. Lawson:

That the regulations under the Fair Work Act 1994, concerning clothing outworkers, made on 18 October 2007 and laid on the table of this council on 23 October 2007, be disallowed.

(Continued from 13 February 2008. Page 1676.)

The Hon. R.D. LAWSON (20:49): On a previous occasion I outlined that we were seeking the disallowance of these regulations, the Fair Work Clothing Outworkers Code of Practice Regulations of 2007. The ground then given was that Business SA had brought to the attention of members (and I read into the record its concerns) that there had been insufficient consultation regarding this measure.

However, today I wish to enlarge upon the reasons that these regulations ought be disallowed, and I do so under several headings. First, the regulations are too broad, and they impose unreasonable—indeed, quite draconian—burdens on small business; in other words, more red tape, more regulations and more form filling for, importantly, no demonstrable good reason.

Secondly, despite the title, Code of Practice for Clothing Outworkers, these regulations will not provide protection for outworkers at all. Thirdly, as I will explain in a moment, these regulations are an unprecedented and unprincipled form of regulation. They are unprincipled and unprecedented because what the regulations do is impose apparently draconian requirements on, in this case, small business (the particular small business being retailers of clothing) but then say that you can avoid all these serious consequences if you agree to sign up to an agreement with a union in New South Wales. That agreement itself contains very offensive provisions.

It has not been demonstrated that these regulations are necessary in South Australia. No study has been undertaken and no evidence has been presented to suggest that there is a serious problem with outworkers in this state. We believe that these regulations, the publicity that surrounded them and the material that has been presented to the parliamentary committee and to the public are quite misleading. Indeed, the regulations have been sold in a devious manner.

Finally, these regulations, which, as I say, will not actually assist anybody in South Australia, will be counterproductive in that they will further drive clothing manufacture offshore. Already, as we know, some 95 per cent of clothing sold in retail in Australia comes from China, Indonesia and other markets. As a result of changes in the industry and the removal of tariffs and the like, that process has been ongoing for a number of years.

There is very little manufacture of clothing in Australia. If you wanted to sell clothing made in Australia and had to comply with this code, you would say, 'Forget it. I won't buy the Australian: I'll take the easy step. I'll speak with the distributor and take the Chinese product.'

First, can I say that these regulations impose a very onerous burden on South Australian retailers. Unfortunately, I regret to say that the way in which these regulations have been implemented is rather complex and convoluted. It is certainly not the straightforward way in which we would normally make regulations.

They are said to be for the benefit of clothing outworkers. Everybody has visions of women with sewing machines in airless rooms with no windows being paid a pittance to sew handkerchiefs or knit babies' booties and getting 55¢ per piece. That vision, obviously, excites sympathy; and we in the Liberal Party have no truck with any person who organises their business in that way—runs a sweat shop. There are industrial laws which ought to be policed. That is against the law here. There are provisions in the Fair Work—

The Hon. Sandra Kanck: What is a fair rate of pay for them?

The Hon. R.D. LAWSON: The rate of pay is that rate of pay under the award. Whether or not they comply with it is another question. They are required to pay the clothing workers' rate of pay. I have the figures here. The South Australian award for clothing workers is very similar to the federal award. There is a scheduled rate. There are all those requirements about lunch breaks being provided. You must provide 70 hours a fortnight work for people who are employed. So, you must comply with all the provisions of the award.

What the union and the proponents of this campaign say is, 'Well, we don't know where all these people are. We might have laws that say they have to pay but we don't know where they are. What we want the retailers to do is to tell us where they are buying their stuff from so that we can then follow a trail and find [as they describe them] the rogue employers.' Our answer to that is that if you want to protect outworkers you do it by the normal method, that is, pass a law which requires the employer to comply with the law and to meet his obligations; and if he does not he will be prosecuted.

The Hon. Sandra Kanck: Haven't we got those laws already?

The Hon. R.D. LAWSON: We do have those laws already. We have those laws. However, notwithstanding the fact that this government is proud of the fact that it has employed many more inspectors in SafeWork SA, those inspectors somehow or other do not seem to be able to find anyone. No-one is prosecuted. What they want to say now is, 'Rather than legislate, rather than enforce our legislation, we will impose on the retailers of clothing a requirement that they give us information which enables us to identify where the outworkers are.' I will explain to the honourable member the mechanism by which these regulations apply. Regulation 10 is headed 'Responsibility of retailers'. These are retailers only of clothing, although clothing is very widely defined to include garments, wearing apparel, handkerchiefs, serviettes, pillow slips, pillows, mosquito nets, valances, bed curtains, clothing ornamentations, labelling, etc. So, it is very widely defined.

All retailers will be required before entering into any agreement with a supplier to ascertain from the supplier whether the services of an outworker were or will be engaged under an award. So you impose that particular obligation. Then the retailer—and this applies to all businesses—is required to ask its supplier to provide certain details. The details include the place where these goods are being manufactured; the factory number; and a description, including the size, style, image, sketch, drawing and any other relevant information in order to identify the clothing products to be supplied. You have to get all this filled out. The retailer is required to provide a description of the nature of the work to be provided, for example, overlocking or machine fusing.

They must obtain a copy of the order and the date of the commencement of the agreement. A supplier is to provide to the retailer the address where the work is to be provided, as well as the name and address of every outworker. If it is a subcontractor or a chain of contractors, the name of every subcontractor, the address of every subcontractor and the name and address of every outworker who the subcontractor has employed must be provided. Let me stop on this particular obligation. For a retailer to say to a wholesaler, 'You tell me where you are getting your goods. You tell me the name and address of the person who is making your goods', is commercially unrealistic. No wholesaler ever tells his retailer exactly where he is getting his goods and who is making them because, of course, the retailer will ring up the worker and say, 'Will you do it for me directly and we'll cut the wholesaler out?'

It is an entirely commercially nonsensical proposition to expect any wholesaler to truthfully answer particulars of this kind. These particulars are to be supplied, not to some government official but, rather, to the union, to a private organisation which happens to be an industrial association. It used to have some members in this industry, but because most work has gone offshore it has lost most of its members. I will refer hereafter to the Textile, Clothing and Footwear Union of Australia as the union.

The little retailer, a lady in a strip shop in the suburbs, is required to ask her supplier to provide all this information. The obligation is to ascertain whether or not the supplier will use workers engaged under a relevant award. How on earth can a retailer ascertain whether someone in some supply chain is strictly enforcing the conditions of a particular award? It is an unnecessary and inappropriate burden to be placed upon a retailer. The fact that a copy of every order for supply has to be obtained and be available for inspection by the union is an extraordinary imposition. The retailer has got to obtain an undertaking from each supplier. In our view that is commercially unrealistic.

Under this code the retailer has to lodge quarterly returns with the union and also with SafeWork SA. They have to lodge the returns, listing all these names, addresses and ABNs, and

so on. That is a serious imposition imposed by a government which is claiming to be reducing red tape and making it easier for people to conduct business by removing all the form filling that is required. People complain about GST forms, ABN forms and taxation returns, and to add yet another requirement on small business is unjustified, especially when it is not demonstrated that there is an issue in South Australia with this particular problem. This is simply part of an ideological campaign by a union to join a campaign that was started some years ago in New South Wales.

The outworkers code also contains a provision in clause 28, which is an entirely appropriate provision. It requires the provisions of the state award to be enforced on the outworker regime. We have no problem at all with the regulations insofar as they contain that, because that is a code of practice and it is perfectly reasonable. Members know that procedurally we cannot amend regulations. We cannot delete portions and include others; we have to disallow the whole regulation. Our suggested solution to the current problem is that we disallow these regulations in order to enable the government to come back with a code of practice which protects outworkers rather than one which attacks retailers.

There is a curious outlet in this particular regulation. Regulation 8 provides that one does not have to comply with this code at all provided one becomes a signatory to a thing called the Homeworkers Code of Practice.

The Homeworkers Code of Practice is a document that was developed between the union and others in New South Wales some years ago—and we also take exception to the New South Wales code. However, we do object particularly to this mode of regulation, which says, 'Here is a South Australian law. You comply with it. There are fines if you do not comply with it'—up to $2,500, I think—'But you do not have to comply with that if you sign up to some other agreement in some other place.' It is a form of extortion: 'We've got this thing in New South Wales, and we want everyone in Australia to sign it. You will sign it; it is called a voluntary code.' As I said, it is an unprincipled form of regulation and a form of extortion.

In reality, this code is trying to force retailers to police the industrial laws, or to aid the union in enforcing industrial laws, and that is an inappropriate imposition on one sector of the community. It is not the job of businesses to be policing organisations, regulations and so on—their job is to employ people to get on with their business—but the job of government officials, inspectors and the like, appointed to enforce those laws.

Next I move on to the 'no business case has been made out for these regulations'. I accept that, if there was a major problem in South Australia—if we had teeming outworkers, if people were being exploited unnecessarily, if there were clothing shops living off the fat of the land—you might say, 'Well, let's implement it.' If that is the case, let us see the evidence. None has been provided. The Business SA letter (which I think was circulated to members previously, and I am happy to provide copies to others) shows that there was no consultation in relation to this matter.

The Hon. B.V. Finnigan: Why are they turning up to the outworker group?

The Hon. R.D. LAWSON: True it is. There was a committee. Business SA, unfortunately, attended this. It does not have any members who are small retailers—or not many. The Australian Retailers Association, which purports to represent them, is an organisation that no longer has any office or, so far as we know, members in South Australia at all. It undertakes no activities. It has closed its Adelaide office and moved out of town. It is based mainly in New South Wales and on the eastern seaboard. However, the fact is that no case was made; there was no consultation.

I have counted them and, if one looks in the *Yellow Pages*, one will see that there are a couple of hundred small retailers in South Australia selling women's clothes and about 100 selling menswear. That is not a large number, but it is a large number of businesses who actually comply with some meaningless exercise of filling in forms, giving details and seeking information from their suppliers.

There is no exercise to undertake the regulatory impact statement. What would be the cost of supplying it? How many hours are spent filling in this form, asking your suppliers and checking these details; ascertaining the regulations, ascertaining whether your supplier is using outworkers somewhere down the chain; ascertaining whether those outworkers are being paid in accordance with the award; and ascertaining whether they are being given appropriate lunch hours and all the other provisions of an award? It is an outrageous imposition.

I spoke to John Brownsea of the State Retailers Association, who told me that he has members in the clothing retailing industry. This is a dedicated South Australian organisation which

actually does represent small business. He says he was entirely unaware of the fact that this particular code was to be imposed; he was not aware of it until I called him last week.

I also believe that the code has been sold in a devious manner. All of the material that has been provided by the union—look at the websites and the like—discusses the fact that there is a major issue with outworkers in Australia. It states that there are 300,000 outworkers in the garment industry in Australia. It actually bases that, if you dig into it, on an estimate made in 1995. Maybe that was true in 1995, but it is certainly not true now.

The Productivity Commission, in a detailed inquiry in 2003, estimated that there were 25,000 outworkers. That is a lot fewer than 300,000. Obviously, that is 300,000 or 25,000 over the whole of Australia. We know that the clothing and footwear industry is largely based interstate. Even on that estimate, we would not have a large number of outworkers here, but there does not seem to have been any study undertaken to ascertain the precise figure.

The material discusses 'rogue employers' and 'unscrupulous employers', but it does not provide any evidence of exploitation of outworkers in this state at the moment. If this code was simply about protecting outworkers, the only thing you would need in it is clause 28, which states that the award applies to them.

You might say, 'Well, what's all this fuss about? They ought to just sign up for the New South Wales homeworkers code and they will not have to bother about this one.' The Homeworkers Code of Practice actually constitutes an agreement between the union, the Australian Business Association, Australian Business Limited, the Chamber of Manufacturers group, the Council of Textile and Fashion Industries of Australia and, as I said, the Australian Retailers Association. It is an agreement that they have signed between themselves, and there is provision for any particular retailer to become a party to that agreement by signing it.

There are serious inconsistencies between this homeworkers code, which is called the 'voluntary code', and what is called the 'mandatory code' that is being imposed. The most significant one is that the mandatory code applies only to goods manufactured in Australia. As I said, most clothing retailers do not sell goods made in Australia, and if this provision comes in in South Australia and they are required to sign this particular code, they will make sure that they do not buy anything that is sourced in Australia.

The voluntary code applies to all goods, whether manufactured in Australia or outside of Australia. So, you actually do have to fill in quite significant information. Under the voluntary code, a retailer who signs it is required to keep records about the names and addresses of suppliers, the date of delivery, the number of goods and the wholesale price paid by the retailer for goods. It has to supply to the union information about the wholesale price of the goods, and the description, including the size, style, image or sketch or any information about the garments. Once again, it is a very onerous obligation.

Each retailer must send to the national secretary of the union the name and address of each supplier contained in the records within 14 days of signing the agreement, and it has to update that list twice a year. Each retailer agrees to use its best endeavours to amend the standard terms of contract trading entered into so that each contract already entered into will be changed so that there will be a term imposed upon the supplier in relation to the use of outworkers.

Once the retailer has signed this particular code there is an obligation; each retailer will enter into a separate deed of agreement with the union whereby all these obligations will be listed. In other words, the union can enforce against a retailer the obligation to supply this information, and the retailer will take all action reasonably required by the union to remedy any exploitation. So here it is: the union can direct a retailer to take steps. If a supplier does not comply with the steps that the retailer, at the direction of the union, is taking in relation to any contract, the retailer will terminate the contract at the union's direction.

We believe this is an outrageous imposition on small business. There has been a soft sale of this whole code of practice, and it is on the basis that it applies in New South Wales. Perhaps it does apply New South Wales, and perhaps a number of retailers in that state have thought the easy way out was to sign up, 'The union and the retailers association say we ought to sign it so we will sign it.' Forget it; we ought to deal with these issues on principle and this is wrong in principle. The Employee Ombudsman is promoting this, and it is interesting that the South Australian Employee Ombudsman is a former secretary and/or organiser of the particular union. His immediate past prior position was to work with this particular union but he is now the Employee Ombudsman, and he is out there promoting this code to members of parliament and other groups.

It is suggested that the code will come into force on 1 March, and what was proposed (this is in the literature but is not actually contained in the regulation) is that there will be a six-month moratorium. So, no-one would be enforcing it for six months; they will simply be going around to retailers—and I suspect to selected retailers, they will choose who it is they actually want to pick off—and say, 'Well, unless you sign up within six months the full letter of this law will apply to you.'

The Fair Work Act always envisaged that there would be provisions and a code of practice for outworkers. We agree with that; it is reasonable. However, this is not about outworkers; it is actually an imposition on retailers and it unnecessarily interferes with the conduct of a retailer's business. I imagine members have seen the blue circular that has been prepared to advertise this, which shows that it is supported by SA Unions (that is no surprise). Business SA, which is uneasy about these regulations, seems to have allowed its name to go forward but, frankly, the fact that unions and bosses all agree to some code of practice which affects retailers does not mean they care about these small retailers. Coles, Myer and Kmart are all signatories to this code of practice but why would it worry them? They import most of their material. It is simply a way of harassing small retailers.

It is said here, in the publicity, by the proponents, the Working Women's Centre and others, that you are exempt from the code if you sign up to the national homeworkers code of practice. Frankly, the national homeworkers code of practice is not all that easy to obtain; you have to search a website (not specified here) to find out what it is. What you actually have to do is sign an agreement with the union that you will supply them with information, including prices, lists of suppliers and all the rest of it. I think people would be a lot more wary that that material has not been placed to the forefront of this regulation.

What we are urging the council to do is to disallow these regulations and invite the government to bring back another form of regulation which is more acceptable and which does not have the offensive provisions contained in this measure and which will provide some real protection to our workers in South Australia, insofar as there are any.

Debate adjourned on motion of Hon. I.K. Hunter.

SOCIAL DEVELOPMENT COMMITTEE: GESTATIONAL SURROGACY

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

That the report of the committee on its inquiry into gestational surrogacy be noted.

(Continued from 21 November 2007. Page 1493.)

Motion carried.

WORKCOVER CORPORATION

Adjourned debate on motion of Hon. A. Bressington:

That this council condemns:

1. The practices of the WorkCover Corporation in both the administration of the fund and the treatment of injured workers and the lack of support and rehabilitation for those workers;

2. The Premier for backing down from his call for a royal commission or similar wide-ranging inquiry into allegations of corruption by WorkCover in May 1997, whilst leader of the opposition; and

3. Other parties for allowing WorkCover to languish in dysfunction since that time.

(Continued from 21 November 2007. Page 1498.)

The Hon. M. PARNELL (21:22): When the honourable member put this motion to the council in November last year, she probably did not imagine the debate about WorkCover we have had in the community and in the parliament over the last couple of days. Her motion is a timely one in that it condemns a range of parties—the WorkCover Corporation itself, the Premier, and other parties—for the neglect of this system over many years.

I am speaking to it today to focus in particular on that part of her motion which seeks to condemn the Premier, because I think the Premier does deserve condemnation for the way in which he has handled WorkCover and for the way in which he has pushed his amendments through the caucus of his party and against the better judgment of many of his members. I think he deserves to be condemned in particular because of the way in which he is seeking to strip worker entitlements whilst reducing the levy payable by employers.

In a nutshell, I think we can summarise the debate by saying that the workers should not be punished for the mistakes and poor practices of the government, the WorkCover Corporation and others over many years. The first thing we need to do in relation to WorkCover is to fix up the administration. I note the comments made by Dr Kevin Purse, in his report for SA Unions, where he says:

> By any objective standard, South Australia's lacklustre workers' compensation performance is attributable to poor management by WorkCover and its former claims agents rather than the level of entitlements available to injured workers. The core problem has been the ongoing failure to manage the rehabilitation and return to work process. It also includes the failure to ensure that employers comply with their return to work obligations.

So that has to be the starting point. Do not start with blaming and penalising the victims and cutting their take-home pay; you have to look at administration. Kevin Purse goes on to say:

> Attempts to blame injured workers for the scheme's shortcomings though are no more than a diversion from the real issues. It is all too easy to paper over management cracks by slashing workers' entitlements.

This has been explicitly acknowledged by senior executives of Victoria's WorkCover authority, who have frequently emphasised the importance of achieving substantial improvements in scheme performance without resorting to cuts in workers' payments or hikes in employer premiums.

We need to fix up administration. We also need to fix up the way that WorkCover deals with employees. We also need to focus our attention on the rehabilitation industry which feeds off the WorkCover system. I think that much of the debate is false in that it seeks to compare the South Australian scheme's performance with those in other states. I note that the industry commission described the artificial reductions in premiums by cuts to workers' entitlements as a form of 'invidious competition'. It is not a valid way of judging the difference between states.

We can also look at the Clayton review, which has cherry picked parts of the Victorian WorkCover scheme, in particular the reduction in entitlements after 13 weeks and the abolition of entitlements after two years—two of the things that the Premier said we will introduce in South Australia. They have cherry picked those parts but they have not recommended the safety net that exists in Victoria of common law rights that those workers have in order to pursue compensation. It is also unfortunate that this debate has focused only on underfunded liability as the WorkCover problem. I think that that gives a misleading picture of WorkCover's financial position.

As I said before, I think it is inappropriate to punish workers. We have to remember that the vast majority of injured workers want to return to work; they do not voluntarily stay injured or sick. The problem with the changes that were announced today is that they will punish those who have been most badly injured, those for whom it will be most difficult to get back to work and thereby get off benefits.

Kevin Purse argues that reductions in employer premiums should be supported only on the basis of better workplace health and safety performance and improved return to work outcomes. We would all love employers to not have to pay such high premiums, but the way to achieve that is to have fewer injuries at work and to have better return to work rates; that is the way to reduce premiums. You do not just unilaterally reduce them and pay for it by cutting worker entitlements.

We have to ask ourselves why the Labor Party is doing this. The Labor Party is turning its back on workers and working families. It has lost touch with working families, and I think that this is a shameful day for that party.

The Greens will be fully supporting SA Union's campaign against these so-called WorkCover reforms. It seems that the Premier is trying to make a virtue of this toughness. He is quoted in this morning's paper as saying:

> Ultimately, being in government is making tough decisions...Obviously there's going to be controversy about this, there always is.

The Premier has completely lost sight of the human element of this WorkCover debacle, the injured workers who have families to feed and who have a desire to return to work and, yet, will be punished because of the government's desire to cut premiums for the bosses.

This issue should not be rushed through parliament. We have been told that it will be introduced tomorrow. I think we need a calm and thorough debate—

The Hon. D.W. Ridgway: Hear, hear!

The Hon. M. PARNELL: In fact, I hear the Leader of the Opposition saying 'hear, hear!' I am keen to talk to him and to my cross bench colleagues. Maybe we can find a way of giving this bill proper scrutiny, perhaps outside the regular committee process. Maybe we need a separate

process to deal with this bill. I was interested to hear Janet Giles of SA Unions refer to this whole business on radio this morning and say:

> I think they've got to think about what they were elected on, the platform that they were elected on as a Labor government. A Labor government is meant to stand up for the rights of workers. Injured workers probably are the more vulnerable ones. There's recommendations here that cut the entitlements of injured workers or cut their take-home pay and at the same time give a levy reduction to employers. So, its not about the unfunded liability at this stage, I reckon: it's about providing a commitment that maybe someone made to business that they were going to get a lower levy. If you reduce the levy, it blows out.

I also wanted to refer in conclusion to the words of the secretary of the AMWU, John Camillo, who said:

> We are prepared to help the state government in regards to reducing it—

referring to the unfunded liability—

> but we're not prepared to help the government in hurting these workers because they have an injury through no fault of their own. No worker goes to work to say, 'I'm going to cause myself an injury; I'm going to go to work today to get killed'. Every worker goes to work to bring money home for their families, and when they have an injury through no fault of their own and then get told by the Labor government, 'We're going to move legislation, that after 13 weeks we're going to take 20 per cent of your wage'. You know, its okay maybe if you're getting $2,000 or $1,000 a week, but that type of work, but not many injuries occur in those high paid areas; it is low income. Those workers who work on production lines, they have the injuries, they're going to be suffering. We're talking about cleaners, production workers, and so on.

The government has everyone offside with this announcement. It is poorly thought through, and I would like to hope that we in the Legislative Council will give this bill proper scrutiny. We know it will not get scrutiny in the lower house, apart from very few individuals, such as the member for Mitchell, who has been on the record today condemning this legislation. I am hoping that in the upper house here we will do a more thorough job and pick this legislation to pieces bit by bit and make sure the rights of injured workers are paramount in our thoughts. This is a shameful day for Labor, and I will be doing my best to help it see the light and turn around this destructive and negative legislation.

Debate adjourned on motion of Hon. R.D. Lawson.

NATIONAL PARKS AND WILDLIFE (MINING IN SANCTUARIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 October 2007. Page 952.)

The Hon. A. BRESSINGTON (21:33): I am deeply concerned that any mineral explorer or person would flout the rules governing a sanctuary. It would appear that exploratory work undertaken at the proposed sanctuary site left Mount Gee in less than a desirable state, with refuse, including core samples, buried within its boundaries in contravention of the rules governing this area. I unreservedly condemn such behaviour and will be interested to see what actions are taken and outcomes achieved by the authorities to ensure that the mining industry gets the message loud and clear that our environment must not pay the price for financial gain. I know this has also been raised recently in a number of questions asked by the Hon. Mark Parnell of the minister, the Hon. Paul Holloway.

The Hon. Mark Parnell has presented this council with arguments that express well the concerns of his supporters and the questions of how we are to proclaim, manage or, on occasion, revoke sanctuary status, as well as what major contributing factors would lead to the suspension of licences to mine. These concerns need to be considered carefully, and we need to answer the questions with as much accuracy as possible and muster the political will to ensure the desired outcome, namely, sustainable development across this industry that can best meet the needs of this state and its people.

There is evidence that South Australia is rich in mineral deposits, and the splatter of sites across the northern and central parts of this state would suggest that many deposits are yet to be discovered. As responsible legislators, we cannot rule out the economic possibilities that these deposits may offer for centuries to come. Legislation should be proposed and accepted based on the best interests of the population to ensure a future of quality and surety. At some stage, the conservation movement may well need to come to the realisation that it is not what is mined or where, but rather how. I commend the Hon. Mark Parnell for raising the debate on various environmental issues over and over again.

With any venture there will always be costs. It is not always best practice to completely avoid all costs and then, as a result, reap no benefits at all. It is the responsibility of government to develop and enforce restoration provisions rather than support total bans as a short vision, no cost, no benefit solution. We must as carefully as possible identify the risks and manage them appropriately. Perhaps this is an opportunity for all environmentalists to see that a harm-minimisation approach does not work. Minimising the harm is not acceptable for environmental or conservation management, and minimising the harm is not better than preventing it in the first place.

We have seen what happens when we rest on our laurels with a narrow view of a long-term problem. We are now in a situation where we do not have enough water to allow food and wine growers to flourish in this state, and I refer to those who are struggling in the Riverland. Some growers are having to cut their crops by up to 50 per cent. This has also had a negative impact on other businesses. As the Hon. Sandra Kanck mentioned earlier in her motion on the River Murray, many of our citrus growers are walking off their farms and leaving behind years of blood, sweat and tears.

Economic conservatism does not mean no infrastructure and no progression where we live. In the reality of resource shortages and increasing costs that impact negatively on every South Australian in one way or another, they always impact hardest on those who are least able to bear that burden. We must move away from the frame of thinking that prevents us from seeking solutions to the problems that present. For example: we should not mine because of what happened at Mount Gee; rather, we should look at the concerns of the conservationist and work toward ensuring that such practices are not tolerated by any industry. To lock up an area permanently rather than look at how the riches of that area can serve the greater good with the absolute minimal damage and then have the political commitment and will to ensure that accountability and responsibilities are accepted by all parties is, in my opinion, part of the answer to this question.

It is obvious that the permanent lockout policy referred to in this proposal may have the effect of seriously inhibiting future development of any kind in an area once it has been proclaimed as a sanctuary. One only has to look at the economic predictions for South Australia to recognise that decisions of this kind are not to be taken without the most careful consideration.

BHP Billiton is developing at Roxby Downs what will be the world's biggest uranium mine, Australia's largest gold mine and one of the worlds largest copper mines. This is indicative of the potential that South Australia has. The original Roxby agreement was for a period of over 70 years. The life of the expanded mine can only be guessed at as the resource reserves are still being proved.

I know that there are some in this place who would rather that uranium mining does not continue and who also believe that nuclear power is a threat rather than a viable option. Most of the arguments are fear-based: again, the gloom and doom rather than basing policy on world performance and the needs of the state to survive and thrive from the resource boom being experienced in other states. No, we cannot refuse options to the people of South Australia with unrealistic conservation policies, and we also cannot cause environmental damage that would be our legacy for future generations. However, truly sustainable development of the resources that are available with any tight environmental measures to secure the health of the areas mined is how this needs to be dealt with.

We cannot afford to frame our thinking exclusively around 'either/or' options, and decisions must be made to encourage growth and progression for the people of this state, taking into consideration every possible option. In my opinion—and it is humble—it is not appropriate to use this parliament to push a line that will see the quality of life of South Australians compromised in any way in the future. In my opinion, every viable option must be considered and an open and honest cost-benefit analysis must be presented to ensure that the decisions made in this place are practical, effective, efficient, safe and sustainable.

We all recall the poor taste comment of Mr Brumby, the Premier of Victoria, calling South Australia a backwater. Although that is an offensive remark, what is even more concerning is that 48 per cent of South Australians agreed. It is not enough for the Premier to respond with the comment that Mr Brumby is merely jealous, or for the opposition leader to take offence and just demand an apology. Perhaps, though, it may be necessary for this government, as well as the Legislative Council, to work together to grow this state to its full potential and no longer accept that trying to preserve the image that South Australia is a conservative country town is an image that is appealing or workable.

If we are to keep up with and compete with other states and territories, we must move forward. I am not referring to the monuments that governments seem to love to build and leave behind. I am talking about building this state and working to meet the needs of every South Australian. Mr Rann had a vision of increasing the population to two million by 2050. The question constantly being asked is: how would we sustain such an increase in population? The mining boom may just be the solution—and with that will also come problems with which we must deal. It must be done with appropriate financial management and a strategic plan for the future. I can appreciate that the government has had its tough decisions to make.

South Australia has enjoyed the power of leadership with a sweeping vision before. The politicians of the 19th century realised the opportunities offered by their age. A good example of this was the vigorous action taken to secure the terminus of the London to Australia telegraph for Adelaide. Another was the decision to introduce the telephone immediately after its invention. A parliament of largely independent members was able to pool its talents to adopt what was then the height of communications technology. These technologies enabled communities to optimise their economic opportunities. The same legislators developed a far-flung network of railways.

In the middle of the 20th century, the famous SA premier, Thomas Playford, recognised the need for strategic planning. He oversaw a huge expansion of the state's manufacturing base and made certain that the energy needed to power it would be available; that the workforce needed would be properly trained; that there would be affordable housing for them to live in; schools for their children; new hospitals; and going as far as to create the new city of Elizabeth as the hub of many industries.

I was pondering the question of vision—and it takes some pondering—and recalled the lines of US president, Ronald Reagan. Addressing Americans who had suffered years of economic uncertainty and international setbacks, he said, 'It is time for America to be great again.' We in South Australia have had greatness of vision before: it is now time for us to be great again.

As I read the proposal of the Hon. Mark Parnell and reflected on alternatives, I could see how this so clearly delineated one of the great questions of our age: how do we achieve a balance between conservation, environmental protection and economic development? In short, what kind of future will we actually legislate for? I am sympathetic to the cause of the Hon. Mark Parnell because the past record of environmental responsibility is not impressive. In fact, in some instances, it has been downright pathetic. Are we able to step up to the plate and ensure that what we do, we do well? The Hon. Mark Parnell has legitimate reasons for his concerns.

However, let us not throw the baby out with the bathwater in a desperate attempt to prevent further destruction. I repeat: it is not what we do or where we do it; it is how we do it. I commend the honourable member for producing legislation that will spark debate about the ecological management of this state. This must not come, though, at the cost of economic expansion. As the implications of this bill before us are so profound, I do not believe that this is a question that we should presume could be adequately addressed in a piecemeal fashion.

Extensive mineral, energy and water projects are underway, or in the planning stage in many areas of this state, and clashes of opinion on which should proceed and with what restrictions have already surfaced. It is understandable that government cannot please all the people all the time—and in fact also undesirable—yet it seems that experts outside government bureaucracies are being ignored and dismissed, without any thought that they may have something valuable to offer. We are seeing or hearing more and more that the people of this state do have opinions, and some have very definite ideas about how things could be done differently.

Our newly elected Prime Minister, Mr Rudd, appears to recognise the need for varied advice and for the consultation process, which has been demonstrated through his calling for the 2020 summit of 1,000 individuals to put these kinds of issues on the table and open up vigorous discussions and come up with solutions to the challenges that face this nation. Mr Rudd said that if we can shake out of the tree a dozen good, big ideas for Australia for the next decade, we will have done much better than simply sitting in Canberra—or Adelaide—and listening to the odd public servant and a few lobbyists.

Perhaps this government could consider such a process here in SA that would also include the people. Let the great minds outside our bureaucracies come together, share their information with the public in organised forums and accurate and informative news articles, and then we could decide on the directions needed. It may well be an opportunity for government to realise that the people of this state who would be interested in participating may have a vision for this state which is achievable and which may contribute to the map or master action plan for this state. Is it so far

beyond comprehension that the people are able to make their wishes known and that, just perhaps, there could be positive direction to be gained from such an exercise? Obviously, Mr Rudd believes this has merit.

As an Independent, I fully understand and appreciate that this government has a mandate to govern this state, and it is not my role or responsibility to be obstructive in such matters; however, confronting is good. What we do know is that issues around the environment, climate change and economic stability are matters of great concern to the average citizens who plug away day after day feeling as though they are constantly swimming against the tide.

In conclusion, reluctantly I do not support this bill, although I do believe that the concerns raised deserve attention at other levels and that initiatives need to be developed to ease the concerns of those who are quite rightly concerned about the environmental impact of the mining industry in this state.

The Hon. SANDRA KANCK (21:47): While this bill aims to put a stop to any future mining and exploration in declared sanctuaries in this state, there is no doubt that it was introduced in response to the mining exploration licence that has allowed Marathon Resources to explore in the Mount Gee region of the Arkaroola sanctuary. I do not think any of us could have imagined, at the time that the bill was introduced, that so much environmental havoc could have been wreaked at that site. From a geological perspective Arkaroola is so significant that it is on the register of the National Estate.

The Hon. Mark Parnell has drawn to our attention the lack of real protection for our sanctuaries and I think we should be grateful that he has done so. We now recognise that, at the stroke of the minister's pen—and that is all that is needed—destruction can begin. Certainly, at the time this bill was introduced, environmentalists were concerned that an exploration licence had been granted. Of course, now with the knowledge that Marathon Resources has failed to comply with the terms of its exploration licence and the knowledge that it has despoiled that pristine environment with waste and tailings, the government has taken action. Environmentalist Bill Doyle has described it thus:

> Ugly pictures of piles of shoddily concealed waste dumped in plastic bags. Bulldozer tracks carved across hillsides. Open tailings pits. Is this how we see our premier wilderness sanctuary? It's certainly how we are seeing it now!

Doug and Marg Sprigg, who operate the pastoral lease on which the sanctuary is located, make their position very clear on the Arkaroola web site, where they say:

> Do you think that the Arkaroola Wilderness Sanctuary is an appropriate place for a uranium mine? We don't! In fact, we don't want a mine—of any description—on Arkaroola. A uranium mine here would be a total contradiction of the principles of the Arkaroola Wilderness Sanctuary. It undermines the 40 years of conservation work conducted by our parents to protect over 600 square kilometres of this wild and beautiful, arid and mountain range country.
>
> Arkaroola is a major South Australian biodiversity asset: the property contains a number of threatened species; plants, birds, and even fish. There are 35 colonies of Yellow-footed Rock-wallabies, and in 1981 our father, Dr Reg Sprigg, placed 70 square km of prime wallaby habitat on the National Estate Register to assist in their protection. Arkaroola contains a number of Geological Monuments, including Mount Gee (the site of the uranium deposit and planned mine).
>
> The property is a sanctuary under the National Parks and Wildlife Act. Funds raised from tourism activities are put back into the environment in various ways, such as weed and feral animal control. Arkaroola was a pastoral property for only a short time, and the regeneration of mulga here is the most significant in the Flinders Ranges. In 2005, Arkaroola was identified to be of international significance by Andrew Ingles of the World Conservation Union.

The government has ordered Marathon Resources to cease their activities, which was a very much after the event pyrrhic victory for the environment, as the company had completed all of their surveys. We now know that, despite that order, Marathon Resources has barely begun the required clean-up. There is nothing now to stop that company from applying for a mining licence in the same area. The Spriggs have now written to the Premier asking for a total ban on mining in the sanctuary. I am talking about what has happened at Arkaroola as an example of the worst that can happen when we do not give this sort of protection to our sanctuaries.

There is a paltry 5 per cent of land in South Australia that is set aside for conservation. I think it is important, in the light of what the Hon. Ann Bressington had to say in addressing this bill, that we recognise this. The idea of exploration or mining is entertained in almost all of that 5 per cent. I caution members to beware of the mining industry barging into this debate and distorting the figures. The mining industry appeared before the Natural Resources Committee when we had our mining inquiry about 18 months ago and it showed how well it played with the statistics. First of all,

it takes out the commonwealth land and the urban areas and then, with the remainder of the state-owned land, it distorts the amount of land set aside for conservation and says that it is 21 per cent that is out of reach for mining when, in fact, only 5 per cent of South Australian land is actually set aside for conservation. I hope we are not going to hear from anyone opposing this bill and arguing these sorts of 'lies, damned lies and statistics' approach that the mining industry uses.

Roy Morgan Research conducted a survey back in 1996 which showed that 82 per cent of people consider mining in wilderness areas to be inappropriate. In the 2002 state election the Labor Party undertook to 'defend and conserve our precious network of national parks and ensure that conservation values are not eroded by commercial development'.

This bill represents an opportunity for the government to positively address the issue of sanctuary protection and to uphold the promise they made in 2002. In the previous Liberal government the Hon. Iain Evans, as the environment minister, proclaimed the Gawler Ranges National Park against the wishes of the mining industry. I hope minister Holloway will have the guts to follow the example of former minister Evans.

Honourable members: Hear, hear!

Debate adjourned on motion of Hon. R.P. Wortley.

STATUTES AMENDMENT (WATER CONSERVATION TARGET AND SUSTAINABLE WATER RESOURCES) BILL

Adjourned debate on the question—that this bill be now read a second time.

To which the Hon. S.G. Wade had moved to leave out all the words after 'that' and to insert 'the bill be withdrawn and referred to the Select Committee on SA Water for its report and recommendations'.

(Continued from 14 November 2007. Page 1310.)

The Hon. M. PARNELL (21:55): This bill was introduced some months ago. In the interim, this chamber has established a select committee into SA Water. I am more than happy for the bill to be taken from the *Notice Paper* and referred to that committee. When the committee reports, it will include in its report an analysis of the bill and make recommendations on whether it is an appropriate one to bring back to this chamber to be passed. As the mover of the bill, I have no objection to our taking this course of action and referring my bill to the Select Committee on SA Water.

Amendment carried.

The Hon. M. PARNELL: I move:

That the order of the day be discharged.

Bill withdrawn.

Motion carried.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE: MUNICIPAL SERVICES FUNDING

Adjourned debate on motion of Hon. J. Gazzola:

That the report of the committee on an inquiry into the impact of Australian government changes to municipal services funding upon four Aboriginal communities in South Australia be noted.

(Continued from 12 September 2007. Page 678.)

The Hon. T.J. STEPHENS (21:58): I rise to speak on this report as a member of the Aboriginal Lands Parliamentary Standing Committee. As my colleague the member for Morphett (Dr Duncan McFetridge) mentioned in the other place last September, the Aboriginal Lands Parliamentary Standing Committee is a shining example of what can be achieved with bipartisan effort.

Those familiar with our committee's work and with this inquiry will know that the committee's aim is to builder stronger, more direct and more enduring relationships between Aboriginal communities and the South Australian parliament. This report is the result of a request by the Minister for Aboriginal Affairs and Reconciliation to have our committee inquire into how recent changes to Australian government municipal services funding has affected the ability of Aboriginal communities to undertake governance functions and how this affects the provision of other community services.

In September 2006, the Australian government's Department of Families, Community Services and Indigenous Affairs (FaCSIA) signalled its intention to cease municipal services funding to 31 Aboriginal community councils and organisations from 31 December of that year. Our committee resolved to hear evidence from four South Australian Aboriginal communities, commencing on 28 May 2007 and concluding on 18 June 2007.

Over four meetings, the committee heard from representatives of the Raukkan Community Council, the Koonibba Community Council, the Davenport Community Council and the Umoona Community Council. As the report states, the focus of the inquiry was the impact of municipal services funding changes. However, information has also been received and reported in regard to such matters as the consultation process and the positive initiatives and outcomes occurring within communities.

Receiving some of this positive feedback has been one of the most fulfilling aspects of my involvement with the committee. However, a great deal of evidence did indicate that these communities feel confused by and disengaged from the change process and fear for their future survival. They acknowledge the need for change but want it done in a better way. The communities have called for consistent and clear communication; cultural, respectful and inclusive consultation; and an improved transitional process to positively manage the change process into the future. The committee's recommendations have sought to address all these concerns, and I encourage members to read the report to gain a better understanding of our task.

I am proud of the work our committee has completed to date and thank in particular Sarah Alpers for her work on this inquiry, and for the positive and enthusiastic way she goes about her work on this committee in general. I would like to add that I have sincerely appreciated the opportunity to hear first-hand from representatives of these communities during the inquiry. I also add that it has been a wonderful opportunity for me personally through this committee's work in general to visit Aboriginal communities. I commend the report to the council.

Motion carried.

SOUTH AUSTRALIA POLICE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (22:01): I move:

1. That a select committee be appointed to inquire into and report on the staffing, resourcing and efficiency of the South Australia Police (SAPOL) with particular reference to:

   (a) resource utilisation;

   (b) rural policing;

   (c) the need for, and allocation of, minimum staffing levels;

   (d) effectiveness of recruitment and retention of police personnel;

   (e) recruitment and in service training resources and requirements;

   (f) selection and promotion processes and policies;

   (g) adequacy and standard of equipment;

   (h) mechanisms for dealing with internal complaints;

   (i) prosecution;

   (j) the role of police in and the adequacy of crime prevention programs throughout South Australia; and

   (k) other relevant matters.

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

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

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

The terms of reference of this motion are the same terms of reference we had for a select committee prior to the last election, which received a huge amount of material from SAPOL, the Police Association and other witnesses for which I thank and commend them. A handful of witnesses who provided some written information wanted to make an oral presentation to that committee; but, with the election coming upon us, they were unable to do so.

I have been contacted by a couple of those people seeking the re-establishment of the committee so that they can have an opportunity to discuss their particular issues with the committee. It is the intention of the opposition not to have a long, full-blown select committee process but maybe just a very short one to deal with the handful of people who wanted to come to the previous committee but who were unable to, and then for the committee to report properly—I think we had an interim report.

For the interest of members, I have been provided with a statement which, in the view of one of these people, details some ongoing bullying, victimisation, harassment and intimidation which has forced this person to work in an oppressive working environment. In particular, I draw the attention of members to a letter this person received from a senior officer. The letter states:

> As a senior officer of SAPOL of senior rank to you, I direct that you are not to discuss or promote the issue that you raised outside of SAPOL in any form. Should you do so you may be subject to a breach of the code of conduct and police regulation. Any such incident would be referred for investigation.

I believe this means that the member of SAPOL was being directed not to speak to his member of parliament, perhaps his lawyer, SafeWork SA or even the Police Association. This person has every right to expect some forum in which to discuss the issues, so this select committee is probably the best way in which to do that.

I have read material this person sent to me. It highlights the incidents that have occurred over several years and it seems to indicate that some poor management skills existed in SAPOL at the time. However, collated information with which I have been provided seems to show that almost orchestrated actions have impacted greatly on this one member of SAPOL. The report poses serious questions about the integrity of senior officers and the method of some of the internal investigations. In my view, the complaints which have been made in this particular case have not been responded to in an appropriate way by SAPOL.

It is important to acknowledge that all members of SAPOL are hardworking officers, who deserve to be commended not discredited, especially within their own ranks. Even today I had the pleasure of being at a police graduation where 24 new graduates entered the police force. It was a great day for them and an important chapter in their lives, and I wish them well. We have to support them. Like staff members in any organisation, not just SAPOL, they need to be supported and adequately protected.

Given the terms of reference of the select committee, I should highlight the Productivity Commission figures about which I have asked a number of questions and which show that the government is falling short of achieving its target of more than 4,400 sworn police officers on the beat by 2010. Clearly, issues raised by this former SAPOL employee indicate that if there are problems with the organisation and they are not dealt with we will struggle to recruit more police officers.

The minister continues to refuse to clarify what he means by 'the number of police officers on the beat'. Nearly 20 per cent of SAPOL officers are non-operational; sworn officers are not out on the beat. Again, with 'recruitment and in-service training resources and requirements' for police as one of the terms of reference, it is important that, if a government sets out a target, it should achieve it. Clearly, this government seems—

The Hon. P. Holloway: Same target you had.

The Hon. D.W. RIDGWAY: The minister interjects, but, clearly, the government for some six years has been talking about 4,400 sworn officers on the beat; and, clearly, the government will not achieve it. In relation to recruiting techniques, SAPOL is now using YouTube to recruit police officers and it is reported that they are turning away applicants for unsubstantiated reasons. Recently, I spoke with a young man who had applied several times to join SAPOL. He has now been accepted in Queensland and Western Australia. Having met the young man, I am sure he will be a fine asset to whichever force he chooses to join.

I have doubts about the recruitment process being used to recruit police officers from the United Kingdom and, more importantly, to retain those recruits. We have heard that they are staying here for the minimum time and then either leaving the police service or going interstate to work in other police forces. The environment in which our front-line police officers are working is becoming increasingly dangerous and it is not being tackled with an adequate increase and improvement in current resources and resource initiatives. The Gang of 49 is proof that the intimidation of police officers is prevailing and in situations such as this they are almost helpless.

Last month, *The Australian* reported that Generation Y is becoming increasingly violent, aggressive and fearless in taking on authority. It also reported that alcohol-fuelled violence is on the rise.

It is interesting to look, across a number of jurisdictions, at the increased resources that are being given to police. In fact, the Victorian police minister, Christina Nixon, said police had no choice but to take a more aggressive approach to unruly behaviour. I believe that this is also true of our police. Unfortunately, we are now finding situations where they need to be much more adequately resourced to be able to confront some of these individuals in our community. Only a couple of days ago, I noted that the police department in Perth had just released its digital in-vehicle tasking and dispatch information. All vehicles patrolling the Perth metropolitan area will now have access to the WAPOL database, as well as the databases of every other police jurisdiction through the national search facility.

In addition, the Western Australian government has begun to roll out tasers, protective vests, new pistols, anti-terrorist armoured vehicles and 20 new improved police stations. We know that our government has built a number of police stations but, certainly, there is a lot more work to be done. Queensland will also soon arm its frontline officers with tasers, but there is still no evidence that the minister here intends to do this. These initiatives are improving police safety and response times and arming them with better information when they attend a potential crime scene. These are examples of where this government is falling further behind national benchmarks on front-line police resources.

I have been contacted by a member of SAPOL who has been on WorkCover for a substantial period, who has received virtually no assistance from SAPOL in rehabilitating him so that he can return to operational duties. He sustained injuries from using a pistol and, rather than SAPOL reissuing him with an ergonomically suitable weapon, he was forced to continue using the pistol. Subsequently, this man was removed from front-line duties six years later and has sustained injuries from which he is unlikely to be fully rehabilitated. It seems totally unreasonable for someone who has tirelessly served for almost 14 years in the force not to be granted basic resources.

I have also heard of a number of other cases, but I will not discuss them now, because it is late. However, I think there is clear evidence that the previous select committee had some unfinished business, in particular, in relation to the handful of people who wished to finalise their written submissions, and I ask all members to support the reinstatement of the committee.

Debate adjourned on motion of Hon. J. Gazzola.

At 22:13 the council adjourned until Thursday 28 February 2008 at 11:00.