HOUSE OF ASSEMBLY

Thursday 15 March 2007

The SPEAKER (Hon. J.J. Snelling) took the chair at 10.30 a.m. and read prayers.

CARBON EMISSIONS

Mr O'BRIEN (Napier): I move:

That this house—

(a) applauds the progress made by state and territory governments in recent years, in advancing a viable carbon emissions trading scheme;

(b) supports the declaration signed at the Council of Federation meeting on 9 February 2007 that would see such a scheme adopted by 2010, should the federal government fail to adopt its own trading scheme; and

(c) expresses its concern at the federal government's response to issues of climate change.

Last week this house passed the Climate Change and Greenhouse Emissions Reduction Bill and, I have to admit, with varying degrees of enthusiasm. What the bill indicates, I think, is an emerging viewpoint and an understanding of a new orthodoxy when it comes to climate change. I think the community are now realising that we have an issue before us and it is an issue that we have to address with some urgency.

This position has taken some time in coming, and we actually have a lot of lost time to make up in terms of taking remedial action. Concerns over the human impact on the environment were expressed some 30 years ago in 1975 with an expert panel at the Massachusetts Institute of Technology in Cambridge, Massachusetts. That expert panel nearly 32 years ago concluded that increasing levels of atmospheric CO2 were contributing to the warming of the atmosphere. In the intervening 30-odd years—we are talking about three decades here—it has been clearly established that not only are atmospheric levels of CO2 increasing, but this gas and five other so-called greenhouse gases are creating what we now know as a greenhouse phenomenon and lifting global temperatures. In turn, these rising temperatures are producing climate change resulting in changing patterns of rainfall, melting ice and rising sea levels.

Any lingering doubt—and there has been a large number of sceptics—on this particular issue I believe should have been put to rest in February of this year with a release by the World Meteorological Organisation and the United Nations Environmental Program with their report of the intergovernmental panel on climate change. The major findings of this particular report were that mountain glaciers, ice caps and snow cover have been in decline and have contributed to rises in sea levels. They also noted that there has been increased precipitation— rainfall—in various parts of the globe and a drying out in others. They observed that there have been more intense and longer droughts occurring over a wider area since 1970, and widespread change in extreme temperatures particularly at the upper end of the heat spectrum.

These findings are consistent with long-term patterns of decreasing rainfall in the Gippsland area of Victoria and the catchment areas of Perth. I believe that they are also consistent with the prolonged and widespread drought gripping much of Australia, and the findings also resonate with the conclusions of a CSIRO report on the consequences of climate change for South Australia where they predicted a southward shift of the Goyder line to just above the Barossa Valley. What I found quite interesting recently was work that has been done in Spain by their top meteorologists where they have had a similar situation of prolonged drought and statistically confirmed long-term decline in rainfall. The Spanish have now concluded that the Sahara Desert is now jumping the Mediterranean and that southern Spain and probably southern Italy within the next few decades will actually be extensions of the Sahara Desert.

If we look at South Australia, I think it probably puts a great proportion of our arable land under long-term threat, particularly the viticulture industry in the Barossa and Clare valleys. the consequences for South Australia are absolutely staggering and, I think, put under real threat all of our objectives under the South Australian Strategic Plan, particularly the population objective, because if the CSIRO scenario is correct, South Australia has Buckley's chance of sustaining the population that it currently has, let alone an increase in population.

What has been the response of the states and territories? In the absence of a response to this particular challenge of climate change, the states and territories have taken it upon themselves, within their clearly defined constitutional powers, to set up a working party with a brief of working up a possible design for a national greenhouse gas emissions trading scheme, and are now currently seeking industry input. It is completed; it is a very substantial document which is out there in the wider industrial community awaiting constructive feedback.

The national trading scheme is based on the European cap and trade model, and they are also using the model to fulfil their obligations under the Kyoto agreement. The genesis for the cap and trade model is rather intriguing, because it comes out of economic modelling. Economic modelling is generally developed to explain market behaviour. What happened in this instance was that a Canadian economist, a man by the name of John Dales, in 1968 undertook a reverse process where, rather than studying the existing market, he went about setting up a market to deal with a particular problem, which was sulphur dioxide emissions. Economists refer to these as externalities, in that they sit outside the pricing structure when firms are operating within the economy. They are external to the operations of the firm, but they have a cost to the community. So, in 1968 John Dales tried to work out a process whereby these externalities could be brought into the operations of the firm. The firm's operating could be made to pay for its polluting activities. He wanted to deal, in particular, with the emerging problem of acid rain in the northern United States and southern Canada. He produced a cap and trade model for sulphur dioxide emissions, which was picked up by the US houses of Congress and passed into US law.

The US cap and trade model for dealing with sulphur dioxide emissions was a staggering success. It avoided most of the issues that are embodied in the more traditional command and control approach, whereby government dictates the particular actions and then imposes a fine if the actions are not adhered to. What Dales did—and what the US Congress embraced—was a notion whereby the private sector could sort itself out in terms of dealing with sulphur dioxide emissions. The US and Canadian forests were saved as a result of this activity, and the United Nations took on board the sulphur dioxide trading model as the model for Kyoto.

It is interesting to note at this point that the US failed to embrace Kyoto not because they did not believe it worked—they had seen it working for them—but because of their

concern about the Chinese economy, in particular. Under Kyoto, participating nations are assigned targets for reductions in greenhouse gas emissions on the basis of current and 1990 emission levels. They have to move from the position that they are currently at generally back to below 1990 emission levels. Each country is issued with allowances, which it in turn allocates to emitters. At the end of each compliance period (which, in the European Union scheme, is a period of five years), these allowances have to be handed in and, if the firm is emitting carbon dioxide in excess of the number of permits it holds, it incurs a fine. The fine, in turn, sets the price of carbon; this is the so-called carbon price. So, without the fine, it is very difficult to determine a price for the carbon credits to be traded on the market.

Interestingly, the Europeans have gone down the path of what is described as grandfathering, which means that the allowances are given away for free. The Europeans have taken the grandfathering path basically to preserve their international competitiveness, because if large emitters such as electricity generators were not grandfathered, they would have to pass on the price of the permits, which were bought under an auction system, to the consumers. Because Kyoto at this stage does not cover China, India or Brazil, the Europeans are greatly concerned that they would see their industry decimated as they attempt to rein in greenhouse gas emissions. So, they have gone for the grandfathering model.

The Australian states and territories are asking industry whether it wants a mix of grandfathering and auctioning. The Australian states believe that this mix of auctioning and grandfathering is probably a better way to go than what the Europeans are doing. We are soliciting industry input in this respect. However, what is of real concern to the Australian states and territories is that grandfathering, basically, is an asset transfer from the public sector to the private sector and can result in significant windfall profits, or windfall gains, for large pollution emitters, which are basically given permits gratis.

The other major feature of Kyoto that has been picked up by the National Emissions Trading Task Force is the concept of tradeable offset credits, described by the European Union as certified emissions reductions. These are credits that can be earned by anyone for activities such as forestry, carbon capture and storage, and the development and application of emission reduction technologies to industries not currently covered by Kyoto.

I believe that the document prepared by the National Emissions Trading Task Force (which runs to a total of 218 pages) is a well argued, methodical Kyoto-based proposal and, if adopted, would give this nation a functioning program to reduce emissions. More importantly, the way in which the program has been framed by the states and territories in a way to align with Kyoto would virtually allow immediate treaty ratification at the federal level if the federal government wanted to take on board the scheme that we have been working up.

There is an interesting issue here. If the federal government does not take this on board, would it operate at the national level in terms of there being a sufficiently large market for carbon credit trading to occur? Interestingly, I believe the answer is yes, based on the North American experience where a number of Canadian and US New England states have operated a Kyoto-style regime for some time, very much borne out of their experience of dealing with acid rain; a result of an alliance formed back then that has continued. More recently, within the last couple of years, there has been an iteration on this, with the majority of north-eastern states in the United States (ranging from Maine at the top north-east through to Maryland) setting up a scheme which is virtually identical to what the Australian states and territories are doing. So, the model is there, we can do it, there are no constitutional constraints and, like the Canadian provinces and the US states, we have the constitutional powers to undertake this particular exercise.

This motion seeks support from the whole house for the position taken by the Council for the Australian Federation at its meeting on 9 February; namely, that, if the federal government fails to set up a similar trading scheme, the states and territories should commence operation of a national greenhouse gas emission trading scheme by 2010, but linked to Kyoto. I do not believe that this position is unreasonable. Climate change is increasing in severity every day. The Stern report says that if we do not act now the ultimate cost could be a shrinkage of 20 per cent in gross domestic product internationally. Stern predicts 200 million refugees as a result of the ravages of climate change. Conservative leader David Cameron in a speech in January talked about widespread global war.

Time expired.

The Hon. R.B. SUCH (Fisher): I commend the member for Napier for bringing this motion to the house. Sometimes people say, 'What do you do in parliament?' Well, we pass laws, we (I guess) question regulations, but issues like this are fundamental, not only to our generation but to those who come after us.

I have some concern about the whole notion of carbon trading, in the sense that what it really does is that it still allows you to pollute, if you want to call the production of carbon pollution. What it says is that you can keep polluting, you can keep producing carbon and affecting the global warming situation, as long as you offset it somehow through one of more types of schemes, one of which is often the planting of trees. I guess the purists would say, 'Well, wouldn't it be better to cut back on what you are generating by way of carbon emissions as well as doing other positive things such as reforestation and so on?'

We have had schemes in the past, and I suspect we still continue them, where we effectively licence people to pollute. I think we have to be careful that we are not legitimising practices which are not in the long-term interests of the world. I see the focus on global warming, which is related to this and climate change, as being the umbrella issue in terms of the environment. It is important and we should not diminish the significance of it, but I think we also have to pay more attention to what is happening under the umbrella, and that is in relation to micro-aspects of the environment, including the loss of biodiversity, which is a constant theme of mine.

I mentioned in this place recently that in the metropolitan area of Adelaide we have less than 5 per cent of the original vegetation left. I encourage members—and I can give them the references if they want—to have a look at what used to exist in the metropolitan area but which, sadly, no longer exists, even in a minor preservation sense. It is great to focus on these umbrella issues—they seem dramatic and get people talking about the consequences of generating all this carbon—but we also need to be mindful that, at the same time, underneath that big umbrella, we are losing a lot of our flora and fauna through the removal of habitat and weed infesta-

tion, and we need to tackle some of those issues much more vigorously.

It think it is fair to say that the federal government (in particular, the Prime Minister) might have been slow off the mark, but it is now realising the significance of climate change. I welcome that, but I do not believe the federal government, in particular, has done enough to ensure, for example, the survival of indigenous flora and fauna in this country. We have heard criticism of the former premier of New South Wales, Mr Carr, for not doing things about the railway lines and so on, but in reality he will be remembered in years to come for having done a lot to protect and preserve biodiversity in New South Wales. His great legacy hopefully will go on forever in many of the national parks and so on that he created.

Through technology we can do a lot more. I am more optimistic that we will be able to deal with coal-fired power stations and other polluting entities much more effectively through the use of new technologies. Members may recall visiting Port Augusta years ago when it used to have all that ash covering everything. As a result of installing precipitators and other modern technology, Port Augusta is a totally different environment now from what it was some years ago, and that is as a result of the use of technology to deal with a polluting aspect of burning low grade brown coal. So, I see some opportunities in this area. Australia should be doing a lot more in regard to research into minimising the output of carbon from power stations and applying technology in a whole lot of other areas.

I conclude by saying that it is important that we look at the possibilities of a carbon emissions trading scheme, but let us not be fooled into thinking that we are tackling the root cause of the issue by simply being able to trade away the production of carbon in one area through, hopefully, the reduction of carbon in another area, whether it be by forestry or other means.

Once again, I commend the member for Napier for bringing forward this motion. I think it is important that we have this discussion because, ultimately, no issue is more important than the sort of environment we create. We will always have an environment, but the question is what sort of an environment will it be? We could end up with a very unpleasant, hostile environment, but we would still have an environment. So when people say, 'Save the environment; protect the environment' I always want to know what sort of an environment they are talking about.

Mr RAU (Enfield): I, too, will be brief in relation to this motion. I say, first, that the issues as far as the science is concerned are about as clear as they are going to be, I imagine. The time for arguing about whether greenhouse gases are causing an issue, and the nature and extent of that issue, has well and truly passed. It is clear that something needs to be done about the problem, so I will not waste any time on that aspect of the debate.

To me, the real significance of the member for Napier's motion is that he is talking about a particular method of dealing with the greenhouse issue. So, we are moving on from the question about whether we need to deal with it to the question of whether this is the best way to deal with it. The fact is that, if this is left to the states, as it has been because the commonwealth government has vacated the field, then the states have no choice other than to operate an emissions trading scheme, because they do not have the constitutional power to tax carbon emissions—that is purely a commonwealth matter. The states, as this motion recognises, are doing all that they are able to do within their constitutional powers to try to address this issue.

I seriously question whether carbon trading is the solution. I do not question that we need to place a burden on industries which pollute with carbon—I do not have a problem with that. Something has to be done about carbon emissions—I do not have an issue with that. For me, the issue is whether the trading scheme, which becomes a private issue, is a better method than a straight-out carbon tax which would remain within the control of government at all times.

I ask members to ponder this point: by creating a carbon trading scheme, you create individual property rights and a licence to pollute, which is then sold in the market. That is exactly the same sort of problem that we are now dealing with in water licences. Each state has created its own licence to remove water or—if you want to put it in the environmental sense—its own licence to degrade a natural stream. Those have been sold and traded and now we are in a position where the states and the commonwealth realise they have an awful mess, because each state has a different scheme operating. Somebody will have to sort that mess out, regularise the whole thing, and still deliver an environmental benefit.

In the case of carbon trading, the proposal that the member for Napier is applauding is good in the sense that it is a national scheme, so there would be uniformity across the commonwealth, and that is a good aspect of it. However, the problem is that Australia is just a pea in the world scheme as far as carbon emissions are concerned. We have the Europeans and the United States with their own trading schemes, and probably the South Americans, the Chinese and the Indians eventually will their own scheme. How and when are we going to mesh all those schemes together? They will all involve property rights at local sub-national and national levels.

Look at the mess we have with water licences. The reason for the mess is the artificial creation of a property right, which entitles the owner of that right to compensation if somebody fiddles with it. We have done the same thing in this parliament, to our great discredit, and we did the same thing in the last parliament. I put up my hand and say that I am free from any guilt in relation to this because I voted against creating poker machine entitlements. Before the last parliament, poker machines were locked into hotels. You bought and sold a pub with or without poker machines, but you could not buy a licence for poker machines and transfer it out of the pub; the two were wrapped up.

The last parliament created a new thing called a poker machine entitlement, which is a tradeable commodity. Poker machine entitlements went from being non-existent to being valued at at least $50 000, if not more if you could actually develop a black market for them. It is now going to be increasingly difficult, if not impossible, for us to do anything more about poker machines. Why? Because we created a property right which did not exist before, a completely artificial property right which is now something for which the owners of that right (who, incidentally, never paid for it) will be entitled to seek compensation if it is taken away from them at any stage.

I come back to the point. I support the motion of the member for Napier. I applaud the state governments for doing something that the commonwealth government has not had the wit to do. However, I raise this question: if the commonwealth government finally gets its act together, confronts this problem and decides to do something about it, is carbon

trading the best way to do it? There is no doubt that if the commonwealth government does not get involved, carbon trading is the only way to do it. However, if the commonwealth does get involved—and, hopefully, after the next federal election we will have a different view emanating from Canberra about these issues—I would hope that they would turn their minds again to the question of carbon taxes, which will remain entirely in the control of the national government of Australia, will not involve the creation of artificial property rights (which then can be the subject of private suit against the government if it tries to interfere with them), and will not become something that can be controlled by spivs and racketeers in hedge markets and other international trading arrangements.

Again, I applaud the member for Napier and I applaud the state governments for doing something about this problem. It is a tragedy that the federal government has left it to the states to do something that it should have done years ago.

Motion carried.

HICKS, Mr D.

Ms SIMMONS (Morialta): I move:

That this house urges the federal government to take all steps necessary to bring about the return of Australian citizen David Hicks for prosecution in Australia, and in particular:

(a) notes David Hicks has been a detainee at Guantanamo Bay for more than five years;
(b) notes the recently announced rules for Guantanamo Bay detainee trials may not afford David Hicks (or other detainees) a fair hearing;
(c) notes that there was significant opposition in the United States Congress to the Military Commissions Act 2006;
(d) notes the comments made by the Judiciary Committee Chairman on 28 September 2006;
(e) notes the delay of justice in David Hicks' case erodes the values and principles shared by Australia and the United States of America;
(f) considers the mental state of David Hicks after being detained in solitary confinement for five years;
(g) notes the return of David Hicks to Australia would be entirely consistent with the precedent established by the return of the British subjects held in similar circumstances;
(h) current arrangements are unjust and contrary to principles that our respective parliaments have for centuries nurtured and cherished.

I believe that even in its shortened version this motion speaks for itself. One of our fellow Australians has been left languishing in a foreign gaol for over five years, with little or no attempt by the Howard federal government to bring him back to this country for prosecution here. By these actions Howard has devalued our citizenship as Australians and, as such, we all suffer in the eyes of those outside Australia. The denial of justice in David Hicks's case erodes values and principles that we formerly understood were shared by Australia and the United States of America. This is an issue of human rights, not one about whether David Hicks is guilty or not guilty.

David Hicks has been detained in the US military prison at Guantanamo Bay, Cuba, since he was arrested in Afghanistan in 2001. He has been held incommunicado for long periods of time. Letters to and from his family have been restricted, and he was not allowed to meet with his lawyer for almost two years after his arrest. As a country we were informed by his lawyer, Major Michael Mori, that David Hicks has been kept in isolation in a small cell completely painted white—walls and ceiling. He has been able to have short conversations with his family only twice during this time and met only briefly with his father, Terry Hicks, for the first time in five years in August 2004. According to Australian psychiatrists, David Hicks is exhibiting signs of mental illness. This is not surprising; solitary confinement tends to do that to even the strongest characters.

I would like to point out to the house that Article 110 of the Third Geneva Convention, signed by the Australian government and recognised in section 268.99 of the Australian Criminal Code, entitles David Hicks to immediate repatriation to Australia, pending trial before a properly constituted court of law. In August 2004 (2½ years ago), David Hicks was brought before a military commission panel for a pre-hearing. At that time he was charged with 'conspiracy to commit war crimes','attempted murder by an underprivileged belligerent', and 'aiding the enemy'. He pleaded not guilty to all charges and trial was set for 10 January 2005. However, the tribunals were suspended following the November 2004 ruling of the US federal court in Hamdan v Rumsfeld that the detainee in that case should have been presumed to have been a prisoner of war until a competent tribunal determined otherwise, as required by Article 5 of the Third Geneva Convention. Last week we heard that the charges have been changed; it is now 'providing material support for terrorism', while the other charges have been dropped. Legally, this is an interesting development.

Major Mori tells us that, as a prisoner of war, the detainee could and should only be tried in the same manner as US soldiers—that is, he should face a court martial. The judge also ruled that even if the detainee was not a prisoner of war, the military commission procedures were unconstitutional—particularly the fact that the defendant could be excluded from certain proceedings. The US government appealed the ruling and the military commission proceedings were suspended pending the outcome of the appeal. The US supreme court then ruled that the previous US military commissions were unlawful, and the Bush administration was forced to redraft new rules for the new military commissions. What a debacle! And Hicks is still in solitary confinement in a small, white cell.

In 2004 the US Supreme Court ruled, in the case of Rasul v Bush, that detainees have the right to petition for habeas corpus—and perhaps this is the crux of the matter. David Hicks's lawyers filed a petition in the US District Court in Washington DC challenging his long detention, the absence of charges, and numerous aspects of his detention, including the allegations that he has been tortured and subjected to other cruel, inhumane and degrading treatment. This included prolonged beating while restrained and blindfolded, sleep deprivation (as a matter of policy), being shackled, with the fluorescent lights on 24 hours a day, and being deprived of exercise and sunlight between July 2003 and March 2004. This petition was ignored by the US government—and, to be fair, it was also ignored by the Howard government, which has totally abrogated its responsibilities, prejudging its citizen's status of innocence or guilt and casting him adrift.

To go back to my point on habeas corpus, the new commission set up by the US high court to replace the former commission, now deemed unconstitutional, states that defendants are to be denied the rights of habeas corpus to challenge, in a civil court, the legality of their detention. For those of us who are not lawyers, habeas corpus is the name of a legal action or writ by means of which detainees can seek relief from unlawful imprisonment. It has been enshrined in the laws of Britain, Australia and the US for hundreds of years. Over time, the principle of habeas corpus has adopted

a much broader meaning in common law today. A writ of habeas corpus is a court order addressed to a prison official ordering that a prisoner be brought before the court for determination of whether that person is serving a lawful sentence and/or whether he or she should be released from custody.

The writ of habeas corpus in common law countries is an important instrument for the safeguarding of individual freedom against arbitrary state action. The withdrawal of this right erodes every principle that Australia believes in. I doubt whether the people of the United States would expose their citizens to this type of treatment; in fact, US citizen John Linn has already been tried in a US court, and all other Western democracies have insisted that their citizens be returned to their homeland. But John Howard's government has chosen not to go down this path. Despite many opportunities, the Prime Minister, the Attorney-General (Philip Ruddock), and the Minister for Foreign Affairs (Alexander Downer) have ignored expert legal commentary from all over Australia that allegations against Hicks can be considered under Australian criminal law. In the last week we have heard of even further delays, with an appeal to the US Supreme Court that, under the Geneva Convention, terror suspects have a constitutional right to due process. As Australians, we know this and therefore he should be brought home for a full and fair trial as soon as possible.

I will not be drawn on the issue of David Hicks' guilt or innocence. I believe that the issue of custody pending a fair trial can be considered only by a properly constituted court in Australia consistent with international legal standards and Australian law. The current arrangements are unjust and contrary to principles that our respective parliaments have for centuries nurtured and cherished. These principles provide a shining example to those who would seek to destroy or degrade our cherished heritage through arbitrary acts of violence. I urge members from both sides of the house to support this motion.

The Hon. R.B. SUCH (Fisher): I will be brief. We can argue about some of the minor aspects of this motion, but the bottom line is that for too long—more than five years—David Hicks has been held in custody without, until recently, charges being laid against him. I do not condone what he appears to have been involved in. At best, it was silly and unwise, but that is no reason for what has happened to him and the way he has been held without being brought to trial during a period of five years or more.

I have always had concern about this issue. I met Terry Hicks years ago and had a chat with him about aspects of the matter. I want to see this issue resolved very quickly, with David Hicks brought before a court—preferably one that is fair (I have some doubts about the American military commissions). The sooner he is brought before a court which can adjudicate this issue fairly the better. I have always had concerns about issues relating to Iraq and Afghanistan, particularly Afghanistan, which are the two areas linked to the Hicks' case.

Only this week, I heard that, despite all the military effort, Afghanistan has had a record production of 600 tonnes of heroin this year, which will be circulating around the world. So, even if we were able to deal with terrorism in whatever form, we have not been able to deal with what will kill a lot more people than terrorism—that is, the heroin trade. The heroin from Afghanistan will shortly be trafficked, particularly through Eastern Europe, Europe and the United States, and no doubt some of it will find its way here.

I have always opposed the intervention in Iraq, which is an artificial creation, formed by Churchill in the 1920s when he put the three groups together who are still at each other's throats—the Kurds, the Sunnis and the Shias. He created an artificial state and brought in 'rent a leader', and we see the consequence now—basically, a civil war between those three very different groups which have a different cultural background, a different religious background and a different interpretation of Islam. So, I believe that the ultimate solution will be the partitioning of Iraq back into its three religious and cultural groupings.

Specifically in relation to David Hicks, we should not have to be debating this issue now. I think that the only reason he is being kept in Guantanamo Bay is as a result of vindictive and vicious retribution by people in authority, including those in Australia. I think that it has been a disgraceful episode in the history of the federal government. John Howard has done a lot of good things, but this will go down in history as one of the worst aspects of his rule, and I think that it will be a stain on his record for ever and a day. So, the sooner David Hicks is brought to trial the better.

I pose these questions: what happens if he is found innocent? Does he get a refund? Does he get a voucher? What does he get for spending five years or more in detention in Guantanamo Bay (which, ironically, is not part of the United States mainland)? One has suspicions about some of the tactics and techniques that have been used, namely, flying prisoners all around the world and probably beating them and torturing them. I suspect that when history is written it will show that the Hicks saga, along with some of the other underhanded tactics of the CIA and others, ranks amongst some of the worst abuses in the civilised world.

Mr RAU (Enfield): I want to say a couple of things about this motion. First, I congratulate the member for Morialta on bringing forward this excellent motion. Secondly, David Hicks is probably a fool. He is probably a very foolish person who became involved in things which, hopefully, he did not understand or, if he did understand them, he is twice as much of a fool for getting involved in such things as he obviously was involved in. But this issue is not about whether David Hicks is a fool; that is not relevant. The world is full of fools. In fact, it is lucky for you, Mr Speaker, that none of them is in this parliament, because they are thick on the ground elsewhere.

Let me say this: Mr Howard is probably the most obsequious Prime Minister Australia has had since Harold Holt made that famous announcement that he was going all the way with LBJ. He in his attitude to George Bush has been basically a lickspittle. He has been like that for the past 10 or 11 years. One of the aspects of this is that we are in this stupid conflict in Iraq about which the member for Fisher has talked, a place we never should have been. We are locked in this quagmire which will never be satisfactorily resolved, because the future for that only looks darker and darker the further you peer down the time tunnel. It only gets worse. The fact that we are involved in that is a disgrace. However, I come back to Mr Hicks. The Prime Minister has done many things to ingratiate himself with his big mate over in Washington, and one of them I suspect is tolerating an Australian citizen being held without trial in circumstances which are not acceptable in the United States.

That is why, member for Fisher, Guantanamo Bay is not part of the United States, because if Guantanamo Bay was part of the United States, a writ of habeas corpus would be issued out of any court in the United States and Hicks would be brought out of that place immediately and would have to be dealt with under the law of the United States, which I assure members would not have allowed him to be maintained without trial in those conditions for five years. The other important aspect of the Hicks case is this: there is no Australian or US law which existed at the time of Hicks's alleged behaviour which made it illegal in either Australia or the United States. Just think about that. He did something overseas—whatever it was—at a time when in both Australia and the United States—and I do not know what it is and nor does the member for Waite because we have not heard that yet—there was no law that said he could not do it.

However, now retrospectively the United States passes a law that says, 'We do not care about the fact that you did it before we passed this law and you could not possibly have known it was wrong because there was no law that says it was wrong. We do not care about that. We are retrospectively imposing a criminal penalty on you for doing something that was not illegal at the time you did it, at least under our law, the United States' law'—and it is certainly not illegal under Australian law, because members will know that the Australian law does not have extra territorial application. Our law does not apply overseas except in two limited circumstances, and those are basically war crimes tribunals. They are very eminent. In fact, as I recall, the War Crimes Act (which was introduced in 1945 or 1946) limits the ambit of the operation of that act to the members of the Axis forces during the war that started in 1939 and ended in 1945. That is the extent of our extra territorial law on this sort of topic.

There is no Australian law that can deal with Hicks at all. There was no American law that could deal with him at all at the time. Here he is doing whatever he was doing—good, bad or indifferent—but which was not illegal in America—

Ms Bedford interjecting:

Mr RAU: It may have been in Afghanistan, but that is a different point. They are not charging him and they are not holding him. He was doing something. Later on, he gets picked up by the Yanks—the Americans. They then pass a law saying that whatever it was you were doing it is now illegal and we will stick you in another country, because we cannot stick you in our country because our courts will have you out of there quicker than you can snap your fingers. We will put you somewhere where our own law cannot protect you—the very law we are using to imprison you; the very law we are using to charge you; the very law we are using to persecute you. We will use that when it suits us, but when it might also suit you that you have to front a judge, stand in front of a court, have your rights, have a lawyer of your choosing and be heard in the ordinary civil courts, not in a kangaroo court, that law does not apply to you because you are in Guantanamo Bay, which is not a part of the United States and our courts do not have any jurisdiction over Guantanamo Bay.

This thing is a gross set-up. Absolutely disgusting. Isn't it interesting that, if an Australia citizen—be he David Hicks or anyone else—was in Mugabe's happy little world at the moment and Mugabe passed a law saying, 'Three weeks ago you were not allowed to ring the press because that is illegal now' and put one of our journalists in gaol for it, what sort of an outcry would there be about that—and that is coming from a tin-pot dictatorship in Africa. This is not a tin-pot dictatorship: this is the United States of America—the paragon of virtue, the defender of freedom. George Bush punctuates every sentence he utters not with commas but with the word 'freedom'; occasionally 'democracy' gets a run, too. What about David Hicks? Could David Hicks be treated any less honourably by our dear leader in North Korea? I do not think so.

The same situation applies: interned without trial, not able to take advantage of any of the laws that we consider to be basic human rights like habeas corpus and the right to be presented before a court, held indefinitely, held in inhumane conditions and not told what your charge is and charged, tried, convicted or acquitted. Hicks has had none of it. The fact that we are participating in this is a disgrace, and I would leave on this note. The United Kingdom (which, shamefully for them, is also a participant in this grubby exercise in Iraq) also had citizens in this place (which is actually in Cuba), but Tony Blair did something which must have taken enormous effort. He lifted his right hand (I assume he is right-handed), he picked up his pen and he signed a letter. The letter said: 'Dear George, you have a couple of our chaps in your prison camp down there in your stalag. Would you mind letting them out, please, because they are our citizens and we do not like you holding our citizens like that. Send them home.' What happened? They were sent home.

It is that simple. What has our Prime Minister done about our citizen? And I repeat: I do not care whether he is David Hicks or a member of this parliament or some chap walking down the street this afternoon. If they are an Australian citizen they are entitled to the protection of our government, and our federal government has been shamefully derelict in its duty to an Australian citizen. It is not the point that it is David Hicks, because what they do to Hicks they do to all of us. That they diminish Hicks diminishes all of us, because his citizenship is worth no more than mine and no more than anyone else's in this room, and we should ponder that. If our citizenship is worth a cracker it should be that our federal government stands up for people like Hicks, not because these are good people, not because they have never done anything wrong, but because Australian citizens are entitled to a minimum standard of conduct and a minimum standard of justice.

Mr HAMILTON-SMITH (Waite): I am not part of the David Hicks fan club, but I would be the first to recognise that this trial needs to proceed quickly, that it should have been conducted a long time ago, and that the matter should have been resolved much sooner. It has been caught up in a web of international politics, international legal jurisdictions, and a whole lot of political opportunism. I am looking at a photograph of Mr Hicks with an RPG-9 on his shoulder. I will just point out to a couple of members who have spoken that that weapon is designed to kill people. He and his friends have other weapons. His history is well known. In Bosnia, in that conflict, in letters home to his own family he has admitted to attending terrorist training and participating in guerilla activities and war related activities. He is, it seems to me, one of those people who sees himself as some sort of a soldier of fortune, some sort of a would-be terrorist, some sort of a would-be adventurer, and it is okay to go around the world training in terrorism, or killing people, maiming people and slaughtering people, or certainly being prepared to do so. I think there are two issues here.

Members interjecting:

Mr HAMILTON-SMITH: I have listened quietly to members generally. I might have lost myself once or twice, but I will just ask for the same courtesy; they will get their chance. There seem to be two issues here: what sort of a person is David Hicks and what sort of a legal predicament is he in at the moment. I will just put this to members, including the member who has proposed the motion: I think it would have been better if he had been tried and convicted in Afghanistan where his alleged offences were committed. I did not see members getting up over the Schapelle Corby matter or the Bali nine and arguing that Australia should go and just roll in there and demand that Corby be released immediately or that the Bali five should be released immediately, because, 'Heavens, they are Australian citizens and the legal process in Indonesia is not as good as ours, so let them be released'—or the many other dozens of cases going on around the world where they are captive in foreign hands. Maybe it would have been interesting if the Americans had handed over Mr Hicks to the Northern Alliance or the new government of Afghanistan. Do you know what his penalty would have been? Probably a bullet in the head within a day or two. The justice would have been swift and it would have been quick. And I will tell you what: like so many of his Taliban friends he would be buried in Afghanistan as we speak.

Members want to get up and argue about legal jurisdictions. What is different about this case is that Hicks has found himself in Guantanamo Bay. And now the whole issue is: 'Well, the American jurisdiction, the Australian jurisdiction, we want to try him now as if he has been caught on Hindley Street for dealing drugs or involved in a bashing in the northern suburbs, and we want to bring him home and try him as if it happened down the street.' Well, it didn't happen down the street.

An honourable member interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: What intrigues me about this is that members opposite are really worried about Mr Hicks; they are part of the David Hicks fan club. They think he is a wonderful bloke. I have never heard a member opposite talk about Andrew Russell, another South Australian boy, brought up in the northern suburbs, who got killed in Afghanistan. He left a wife at home with two children, and there was a baby he had never seen. He was the first soldier in the SAS regiment to die there, killed by Mr Hicks's friends.

I ask how many members opposite have read the case, with the evidence already tabled and publicly available, about what Hicks did and what activities Hicks was involved in. He and his friends planted mines that killed Andrew Russell. Andrew Russell and his family are the constituents of somebody here. I think it might actually be Mr Rau; I think it might actually be in your constituency. Let us hear the honourable member come in here and talk about him and his family and his widow and his mother and father who live here in Adelaide. He is part of the David Hicks fan club. He does not care about Andrew Russell having been slaughtered on an Afghanistani battlefield by David Hicks's friends. Now, I find that a little bit depressing.

I am also very interested in how quick members opposite have been to pick up the cause. David Hicks is still being used and he is being used by members opposite today. And why? It is not because they care about David Hicks; I do not think they give a damn about David Hicks. What they are trying to do is score cheap political points for their federal counterparts as they try to crank this up for the federal election. I give credit to the member who moved the motion, because I think she may genuinely care about the motion, and I am not including her in my remarks, but I think there are some members opposite who simply see it as a political opportunity. What they are doing is using David Hicks just as much as anybody else.

I will be the first to concede that now he is at Guantanamo Bay, now he is an American captive, this matter needs to be dealt with and should have been dealt with a long time ago, and I have no argument with that. Guantanamo Bay is a terrible place to be for anybody. I would have been delighted if this could have been cleared up within months. The fact is that it has not. I just remind members opposite that Mr Hicks's own legal team, many of whom are seeking to score political points themselves for one reason or another, have argued against every jurisdiction that has sought to arraign him, and have, in effect, contributed to the delay.

If David Hicks were genuinely guilty of even half the things he is accused of doing, he probably would have considered a plea bargain a long time ago; he would probably be home already. He may have been able to get off with a few years—

Ms Simmons interjecting:

Mr HAMILTON-SMITH: I do not know, but that is for others to argue.

Members interjecting:

Mr HAMILTON-SMITH: If members want to get up and argue legal principles, good on them, and I agree with many of the sentiments expressed: that in light of where he is today and in light of the situation that has unfolded, it would have been very nice if this had been sorted out a long time ago. Let us just imagine for a moment that he is guilty; let us just imagine for a moment that even half the things that he is accused of doing he did; let us just imagine for the moment that he did shoot at, plant mines or attempt to kill Americans and Australians and our other allies. Are you seriously proposing that he come home and be given Christmas dinner? Are you seriously proposing that he come back here and face some sort of charges? It was September 11. There were not laws for a lot of these things. Do you condone people going around training to kill others in other countries? Do you condone them going around killing others, planting mines that killed Andrew Russell? No-one had thought of passing a bill at that particular point that said, 'Oh, and by the way, if you commit the sort of murders and evil crimes in a failed state overseas that you commit here, we will apply the same jurisdictions.'

Members interjecting:

Mr HAMILTON-SMITH: I acknowledge that all of that is very grey. The lawyers cannot wait to get up and have a legal argument, but I will just put this to you—

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: I do not think Mr David Hicks is a very pleasant person, and the sad part of all this is that he will probably come back eventually, sell his story to the media and finish up a millionaire. That is the tragedy of it. You may argue that he was over there on a Sunday school picnic; you may argue that he was a tourist travelling through the district picking poppies; you may argue that he has been innocently hooked up. Well, let us hear the case, let us hear the evidence. I cannot wait to hear the evidence against David Hicks, because the oldest trick in the book is the Saddam Hussein defence: refuse to accept the jurisdiction of the court; refuse to accept the jurisdiction of any court; claim that

nobody has any authority to hear your case. That is the Saddam Hussein defence.

I think it would have been a lot cleaner and a lot neater if he had been just handed over to the Northern Alliance in the Afghan government of the day to be dealt with. It probably would have made all the lawyers in the room much happier. And I will tell you where he would be: he would be in a grave. So if you genuinely care about David Hicks, stop using him as a political football, because that is what you are doing. This is opportunism. I hope his case gets heard, and I hope it gets heard fairly and reasonably in a recognised court. I hope he gets what he deserves, whatever that court decides, and I hope that when he comes back he is not made by the Labor Party into some sort of a folk hero, because I do not think he is a folk hero; I think he is a very unpleasant person. A number of our young men and women are over there right now working to defend you and me from these sorts of evil people who, as we have seen, are happy to blow up people in bars in Bali, happy to blow up people—

The SPEAKER: Order!

Mr HAMILTON-SMITH: Something needs to be done about it.

Time expired.

The Hon. G.M. GUNN (Stuart): To put it mildly, I think it is a pretty interesting sort of debate we are having this morning. Here we are discussing a motion about a person who has gone to Afghanistan, been in Kosovo, and trained in Pakistan to shoot at Australian soldiers.

An honourable member interjecting:

The Hon. G.M. GUNN: Well, he went there of his own free will and accord; no-one told him to go there. What was he doing in Afghanistan? Was he on a holiday? Was he there to help the Afghani people? Was he there to build schools?

Members interjecting:

The SPEAKER: Order!

The Hon. G.M. GUNN: Was he involved in reconstruction, as are the Australian soldiers, and as also are the Dutch soldiers? No, no; he was using grenade launchers, AK47s. You build schools and hospitals with them, don't you! What was he doing? He was there to plant mines and shoot at good young Australians who are there trying to defend the Afghanistan people in their desire to have a democracy. I have a great deal of feeling for the Afghani people, and I have people of Afghan descent in my electorate. They are good people, they helped develop the north of South Australia under the most difficult conditions. Is this person, who has been given folk hero status by certain members, the sort of character that you would invite home on a Sunday to have lunch or dinner with your family? Would you want to have him sitting at the table with your children to influence them? Is this the character you want?

Ms Bedford interjecting:

The Hon. G.M. GUNN: The honourable member will have her opportunity. Let me say that if you lie down with dogs you get fleas, and this person decided that he would get involved with the most unsavoury characters. Look at their track record. This is al-Qaeda. They blew up the World Trade Centre. That does not matter—you have just killed a few thousand innocent people who were lawfully going about their business. This character received training as a terrorist, and then when things go bad they go running around and wanting all of us to come to his aid. I have a very strong view that if you live in this country and you want the protection of this country and exercise your rights, then you comply with some reasonable standards. It is my understanding that it is illegal, if you are an Australian citizen, to join mercenary organisations. We have a law to say that you cannot and, if you do, you commit an offence. Therefore, if you go to Afghanistan or some other place and get involved and you receive training of this sort, then you have to take the consequences. He did not do it naively. This was not the first place that he went to. He was in Kosovo—

Mr Koutsantonis interjecting:

The Hon. G.M. GUNN: That was the sort of place where you would take your family for Sunday afternoon tea, wasn't it? That was a picnic ground! I thank the honourable member. Serbia was a great spot to be. They are still digging up the bodies of people who were slaughtered there.

Mr Hanna: The member for West Torrens is on your side.

The Hon. G.M. GUNN: I beg your pardon?

Mr Hanna: He is on your side. He is helping you.

The Hon. G.M. GUNN: Can I say to the honourable member for Mitchell that I am just a very quiet farmer who is making one or two observations in relation to this matter, and I believe in giving a fair go. I believe in sticking up for Australian soldiers. If someone is over there illegally shooting at them or creating other dangerous situations for them, they have to accept the responsibility. If they are caught, there are consequences. Therefore, I say to all the people who are jumping up and down about it that Mr Hicks knew before he went that there were dangers, and that those dangers were very significant.

An honourable member interjecting:

The Hon. G.M. GUNN: If he left his family here in Australia, he has to accept responsibility for that. That was a conscious decision that he made. I will say only one thing in his defence: he should have been brought to trial sooner, and that is a failure of the process. However, he cannot avoid accepting responsibility for his own actions. I would say that, when all the evidence comes out, a pretty interesting story will be told about this fellow.

Mr Koutsantonis: Like the weapons of mass destruction they were going to find in Baghdad!

The Hon. G.M. GUNN: I think that it will be an interesting story. The honourable member's friends now say that it is all right to have 600 soldiers in Baghdad, not 900. They want 600 there. So, they are doing a bit of a back-pedal there. We can talk about that if the honourable member wishes. I am quite happy to do so. The honourable member has put forward a very detailed motion, and for what purpose? Is it because they support the activities of this individual? Do they support Australian citizens—

Mr Koutsantonis: Oh, come on.

The Hon. G.M. GUNN: No, come on. They put it up. Do they support Australian citizens going overseas and engaging in activities that are contrary to the national interest and shooting at Australian soldiers? Do they support that? That is a fundamental question that the member who moved the motion has to clearly explain to this parliament and to the people of South Australia. Is she an apologist for scoundrels who are going to shoot Australian citizens? That is a fundamental issue that she cannot run away from. By this motion, she is giving licence to other people who engage in these improper activities and saying, 'Well, if you get caught, we're going to come to your aid. We're going to help you. We're going to get you publicity.' The honourable member brought this motion into this place. She has to accept full responsibili-

ty for her actions, because her actions are in support of criminals and scoundrels who are shooting—

Ms Simmons interjecting:

The Hon. G.M. GUNN: No, you cannot get away from the fact that you are supporting someone who shot and tried to kill Australian soldiers, on a most—

Ms Simmons: I'm not—

The Hon. G.M. GUNN: Yes, you are. That is what you are doing. Any person who comes in here and willingly moves this motion and does not think through the consequences is unwise and foolish, in my view. I would say that the member has now left herself wide open to the charge that she is supporting people who want to maim, injure and kill young Australians who are defending democracy, who are legitimately in Afghanistan, and she has said to those people—

Ms Simmons interjecting:

The DEPUTY SPEAKER: Order!

The Hon. G.M. GUNN: The honourable member—

The DEPUTY SPEAKER: Order, the member for Stuart!

The Hon. G.M. GUNN: Well, she put me off, madam.

The DEPUTY SPEAKER: I remind the member for Morialta that she will have a right of reply, during which she can raise these matters.

The Hon. G.M. GUNN: Thank you, madam. She put me off, and I lost my place. Those sorts of interjections absolutely upset me. I will have to have a glass of water to get my second wind. The honourable member for Waite quite properly drew to the attention of this house what happened to a South Australian citizen. No-one who has been speaking in support of this character has given one thought about what happened to him or his family or all the other good young Australians who are there sticking up for this country. I think that to give any licence to these people is not only dangerous, unwise and improper, but it is foolish in the extreme. It is giving licence to other people to follow likewise.

Time expired.

Mr KOUTSANTONIS (West Torrens): The proudest boast in ancient times was 'civis Romanus sum', which meant, 'I am a Roman citizen'. That boast means that I have rights. I cannot be executed without a trial—I can still be executed, but I need a trial first. I got to pay taxes and I got to use roads and the aqueducts; I received all the benefits that all the Roman punters received. What does Australian citizenship get you? According to members opposite, it gets you locked in a prison without charge and without trial. Now, if we raise these points, somehow we are subversives, somehow we are the ones who are supporting the terrorists. It reminds me of David Letterman's top 10: what happens if you do not buy American goods, does that mean the terrorists win? It is just silly!

The idea that we have gone to war with an enemy who does not wear uniforms, who has not declared war on us, who does not fight during the daytime, they do not have tanks we can attack, they do not have lines, they infiltrate our community, they are like us, they are out there on the streets living as Australians, living as US citizens, living as British citizens, and then we are told that the way to combat these people is by suspending the rule of law. Why do they hate us? Why do they want to overthrow us? Because of our institutions, because of the freedoms we have.

There was a great scene in *The West Wing* when they said the reason they hate us is because Britney Spears wears mini skirts. That is why they really hate us, because they enjoy these freedoms. I am not sure that is entirely true but it is partly that. The reason they hate us so much is because of our institutions. The reason they hate us so much is that there are women sitting in these parliaments and there are women in positions of influence and power. We have a secular society and we are not bound by religious law. That is why they hate us and that is why they attempt to attack us.

With reference to the member for Stuart's comments, let me say that I have no sympathy for David Hicks' plight in terms of the alleged crimes he committed in Europe and Afghanistan—but charge him. Don't just lock him up, beat him up and mock his religion. What does that prove? That we are stronger than him? So what? The reason we defended the Soviet oppression of the 1940s, 50s, 60s and 70s is because our system was better; our market defeated them, our rule of law defeated them. That is what beat them. Their system could not stack up to ours. Their dissidents within East Germany—

An honourable member interjecting:

Mr KOUTSANTONIS: It is parliament; you might be interested. The reason our system beat them is because their dissidents in Czechoslovakia, Hungary and all the Eastern Bloc countries saw our system work. They saw it in West Germany and West Berlin, in our economies and our standard of living, and they changed. This will ultimately happen in the Middle East, but while we keep on doing this sort of thing and while we say, 'We are no better than you and we will lock up our own citizens and give them no trial', what makes us think that we are going to win? What makes us think that we can beat these people behaving like this? It is just not going to work. The way we beat them is by maintaining our traditions. If we have to change our country to a point where we do not recognise it any more to defeat them, then it is not worth fighting them; they have won already.

David Hicks should have been arrested when he came back to Adelaide after committing mercenary acts against my Serbian brothers in the Balkans. As for the alleged atrocities he committed in Afghanistan, I agree with the member for Stuart: I do not think he was there on a holiday taking happy snaps in Pakistan and Afghanistan. I am sure he was there on some very dodgy business, but if they have got him cold, then charge him, try him and while he is in prison interrogate him more, plea bargain with him if they want to get more information out of him, but instead they are just locking him up because they can.

The worst part about it is that our other allies who are risking their lives with the coalition in Afghanistan and Iraq have pulled their citizens out of Guantanamo Bay. It is only us; we are the only ones. That is the worst part about it. The British recognised immediately, and they have got a much bigger commitment than us, that this is a dodgy system and they wanted their citizens out. Do members know why they wanted their citizens out? To maintain support for an important war. The member for Stuart should realise this; if you want to win in Afghanistan and you want to win in Iraq, like I do, you cannot have these dodgy trials going on to give people excuses to attack our commitment overseas, because when you delegitimise our commitment in Afghanistan by holding someone without trial for five years you will lose popular support, and when you lose popular support for a war you are finished.

We cannot go to war and we cannot commit our troops unless the Australian public are right behind us. We have submitted our citizens to these sorts of systems, these sorts of trials that are being held in the US, when their own

congress and the US Supreme Court has ruled that they are illegal and they would not let US citizens be subject to them. We just sit back and do this. Why is John Howard acting now? Why are we hearing things from Alexander Downer and John Howard now—that he should have been tried earlier, that it should have all happened earlier? Because we are losing public support for deployments in Afghanistan. The Taliban are coming back; they have not gone or disappeared, they are making a comeback. Why do Australians now want us to pull out? Because the government has behaved badly on matters like David Hicks. If they had just shown some backbone and defended our system of government and made Australian citizenship mean something abroad then perhaps we would be doing better in Afghanistan.

Mr HANNA (Mitchell): I commend the member for Morialta for bringing a motion to this house urging the federal government to take all steps necessary to bring about the return of Australian citizen David Hicks for prosecution in Australia. I am not sure whether it is feasible to have a prosecution in Australia because that actually suggests that there is a law that he has broken, and that in itself is not at all clear. The starting point really is whether he could have broken any law in having travelled to parts of the world with the intention (perhaps) of engaging in fighting. Whether that could have breached Australian law or international law is highly doubtful.

The fact is that he has been held for more than five years in Guantanamo Bay by the US military. The conditions, as far as we can know them, seem to be completely unsatisfactory and even involve torture. I will let members know that I have met with Mr Habib, who was detained at Guantanamo Bay, and what he described in terms of the treatment there amounts to torture in anybody's book. The fact is that the Australian government has done practically nothing to assist citizen David Hicks.

I should stress that the argument is not about his guilt or innocence: it is about legal rights which should apply to all Australian citizens. It is worth noting that there are US and British citizens who have had better treatment than David Hicks in similar circumstances. Indeed, the British government requested the return of British citizens from Guantanamo Bay, and that request was granted. Not even a request in those terms has been made by the Australian government, and that is profoundly wrong.

Why is it that the Australian government will not assist an Australian citizen in trouble abroad, confined by another country without being charged, held in circumstances which could amount to torture? Why is that so? One can only explain it in terms of the craven obsequious attitude that the Australian government has towards the US because of our alliance with them. I should point out that I am not anti-American. I acknowledge that we get a lot from our alliance with the US, although a lot of the features of our close links are somewhat dubious. The fact that we have Hollywood entertainment culture coming into Australia is not necessarily a good thing in terms of the morals of this country. The fact that we have American television beamed into our lounge rooms is not necessarily a good thing for the culture of this country, particularly its encouragement of consumerism, lust, greed and violence. The transfer of the Afro-American ghetto drug culture to the streets of Adelaide and other Australian cities is also not a good thing.

We have the opportunity to buy subsidised goods from US farmers. We receive a lot of military and security intelligence from the US, and perhaps that is seen by our government as the most valuable aspect of the US alliance. As Australian citizens, we are not in a position to judge the value or otherwise of that. However, the British case demonstrates that it is possible to stand up to the US government within the context of the alliance, at least to the extent of requesting that a citizen like David Hicks be brought back to Australia to face trial if indeed there is scope for charging him under Australian or international law.

I refer to the contribution made by the member for Waite this morning. It was one of the most unfair and perhaps most outrageous speeches made in this place for a long time. The US military prosecutors themselves acknowledge that they will not be bringing evidence that David Hicks shot at anyone. So, there is no suggestion that he actually physically shot at anyone. It also has to be pointed out that there were no Australian soldiers in Afghanistan—at least as far as the Australian public can officially know—in 2001, when David Hicks was captured there and handed over for a fee, I believe, to the US forces. The member for Waite was therefore factually wrong when he described his version of the prosecution case against David Hicks.

The member for Waite is also fundamentally wrong to describe those of us who speak up for the rights of Australian citizens and the rule of law as members of the David Hicks fan club. This is not a case of having David Hicks as a favourite. I do not know David Hicks and we do not know exactly what he did, but we do know about the principles and the rule of law which we value in this country and which applies to all Australian citizens. If the member for Waite condemns David Hicks for simply being overseas and wanting to fight against another country, then he would have to put the Australian mercenaries (who are in Iraq at the moment) into that category. I am sure he must condemn those people, as well as his mates who are over there at the moment, working for money in the security business. It would be interesting to have the member for Waite devise the law and order policy for the South Australian government, because these are the principles that he would be throwing out the window, the principles which he is willing to subvert in the case of David Hicks.

When we talk about the rule of law, we are really talking about a collection of rights that apply to every citizen, no matter who they are, how rich they are or how powerful they are. Some of these rights include the right not to have retrospective laws made against you; the right not to be detained without trial, let alone without charge; the right not to be tortured if detained; the right to have an impartial court when a charge is to be heard; and the right to have an advocate in legal proceedings. We must recall that in the case of David Hicks it was two years before he even had access to a lawyer. We also have the presumption of innocence in this country. That does not seem to apply in the case of David Hicks.

We also have the right to be present throughout a trial and to hear all of the evidence against us if we are charged with something. That does not seem to be the case in what David Hicks faces at the military commission in the US. We also have the right to cross-examine all witnesses. David Hicks does not appear to have that. We also have the right not to be exposed to double jeopardy. In other words, if we face a commission once and the case is thrown out, then we are in the clear and we do not have to repeatedly be brought before a court for exactly the same crime until the prosecutors finally hit the jackpot.

We also have proof beyond reasonable doubt. That does not apply in the case of what is proposed for David Hicks. We also have an appeal process in case a court or commission gets it wrong, and David Hicks does not have that. We also have in our law the exclusion of evidence improperly obtained, and Mr David Hicks is exposed to the risk that evidence against him will have been obtained through torture. All of this suggests that the treatment of David Hicks has been disgraceful, no matter what he might or might not have done.

The charges that have now been brought against him are highly questionable under international law. Conspiracy, for example, does not apply under the laws of war, and attempted murder does not apply for combatants under the laws of war. The US cannot have it both ways; it cannot say that it was not the law of war if the reason it is detaining him is that he was fighting the US. The third charge against him, 'aiding an enemy of the US', is something of a charge of treason—which is, of course, absurd as he is an Australian, not a US, citizen.

In summary, it would be the right and proper thing to do, for the sake of the values for which Australian soldiers have fought over decades, to make a plea to the US government for the return of David Hicks.

Time expired.

The Hon. L. STEVENS (Little Para): David Hicks—just his name sparks all kinds of reactions in people, and over the past five years—certainly over the last hour—we have probably heard it all. He is a 'terrorist', 'the worst of the worst', 'Osama bin Laden's right-hand man', 'freedom fighter', 'idealist', 'troubled young man', 'he wouldn't hurt a fly', and people hold up a photograph and make all sorts of assumptions about the circumstances of that photograph. The point is that whether any of those things are true is still to be determined and, until the allegations are properly tested in a court, we may never know for sure.

Therein lies the very heart of the problem. David Hicks will not be tried in a court of law under the usual rules of law: he will be tried by military commission, one that has been set up specifically for this purpose and one where the usual fair and scrupulous rules of evidence will not apply. Hearsay evidence will be admitted, and information obtained by coercion (and, in some cases, outright torture) will be admitted. If that is not bad enough, his lawyer, Major Michael Mori, may not even be given the chance to cross-examine some of the witnesses. Evidence for the prosecution will be admitted from other detainees in Guantanamo Bay but those men themselves will not be in court to give their evidence; other evidence, by its very nature, may not be able to be tested at all. This means that one side, the prosecution only, can make its case but the other side will not be able to prove or disprove it. By any objective analysis, that is not justice.

This whole situation—Hicks' initial 'sale' to the Americans, his 2½ year detention without charge, charges that were laid only to be later dropped because they were found to be illegal, the commission make-up and the rules imposed on its conduct, and, finally, the recent charges against Hicks that bear no relation to the charges that were originally laid—exposes a system that is anti-justice and against the basic principles of fairness upon which our so-called civilised society is based.

The fact that Australia, the country of a 'fair go' for all and particularly all its citizens, has meekly sat back for five years and allowed another country to treat one of its own in this manner is shameful. Interestingly, John Howard has lately been pulling out the old quote from the former British prime minister, William Gladstone, that 'justice delayed is justice denied'. Well, he did not seem to think that there was any problem with denied justice last year when Hicks had been detained without valid charge for four years, or even in 2005 when he had been detained without valid charge for three years. One wonders how long is too long to be detained without charge in John Howard's mind—one year, two years, four years? The member for Waite accused members on this side of the house of politicising this debate but, in terms of the Prime Minister, I suspect that the answer to the question, 'How long is too long?' is, 'As long as there is no election around the corner'.

A recent news poll showed that nearly 80 per cent of Australians wanted David Hicks home, even if he were to be released without charge into the community. Within that 80 per cent was the indicator that I believe really galvanised John Howard into action—namely, that 70 per cent of people who voted Liberal at the last federal election wanted David Hicks home as well. So, whilst John Howard is now making noises about returning David Hicks home before Christmas—or before the election, whichever comes first, in my view—if he is serious about the principles of natural justice, if he truly does believe that this has been denied to David Hicks for the past five years, then he must do the decent thing and bring him home before he has to face this farce of a military commission. It is also time for Howard to face up to another reality: our so-called 'ally' has led us astray time and time again on the issue of global terrorism. Their intelligence stinks. The existence of weapons of mass destruction was found to be a big lie. Quite frankly, we should have never invaded Iraq in the first place and we should not continue to occupy it.

When David Hicks was first arrested we were told by the United States that he was fighting for the enemy, but as the evidence failed to mount against him—certainly, within the first two years of his detention—John Howard, as other people have pointed out, should have said to his US counterpart, 'Send him home; we'll deal with him.' John Howard should have done that, as has been done in every other civilised nation on the planet. Instead, I believe the Prime Minister put his own personal and political ego and his desire to secure himself a place in history ahead of the interests of not just one Australian citizen but of our nation as a whole.

It is time for Australia to start behaving like the sovereign nation that it is. We need to treat our own citizens with respect and dignity and, the next time a foreign nation wants to imprison one of our people for years without charge, we should be prepared to risk any alliance by telling them, 'No; this is our citizen, we want to deal with him in our own way.' I commend the member for Morialta for her motion, which I support, and I hope that everyone in the house will do the same.

Mr PEDERICK (Hammond): I rise today to oppose this motion. As was mentioned by the member for Waite, our soldiers serving in these theatres seem to have been forgotten by members opposite.

The Hon. L. Stevens: David, you're a sensitive, caring person.

Mr PEDERICK: Wrong person—and if the member for Norwood has not had her opportunity, she will get it. They seem to make light of the fact that our soldiers are serving in Afghanistan, Iraq and beyond. As this house is well aware,

my brother served a tour in Iraq. He also served in Rwanda 11 or 12 years ago. One of his compatriots, who was a 20-year soldier just like him, had previously served overseas in New Guinea and other places. After coming home from his tour of duty in Iraq, he now has the fear of walking into shopping centres because of what he had seen there—bombers hiding bombs under burqas.

Here, we are talking about David Hicks, who was taking up arms against our troops and, if it was not against our troops specifically, it was American or allied forces. What about all our soldiers who are serving in overseas conflicts, doing what they have to do for their nation and fighting terrorism? Where is the support for them from members opposite? We have heard about the World Trade Centre and other dastardly acts perpetrated by terrorists throughout the world. Here, we are talking about someone who willingly went overseas and trained to take up arms against our Defence Force. We need to think about the repatriation of our forces. We have troops who come home and cannot walk into shopping centres because they are frightened of crowds. They have done their service and they are paying a lifetime penalty for it.

I agree: let us get David Hicks tried. I think that it has been too long, but let us try him and, if possible, bring him home for detention. I do not believe that we can just bring him home, because I do not think that there is an Australian law under which we can try him.

An honourable member: That's scary.

Mr PEDERICK: I am advised that that is scary. As I said, he was not backpacking through Afghanistan and, from photographs I have seen, he was not backpacking through Kosovo with a grenade launcher on his shoulder. I agree that it has taken too long. They have laid charges, so they should try him and bring him home on detention on those charges.

Mr PENGILLY (Finniss): I am one of those people who is of the opinion that we should be talking about things that relate to ordinary South Australians and what we can do for them in this parliament, rather than talking about this fellow, David Hicks, who finds himself in Guantanamo Bay. I am of the view that we are elected as parliamentarians in South Australia to do good for the people of South Australia. In particular, we should get out, listen to the people and do the right thing by the community. I do not believe that we need to spend time on this fellow. However, the honourable member has moved this motion, and I want to make a small contribution to it.

Be in no doubt that I have every sympathy for his family; of course they would like to see him. However, quite frankly, he is the architect of his own situation. I believe that his family, particularly his father, has worked very hard to plead his case, but I think that they have been overtaken by some very clever, manipulative people, particularly Major Michael Mori from the United States and a few others, to try to turn this thing around and show this fellow as some sort of poor innocent abroad.

He knew what he was getting into, he knew where he was going in Kosovo, he knew where he was going in Pakistan, and he knew where he was going in Afghanistan. He was not there for a joyful trip around the world. He knew exactly what he was getting into and, if as he has indicated, he did meet bin Laden, just remember 11 September when thousands of people were killed in the United States. Why on earth do you think that the Americans are doing what they are doing? If it were not for them in World War II, we would be speaking another language here—be in no doubt about that. I am a great supporter of the United States.

I believe that what has happened is that Australians are becoming victims of one of the greatest con jobs of all time over this fellow, David Hicks. I agree with the member for Stuart that this fellow Hicks is a scoundrel; there is no question about that. However, I also support the fact that he should have been charged and that something should have happened. I have no argument with that whatsoever, and I am just picking up on the motion moved by the honourable member. I do not support it, as I think that there are too many things that are unsaid.

I would like to see Schappelle Corby back in Australia, because I believe that she is the victim of a legal system that is somewhat strange. I would like to spend more time talking about what is happening to the people of Zimbabwe under Mugabe and what has happened over the past week to Morgan Tsvangirai, which I think is absolutely disgraceful. I really cannot feel a lot of sorrow for David Hicks' finding himself incarcerated in Guantanamo Bay where, it should be remembered, he is receiving far better treatment than Australians did in Changi, in Japan in the coal mines and salt mines, or in Europe during the war.

I recall listening to Mr Perce Johnson who is deceased and who fought in the First World War alongside Tom Playford whose picture hangs on the wall on the other side of the chamber. Perce Johnson fought in the First World War and the Second World War during which time he was captured and put in Changi. He had 18 and 19 year old boys—he was man in his 40s then—howling on his shoulder for their mothers. These things touch me deeply. I feel desperately sorry for the Hicks family, but I am afraid I do not feel all that sorry for David Hicks and I cannot support the motion on my conscience. I come from a long line of people who try to look after people, but in this case I am afraid David Hicks does not get a lot of sympathy from me and I will not support the honourable member's motion.

Ms CICCARELLO (Norwood): I will be very brief. I remind members that part of this motion is that this house urges the federal government to take all steps necessary to bring about the return of Australian citizen David Hicks for prosecution in Australia, and it continues. I do not see that that is any different from what Prime Minister Howard and the foreign minister Alexander Downer have been saying recently. Accusations have been made that we are using this as some sort of a political football because of the coming federal election. Well, we could point the same accusation at Prime Minister Howard and his ministers who suddenly have become very caring about David Hicks and want to see him return to Australia and also that it has taken far too long for him to be charged and to stand trial.

I wish sometimes that I was as eloquent as the member for West Torrens. I am very proud of Roman law, as the member for West Torrens would be very proud of the fact that his country of origin put in place democratic processes. All that we are arguing for at the moment is that the democratic process and the law which protects citizens' rights and responsibilities should be respected. At this stage no charges have been laid. That is something that we want to see. Whether David Hicks is guilty or not guilty of any crimes, he should be charged and he should be tried. Some members have also raised the issue of Iraq and whether this is a just or unjust war. The member for Waite has experience in this field as well, but we have seen how alliances change over the

years. It was supposed to be a war against terrorism. Who trained and gave money to Osama bin Laden in Afghanistan? Who gave money to Saddam Hussein? I think George Bush senior had some alliances with Iraq.

The member for Finniss raised Changi prison. Well, times do change. Prime Minister Howard has just been to Japan looking at alliances with that country. We do need to move on. However, this is not about previous or current wars. This is about a citizen of Australia and a citizen of South Australia. Again I remind the member for Finniss that David Hicks is a citizen of South Australia and, if we are in this parliament to look after the interests of our citizens, then David Hicks' rights and responsibilities need to be respected, and the sooner he is brought to trial, the sooner these arguments will finish. I commend the member for Morialta for bringing the motion to the house.

Mrs REDMOND (Heysen): I am actually quite sad to be standing and speaking about David Hicks because I do not hold a view which accords with a number of other people on my side of the chamber and, indeed, I indicate to the house that I will be supporting the motion. I do so with some sadness simply because I think that David Hicks is probably a little ratbag, and I do not want to defend in any way what he may or may not have been doing, but as a number of other speakers have already indicated, David Hicks is an Australian citizen, a former resident of this state. What we are fighting for in the various engagements that we have around the world is freedom and to me that freedom is based on the rule of law. If we fail to stand up for the rule of law, then we have lost it, anyway, and we might as well let the terrorists take over.

David Hicks was arrested in 2001 by the US forces in Afghanistan and since then he has been held in Guantanamo Bay in Cuba, where he is kept, as I understand it, in solitary confinement. After about two years, he was charged with attempted murder by an unprivileged belligerent, conspiracy and aiding an enemy of the US. He is not actually accused of having harmed anyone, although the Australian government says he was in Bosnia and involved in some unit which massacred people. The federal government says that it has done everything that is reasonable to support David Hicks and, with respect, I have to disagree with that position.

The federal government says that the main reason why Mr Hicks' matter has taken so long is that at every step he has chosen to test the limits of the jurisdiction. For instance, he asked for his matter to be delayed while the Hamden case was finalised. Hamden versus Rumsfeld resulted in the US Supreme Court finding five to three that the military commission process was not lawful. Hamden (the person involved in that case) had been Osama bin Laden's driver. The US Supreme Court held that the commission had to observe common Article 3 of the Geneva Convention—and Article 3 deals with torture. As a result of the determination, the Justice Department and the military Judge Advocate General (JAG) reviewed the arrangements and proposed a new draft law which was recently approved. The military commission will now proceed under a different legal regime, but interestingly it is a regime that the US has chosen not to put any of its own citizens into.

The Australian government says that it has been concentrating on ensuring that the process is fair and appropriate. It has secured certain guarantees from the US to ensure that Hicks is dealt with fairly and appropriately and, indeed, I have a copy of the terms of that guarantee and it includes things such as the United States will not seek the death penalty against Hicks and, further, that Australia and the United States agree to work towards putting arrangements in place to transfer Mr Hicks to Australia, if convicted, to serve any penal sentence in Australia in accordance with Australian and United States law. It also states that conversations between Mr Hicks and his lawyers will not be monitored by the United States; that the prosecution does not intend to rely on evidence in its case-in-chief requiring closed proceedings from which the accused could be excluded; that subject to any necessary security restrictions Mr Hicks's trial will be open, the media will be present, and Australian officials may observe proceedings; that the government may make submissions to the review panel, which would review either man's military commission history—the other man being Habib, who was the other Australian person held there; and that the government has the right to make submissions to that review panel; that if Mr Hicks retained an Australian lawyer, with appropriate security clearances, as a consultant to their legal teams, that person could have direct face-to-face communications with their client; that he could talk to his family via telephone, and two family members would be able to attend his trial; and that an independent legal expert sanctioned by the Australian government could observe the trial.

So, to be fair to the federal government, it has obtained some guarantees in relation to Mr Hicks. However, that does not overcome the fundamental objections that I have spoken about at some length this morning, including the fact that Mr Hicks is being dealt with as an 'enemy combatant', and that is a term which did not appear in the US military dictionary until 2004. They will not subject him to a court martial because that is for troops, and they will not put him through the civilian court process which any US citizen would be entitled to because there are so many that they clog up their civilian courts. Hicks is in a different situation than Habib was in and he is in a different situation from the UK citizens. The reason the UK government does not intend to seek his return as a UK citizen is because he has now been charged. But I note that when he was charged most recently the major offence of which he was earlier charged, that is, attempted murder by an unprivileged belligerent, has been dropped from the charges and, indeed, there is a fair bit of legal argument about whether the charges to which he has now been subjected even exist.

He has been provided with some consular assistance, and even legal aid and, indeed, I understand that the federal Attorney-General intended to put it to the US in late 2006 that the matter of Hicks was to be dealt with before their mid-term elections, but, of course, their mid-term elections have now occurred and Hicks still has not been dealt with; he has only been charged. He got an agreement at least that Hicks had to be one of the first to be dealt with. One of the arguments that the federal government puts up all the time is that the limits of the jurisdiction are being tested and that therefore it is not their fault. The fact is that the jurisdiction is inappropriate, in any event. As I said, I am convinced he is a little ratbag but he was not breaking any Australian law or US law, and he was not breaking any Afghan law, so to then say that he can be grabbed and put in Guantanamo Bay for five years seems to me to be just an insupportable contention.

One of the fundamentals, and it has been mentioned by a number of other speakers, is the matter that we have no tolerance really for retrospective legislation. We cannot decide after the event that what someone was doing lawfully at a particular time is now unlawful. But more concerning to

me is that the current military commission is still going to be one which we would not accept as a commission to hear anything in this country. We do not accept hearsay evidence. We certainly do not accept evidence which is obtained by coercion. I was astonished when the federal Attorney-General on radio in Adelaide last year said that sleep deprivation, whilst coercive, was not torture. As far as I am concerned it is unacceptable to say (a) that it is not torture and (b) that, even if one came to some definition that concluded that it was not torture, any evidence obtained by coercion is acceptable.

It has been suggested that when the matter goes to trial there will be a plea bargain and Hicks will plead guilty to negotiate a charge on the basis of an outcome that includes that time served must be counted and that if convicted he is likely to be allowed to return to Australia, but the question that crosses my mind all the time is: what if we reversed the situation? What if our Australian forces had captured a US citizen in the same circumstances and put them on Nauru for five years and refused to deal with them? I cannot conceive, knowing how fundamental it is to the American system, that they would have allowed their citizen to stay in the circumstances that our federal government has allowed our citizen to stay in.

Others have said that justice delayed is justice denied. It is inappropriate for someone to be detained without trial. He is not getting the rights that everyone else gets, and so I cannot but say that this has been entirely inappropriately handled by the federal government. To be fair to them, I think that they did not realise in the first instance, and we were probably a lot closer to 9/11 and to the circumstances which led to the invasion in Afghanistan, and so on, but after all this time, and after an opportunity to contemplate it, it seems to me to be an untenable position that the federal government has not demanded the return of David Hicks forthwith.

Ms BREUER (Giles): It seems a bit inadequate to stand up after that very sane, logical, non-emotive argument by the member for Heysen. I really appreciate her comments, because I think they bring sense back into the argument and what we are really talking about on this side of the chamber. I once had a 20 year old son; I now have a 20 year old daughter, and my 20 year old son is now a 31 year old man. Between the ages of about 15 and 23 or 24, life really can be very difficult for young people. It can be very exciting, it is often very much like a roller-coaster, and it is certainly a time for making decisions in your life. You have to decide what you want to do for the rest of your life. Most young people do not particularly want to conform to what their parents' lives are about or, sometimes, even to society; they want to make different choices, and it can be a very difficult time. There are often quite significant money pressures for young people, particularly those who have not had the opportunity of a university education and entering a profession. They have to find some role in life and a worthwhile way of earning an income for themselves.

I believe that this young man, David Hicks, at some stage was no doubt in that frame of mind. Sometimes young people make choices at that time in life which get them into a lot of trouble later on. I look at the Bali nine, particularly the younger members of that group. I grieve for those young people, and I certainly grieved for their parents through their trial. What they did was horrendous, and I do not condone what they did or the effect on other people's lives of their actions; however, I am certain that those young ones did not think it through and did not understand the consequences. I am sure that what they saw was an opportunity to make a quick buck. Some of them came from circumstances where the sort of money that was on offer was undreamed of. They certainly made a very wrong decision and, of course, they will regret it for the rest of their life, however long that may be.

I do not know this young man, David Hicks, I have never met him—he may be an awful fellow, I have no idea—but the love and the loyalty that his father has shown him would certainly indicate to me that he cannot be all that bad. With a parent like that and that sort of parenting there must be some good qualities in him. I also do not know his father, I have never met him. I have seen him on television, and I have grieved with him. I think the sort of love that he has shown for his son is outstanding. While we love our children dearly, I wonder how many of us would keep fighting as David's father has fought. What has happened to this young man is wrong. Locking him up in isolation—what a dreadful way to treat an Australian citizen—a South Australian citizen. He was once someone's baby, he was once someone's little boy.

The member for Waite said that David Hicks has been used by members of the Labor Party to score political points. I agree that he has been used: I think he has been used by Bush and I think he has been used by Howard to score political points and to try and frighten the Australian people. They have used him as a symbol for the Australian people, and I think that is disgraceful. The member for Waite got under my skin when he talked about the fact that this young man could have been killing people, etc. I find his arguments nonsensical. We are talking about the member for Waite who spent his early life in the Special Air Service where he would have been trained to kill and, I presume, did kill—I do not know. I cannot understand his logic. When you have done this yourself, and when you support what our armed forces do, why is it not right for the other side to do it? This young man chose to go to the other side. What is the difference? If he was trained to do that, then what is different? Why is that wrong for him? Why is it not right for you because he is on the other side? I find that unbelievable.

I do not know whether Hicks is a mongrel but I do know that he has not had a fair go. I think the way we have treated his case is outrageous. I think we should bring him back. I think the whole saga has brought shame to Australia, I think it has brought shame to the Australian government, and I think it has certainly brought shame to the Australian people. There are many times when I have been ashamed to be Australian because of the way we have treated this person.

Dr McFETRIDGE (Morphett): The motion brought by the member for Morialta is an extremely sensitive and serious motion. The person I feel most sorry for in this whole situation, as the member for Giles said, is Terry Hicks. I have spoken with Terry Hicks. I played a very small part in arranging for him to meet, we had hoped, Tony Blair, but, instead, he met with the British Ambassador last year in Australia. I had a long chat with Terry Hicks about some of the issues concerning the handling of David Hicks' case. I really do feel for Terry. He should be Father of the Year because of his devotion to his son. His son is, without doubt, an idiot and a fool. There is no law against stupidity, unfortunately, as the member for Enfield said. If there was, there would be a lot of people in this world who would be in gaol, and condemned for a lifetime. In fact, some people condemn themselves to a lifetime of ridicule because of their

own stupidity. In the case of Terry Hicks, he is supporting his son no matter what.

It is all-consuming in opposition. I am busy enough with Education, Arts and Aboriginal Affairs trying to keep my head around those portfolios, and I have not got into the detail of paragraphs (a) to (h) of this motion. However, I have complete sympathy with the main motion that this house urges the federal government to take all steps necessary to bring about the return of the Australian citizen David Hicks for prosecution in Australia. I do have some issues about the prosecution taking place in Australia. I do not believe there is a law under which we can prosecute him, unless it is a retrospective piece of legislation, and I cannot support retrospective legislation.

I do not believe there is anything that the Australian government can or should do to change the legislation so that we can go back and bring David Hicks here and bang him into gaol at Her Majesty's pleasure. I also do not believe he can be detained here under our terrorism legislation, although, who knows, some of the orders that are made under that legislation I think really do challenge our civil liberties which members on both sides of this house would like to see preserved.

So to say that David Hicks should be brought back here and treated as a normal citizen, I am afraid I find that very hard to judge. He is not guilty of breaking an Australian law, but the problem I personally have is that he was captured in Afghanistan. I do have some serious concerns that David Hicks would have shot at Australian soldiers there and, if that was the case—and it is hypothetical—I would be the first to condemn him absolutely one hundred per cent for having even thought that way, never mind having acted that way, because there is nothing more treacherous than fighting against your own forces, particularly where the issues are so blurred, as they are in many of the areas of combat today.

I do not know how David Hicks is being treated in Guantanamo Bay. I have read stories about the horrendous treatment of prisoners there and, if that is the case, no-one in a modern society can justify that sort of treatment. If the reports about the way in which the prisoners are treating the guards are correct, that has to be condemned just as soundly. The main thing that we have to look at here is whether there is justice in how David Hicks is being treated, and I do not believe there is. I do not believe that changing the legislation—having to rewrite the rule book—is the way in which to handle this or any other case. The last thing I would ever want to be is a lawyer, because of the difficulties in interpreting and applying the law and applying justice. Those areas are becoming more complex. If ever there was a case that illustrated the bastardisation of justice and the legal process, one has only to look at the way in which Hicks and other detainees are being treated. I use the word 'detainee' because David Hicks is an enemy combatant.

With respect to the war on terrorism, if you are going to declare a war, when is the war going to end and who is the war against? Who are the terrorists? It is terrorism, another 'ism'. We have all these 'isms'. It is not a particular group or a particular ideology—

Mr Koutsantonis: It's not a uniform.

Dr McFETRIDGE: It's not a particular uniform that we are fighting against. When will the war end? That is a question that neither George Bush nor John Howard can answer. I just wish that they could. For the sake of my granddaughter and future generations, I wish we could say that the war on terrorism will end. We have idiots like David Hicks who go out there, looking through rose-coloured glasses, I suppose, or with blinkered vision, and think they are doing the right thing, that they are on the side of right and justice and that they are on the side of God—which God, whose God, I don't know. God knows, and he will not tell. The issue that I really worry about is that, when a person such as David Hicks is caught in circumstances such as he was (and he believed that he was doing the right thing under those circumstances: I do not believe that he was, but that is another issue), one should not treat him like this.

It is with some hesitation that I will support the motion, because I am not familiar with all the minute detail that is behind paragraphs (a) to (h). I came into this place after having been a member of a very noble profession, that of a veterinary surgeon. One thing that animals always do is tell you the truth. They do not lie; there is no duplicity with animals. Unfortunately, I cannot say that about the political world—I wish I could. I read an article in this morning's paper about standards of behaviour. It is okay to talk about standards of behaviour in parliament. We are certainly debating standards of behaviour, ethics, morals and justice with respect to David Hicks.

I believe that it is time for everyone to sit back and look at where we are going as members of parliament. Are we just writing more law for the lawyers to work their way through? Are we creating more of a legal cobweb, or are we developing justice for people? People just want a fair go. We see the bumper stickers that read, 'Fair go for David Hicks'. I do not believe that David Hicks has had a fair go yet, because the rule books keep being rewritten. We do not know what that fair go is. I do not support where David Hicks has come from or what he did in Afghanistan or Kosovo. I think he is very misguided and that he is a fool. I have great sympathy for his father, Terry—all power to the man—who is trying to ensure that his son gets a fair go.

If David Hicks comes back to Australia and makes millions of dollars from telling his story about Guantanamo Bay and his endeavours in Afghanistan and Kosovo, I will be very disappointed, because I think there is a moral and ethical dilemma with respect to what he has done, which we all have to face. I think he has been very misguided. I will support this motion, purely because of the fact that we cannot keep rewriting the rule books. We cannot say that we are delivering justice when we keep rewriting the grounds on which that justice will be delivered. I do not think that George Bush or John Howard have got it right on this one. I believe there are more questions here than answers, so I will support the motion.

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I am delighted to follow the member for Morphett. His sound argument on this debate, I think, not only appealed to me but also to most of the house. Equally, I concur with the comments of the member for Giles, and I compliment the member for Heysen on her presentation to the house. For many people who are not present, I think it would be well worth reading. It was certainly a far more compelling argument, with far more reasoned debate, than I would be capable of offering to the house, and I compliment her on that.

I say to those Liberals who are trying to struggle to defend the indefensible that it is probably better to remain silent than to attempt to make further fools of themselves. This is a political stunt that has backfired. It is politically difficult now for Australians to accept that we would deny justice to one

of our own in a foreign country for over five years. That is just not Australian, and it is not acceptable. Whether it is an election year or not, no-one can genuinely look Mr Hicks or any other Australian in the eye and say that we are prepared to accept that an Australian citizen can be locked up in another country without being charged. That is just totally unacceptable.

The member for Heysen said it so succinctly. Justice delayed is justice denied. This man has been denied justice, and the federal government should be held accountable for it. For people to stand up and try to argue some other case that does not even reflect the motion to try to protect them is not focusing on the motion before the house. The motion is quite clear. In no way, shape or form does it reflect on the guilt or otherwise of the individual. All it says is that we, as Australians, will hold our own accountable to our law. It says no more or no less, and I cannot believe how any fair-minded Australian could not support the motion before the house.

Mrs PENFOLD (Flinders): I also will be supporting the motion, and I want to say a few words. This, in my view, is a motion for the federal parliament, not ours, as we have enough issues of our own. However, we have the motion in front of us. Mr Rudd and his shadow attorney-general, Kelvin Thomson, wrote to the United States Congress requesting the return of David Hicks on the basis that he would face trial in Australia or be placed under a control order. Mr Thomson stated that it was incorrect that no prosecution was available against Mr Hicks in Australia and that the outcome of Labor's policy was that he would return a free man. However, in 2005, the independent director of public prosecutions, Damian Bugg QC, told senate estimates, under opposition questioning:

> . . . the indications of that advice have been correctly represented in statements made by the Attorney-General—namely, that on the material that had been gathered against first Mr Hicks, and then Mr Habib, no prosecution could be brought in this country.

An article in the 4 March *Sunday Age*, in 'Opinion', states:

> Mr Thomson claims to only want fairness for Mr Hicks. Yet, if the government was to answer his demand to release the advice prepared by the DPP it could be accused of unfairly dealing with Mr Hicks. If Labor's policy is that David Hicks can be tried in Australia, he will return as a free man. There can be no other conclusion, unless Labor is advocating the application of retrospective criminal law. At the same time, they are critical of what they claim to be a retrospective offence in the military commission.
>
> The United States says that the charge of material support for terrorism is not retrospective and if that charge is simply a codification of a law, as indicated by the Military Commissions Manual, it would not be considered retrospective in Australia. Labor asserts Mr Hicks cannot receive a fair trial under the military commission process. Extensive safeguards are in place for a fair trial and, of course, Major Mori is part of that process. I presume that other members of that process will bring the same diligent approach to their roles as Major Mori.
>
> The fact that the convening authority rejected the charge of attempted murder further weakens the criticism. Mr Hicks is also entitled to challenge decisions of the military commission all the way to the highest court in the United States—the Supreme Court.

This article sits well with what I understand to be the case. However, there are higher people who are better educated than I, but that is as I have understood it. Two questions that I have been asked, which are listed among the Australian government's most frequently asked questions relating to this motion, I would like to put on the record for my constituents, together with the respective replies. One question is as follows:

> What about the repatriation of Mr Habib and nationals from the United Kingdom and other countries? Is Mr Hicks the last westerner in Guantanamo Bay?

Certainly most of my people were under that impression. The reply states:

> Mr Hicks is different to Mr Habib and the British citizens because they had not been previously charged with offences before the military commission. Mr Hicks had been charged under the previous military commission and fresh charges have now been served, with a trial to follow. The government made continuous representations that Mr Habib be charged or released, and a request for his return was made immediately after the government was advised he would not be charged. There are other people from western countries remaining in Guantanamo Bay, including British residents and a 21-year old Canadian who has been there since he was 16.

The second question that I am often asked is:

> Does the Australian government assist with finance for Mr Hicks through legal aid?

The reply is as follows:

> The Australian government has spent over $300 000 funding Australian consultants who have been part of Mr Hicks' defence team. Each application for financial assistance and each application for an extension of an existing grant is determined in accordance with the financial assistance guidelines for the Special Circumstances Overseas Scheme, on the basis of the information that is provided.

I, like my colleagues and the Australian government, remain concerned about the time this process is taking. However, hopefully Mr Hicks will soon have the opportunity to test the allegations against him in one court or another.

Ms SIMMONS (Morialta): I thank those in the house who actually bothered to read the motion properly and listen to my opening speech before they themselves spoke. The tenor of my speech was about being an Australian citizen and the rights afforded to an Australian citizen. It is also about devaluing all who have been born in Australia or who have chosen to be an Australian citizen. I take that matter very seriously. I take responsibility for bringing this motion to the house, in answer to one of the questions from the opposition, and I am very proud to do so, because I stand up for being an Australian. I chose to become an Australian 21 years ago because this was the place where I wanted to bring up my 10 week old baby and my 3 year old. I was very proud of that moment.

The member for Waite, I understand, is the only one in this house who has had military training. I acknowledge and respect the fact that he has trained to go to war, to be a killer and to fight for our rights. However, he is not the only one with a military background. I am actually a camp brat myself. I was born in Pakistan, so I have a Pakistani birth certificate, as well as a UK Forces certificate. I lived in RAF camps my whole life. I have lived in Cyprus, Malta, Gibraltar, Germany, Singapore, Hong Kong and Bombay. As an adult, by choice, I also lived in the US, Sweden and Geneva, all under the protection of UK citizenship. I did so with great confidence and in safety under that label of UK citizenship.

When I became an Australian citizen—something I really wanted to be—I presumed that those same protections would be afforded to me. Australia is supposed to be a country that defends democracy, that decries countries that behave in an undemocratic manner, and yet our Prime Minister condones treatment such as that received by one of our citizens, David Hicks. The opposition is right: for me, this is not about the man called David Hicks, but you are very wrong in assuming that I do not care. I care very much that an Australian citizen, who happens to be called David Hicks, is incarcerated in a

gaol in Guantanamo Bay and has been there for over five years without a trial.

I agree with the sentiments of some speakers opposite: bring him to trial. I believe it actually supports our Australian forces—the Australians who fight for us—to see that he is brought to trial. I think it is really important for them to see that justice is done. If David Hicks is found guilty, I believe, too, that he should serve his time and that punishment should be meted out. That is also very important. I do not believe that I have politicised this issue. When I brought this motion to the house, I believed that it was a bipartisan issue. It is the opposition that has politicised this issue, at a federal level and now at a state level, and they should be ashamed. The member for Stuart is a disgrace. This is a humanitarian and a human rights issue, and I think it is despicable that this motion has been reduced to political one-upmanship.

I suggest that the member for Stuart actually reads the motion and listens to the debate before passing judgment on something he clearly does not understand. I thank all members for their contribution this morning. I think it has been a healthy debate, and I appreciate all the thoughts that have been expressed. I commend the motion to the house.

Motion carried.

CHILDCARE

Ms BEDFORD (Florey): I move:

That this house calls on the federal government to:

(a) reject the recent Treasury publication entitled 'Economic Roundup' for failing to acknowledge the Australia-wide shortage of affordable childcare;

(b) endorse the findings of the Productivity Commission Report on Government Service 2007, which found that families are finding childcare increasingly inaccessible, inflexible and expensive; and

(c) acknowledge Bronwyn Bishop's recent comments drawing attention to the inadequacy of the federal government's current childcare policy and the inaccuracy of the Treasury's 'Economic Roundup'.

In moving this motion I would like to make a few points to the house. Balancing work and family life has become perhaps one of the biggest issues in Australian social policy today, and this government has recently set up a select committee to examine this very topic. Childcare is an essential aid to workforce participation for those families who need to use it. As an industry it employs thousands of people, and importantly, community-based services, in particular, provide an environment that is safe, educational and beneficial for our children.

There has been a heightened demand for childcare services over the past decade. Access to affordable childcare is an important means of achieving valuable social outcomes, not least facilitating the labour market participation of primary caregivers and parents with young children—predominantly female workers who have often broken career paths to have babies and ensure that their children have the best possible start. Childcare also plays an important role in improving the educational and developmental outcomes of children, highlighted by the recognition that the early years in the life of children are critical for development. There is a growing body of evidence showing what many working mothers have always known—that quality childcare can support children's social/emotional functioning.

So, evidence tells us that investing more and investing earlier leads to increased educational attainment and labour force participation, with higher levels of productivity. It also helps tackle disadvantage and dependency on welfare, our hospitals and our criminal justice system. Access to childcare is also considered to be an important factor in encouraging higher reproduction and fertility rates in nations experiencing falling fertility rates (OECD figures of 2004). Considering today's social and economic climate, and the benefits of childcare discussed above, it is vitally important that high quality childcare is accessible to all Australian families.

We all know that the problem of accessing affordable childcare has prevented, and continues to prevent and exclude, many people from working as much as they would like, and for people already in the workforce full participation is just not achievable without proper childcare support. Sadly, I inform the house that the latest Bureau of Statistics figures tell us that childcare costs are spiralling out of reach for many families. More specifically, the figures showed childcare costs had increased more than the price of bananas at their recent peak or the cost of fuel over the past five years. Since December 2001 out-of-pocket childcare costs for Australian families have increased by 82.5 per cent, eclipsing increases in petrol which come in at just over 40 percent. This dramatic rise in childcare costs has been, and continues to be, a great burden on South Australian families with young children. Parents are struggling to pay the bills they are working to meet and also pay for quality childcare that allows them to work, as childcare fees now eat up more than one-fifth of average weekly earnings. Is it any wonder that Australia has one of the lowest rates of participation by women in the workforce?

In explaining why some parents are not using the childcare that is available, the federal Treasury Department's report, 'Economic Roundup', blames parents for being too 'choosy' (whatever that means). The report claims that 'there is not an emerging crisis in the sector; and supply is generally keeping pace with demand, and childcare has remained affordable.' Well, when we go to the Productivity Commission's Report on Government Services 2007 we see a very different and more believable picture painted. That report found that over the four weeks prior to the ABS childcare survey on which the commission's findings were based, almost 189 000 parents who had needed access to additional childcare were unable to obtain it. This represented an increase of approximately 14 000 from the previous survey period. It is likely that even these figures are a massive underestimation of the real situation out in our communities.

Quite simply, childcare affordability is at crisis levels and families simply cannot afford to pay more. If they were forced to it would severely impact on and hamper a woman's choice to participate in paid work. The work/home balance is about more than policy statements, fringe flexibilities, government projections and establishing a private-for-profit childcare industry. It is about the family economics of women's labour market participation—and the biggest cost of that is childcare.

We have outstanding community-based childcare services in our electorates fighting the increasing number of private-for-profit corporatised centres, and those long-established community centres deserve the support of both federal and state governments. We have working parents who deserve a federal government that will accurately represent them and ensure that their needs are recognised and met, and, of course we have young children who benefit from community-based childcare. Governments have a responsibility for the provision of quality community services but, sadly, the Howard government is not listening—it is just not getting it right.

Funding changes lead to service closures, constant staff turnover and changes in federal government agencies—all leading to a loss of knowledge in the sector. However, throughout it all the community-based sector has remained resilient, evolving while never faltering in providing the fundamentals it advocates—first, children's services, universally available, affordable and community-owned not-for-profit, offering a great range of flexible services to meet the complex needs of the diverse families in a local community. However, many members will have noticed the phenomenal growth of corporate childcare, undercutting competitors, opening up in areas where services already exist, while enjoying the taxpayer-funded privilege of being underwritten by public funds—such a waste of public resources and a loss of good community infrastructure. How are not-for-profit community-based services different from corporate private-for-profit childcare?

Debate adjourned.

[Sitting suspended from 1 to 2.00 p.m.]

SCHOOLS, INSTRUMENTAL MUSIC PROGRAMS

A petition signed by 629 residents of South Australia, requesting the house to call on the government to recognise instrumental music as a key part of the school curriculum and maintain funding to the Instrumental Music Service program and other school music programs, was presented by Dr McFetridge.

Petition received.

BE ACTIVE—LET'S GO

A petition signed by 268 residents of South Australia, requesting the house to call on the government to maintain funding to school sports programs and continue the Be Active—Let's Go school sports programs, was presented by Dr McFetridge.

Petition received.

SCHOOLS, AQUATICS PROGRAMS

Petitions signed by 425 residents of South Australia, requesting the house to urge the government to recognise aquatics as a legitimate and important part of the school curriculum and maintain funding to school swimming and aquatics programs, were presented by Dr McFetridge and Mr Griffiths.

Petitions received.

SCHOOLS, DENTAL SERVICE

A petition signed by 301 residents of South Australia, requesting the house to call on the government to maintain funding to the School Dental Service program and reverse the decision to introduce a $35 fee for each course of dental care to all children, was presented by Dr McFetridge.

Petition received.

STANDING ORDERS COMMITTEE

The SPEAKER: I lay on the table the report of the committee on sitting times and a right of reply.

KARPANY, Mr T.L.

The Hon. J.W. WEATHERILL (Minister for Aboriginal Affairs and Reconciliation): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: The South Australian community was saddened to learn of the recent passing of Mr Thomas Lawson Karpany AM. He was an elder of the Karpinyeri tribe of the Yaraldi of the Lower Murray and a much respected member of the Aboriginal community. I acknowledge the presence here today of his widow, Mrs Jan Karpany, and his other family members. He was a great advocate for Aboriginal people, particularly those who are marginalised within our society. This compassion stemmed from the experiences which had shaped his own life.

Thomas Lawson Karpany was born in 1914 at Murringan, Wellington West, in the Karpinyeri homelands. He grew up there and became a shearer and seasonal worker, hunting and fishing in his spare time to make some extra money. Then came the dark times: he said that he lost 37 years of his life to alcohol. In 1973, a parole officer took him to Uniting Care Wesley's Kuitpo Colony, a therapeutic community which still helps people deal with their drug and alcohol problems.

The experience at Kuitpo worked for Tom. He gave up drinking and became a leader at the colony, and his new life had begun. A welfare worker he met there, Jan, would later become his wife—not only his partner for life but his partner in good works. Tom worked hard to make up for the years he had lost. He studied and became a counsellor at the Central Mission in the city, where he was involved in many alcohol and drug problems. He was involved in the Aboriginal Legal Rights Movement and was a co-founder of the Aboriginal Sobriety Group. He was also involved with the establishment of the WOMMA program, the Metropolitan Assistance Patrol and the Aboriginal Prisoner and Offender Support Services.

Tom was a well-respected and tireless worker for Aboriginal people throughout South Australia. Even in what should have been his retirement years, he never wavered in his support for people who were, in his words, at 'rock bottom'. Mr Karpany retired late last year from his part-time position as an on-call Aboriginal liaison officer with the Department for Correctional Services. He was a sprightly 92 when he retired. Mr Karpany provided ongoing support to prisoners at Yatala and Northfield women's prisons, visiting inmates and establishing support and self-empowerment programs—an undertaking he continued until his death. He also acted as a Crisis Care counsellor on weekends and public holidays.

In recognition of his work, Mr Karpany was made a Member of the Order of Australia in 1999 for 'service to the Aboriginal community, particularly in the development of programs to combat alcohol abuse'. Mr Karpany did outreach work with homeless Aboriginal people in the Parklands and provided support and assistance to them. He became a cultural adviser to my own Department for Families and Communities in 2004, when we were tackling issues around homelessness. We were looking at the needs of a small inner city group of long-term homeless Aboriginal people with complex needs to develop a service for them, which we called Tom Karpany House in his honour. Right until the end, he kept in touch with those most marginalised men. He never sought public accolades but was genuinely humble. He was a quiet achiever who set an example by his life at work. After being awarded his AM, Tom said:

The reason I have for living the life I do now is a desire to give others the chances given to me all those years ago.

Last year, Tom was diagnosed with cancer and he died on 10 January aged 93. He will be remembered by the countless people he helped over the years in the parks, prisons, youth centres, alcohol rehabilitation centres, hospitals and nursing homes. On behalf of the state government and this parliament, I would like to extend my condolences to his family, the Yaraldi people and the Ngarrindjeri nation of the Lower Murray area.

AFFORDABLE HOMES PROGRAM

The Hon. J.W. WEATHERILL (Minister for Housing): I seek leave to make a further ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: Today I launched the state government's affordable homes program to address the financial viability of the social housing system. The program is intended to tackle both the pressures on the Housing Trust, as well as providing thousands of opportunities for low and medium income earners to buy their own homes. It is an important element of the government's ongoing agenda to address housing affordability, as well as guaranteeing the future of the public housing system in this state. It is no secret that the Housing Trust has been under considerable financial pressure for a number of years. The causes are well documented. Commonwealth funding has plunged by 31 per cent since 1996. Our social housing system has a $700 million debt to the federal government, which is costing the housing system $70 million per year to pay off.

The proportion of social housing tenants who receive subsidised rent and other supports is increasing, with the result that our rent revenue is dropping. We have the oldest public housing stock in the nation, which is increasingly costly to maintain and much of it requires significant redevelopment. Since the early 1990s, the Housing Trust has been selling an average of 400 houses a year just to stay afloat. The stock numbers have declined every year since 1993, and this will continue if we do not restore the viability of the social housing system. In addition, South Australia (like the rest of the nation) is in the midst of an affordable housing squeeze. So any strategy to address viability of the social housing system needs also to address housing affordability.

The affordable homes program will involve the targeted sale of approximately 8 000 Housing SA houses over 10 years and will open up opportunities for South Australians who are currently being priced out of the housing market. This will involve:

- sales to tenants (with a focus on HomeStart customers through the EquityStart program);
- the first home scheme (for low to moderate income earners, including access to shared appreciation and rent-to-buy schemes);
- the creation of a social landlords program where landlords accept lower than market rent in return for securing their rental income, assistance with maintenance and insurance and tenant support and management;
- sales to institutional investors to encourage investment in affordable private rental.

I wish to make it absolutely clear that no Housing Trust tenants will lose their tenancies as a result of the affordable homes program. Under the program, measures will be put in place to ensure the houses are retained as affordable housing. Under the program, the Housing Trust and the community housing sector would have eliminated their debt to the commonwealth by 2012-13. This will allow the state government to put its $5 billion in housing assets to the best possible use, including ramping up urban renewal programs for the social housing system with projects such as the redevelopment of Playford North and leveraging those assets to achieve greater affordable housing outcomes through partnerships with the private and non-government sectors.

By taking action now through the planned sale of 8 000 properties over 10 years, we not only avoid the loss of more houses in the future but also give the state the capacity to grow the social housing system again. This action will also be instrumental in kick-starting a new industry of affordable housing. This program, in conjunction with housing service reforms, will set up our housing system to address the needs of a new generation of South Australians.

VISITORS TO PARLIAMENT

The SPEAKER: I draw to members' attention today the presence in the chamber of students from St Josephs Primary School who are guests of the member for Hartley; students from Charles Campbell Secondary School who are guests of the member for Morialta; and students from Westminster School who are guests of the member for Elder.

QUESTION TIME

WORKCOVER

The Hon. I.F. EVANS (Leader of the Opposition): Has the Minister for Industrial Relations given SA Unions a commitment that workers' benefits under WorkCover will not be cut? When SA Unions President, Nick Thredgold, was asked on radio, 'Have you been given a commitment by the minister responsible [Michael Wright] that workers' benefits won't be cut?', Mr Thredgold responded, 'We've got the commitment from the appropriate minister, and that's Michael Wright—yes!' He continued:

My understanding is that we have a verbal commitment from the minister that employee entitlements will not be cut.

He went on to say:

Michael Wright is a man of his word, and we are confident that the commitment we've been given will hold up.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I give the same commitment to all South Australians as I give to unions, and that is that we will have the best workers compensation system.

Members interjecting:

The SPEAKER: Order!

WORLD POLICE AND FIRE GAMES

Mr BIGNELL (Mawson): My question is to the Minister for Tourism. How will hosting the 2007 World Police and Fire Games benefit South Australia?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Mawson for his question. He would know that preparations are now complete for what is the biggest and most significant event ever held in Adelaide. This event has taken 10 years to arrange. Indeed, when the first representations and visits were made to Adelaide, I was the lord mayor and the Hon. Joan Hall was the minister, and we worked collaboratively together to win this event. Indeed,

I am delighted to say that she has received an invitation to all these events. We admit that many of the achievements of our government were started by previous governments, and we have continued to respect and thank them for their efforts.

Anyone who has been out on the streets of Adelaide would be overwhelmed by the number of people on our streets at the moment. Indeed, we have more visitors than we have had for any event we have previously hosted. The 2007 World Police and Fire Games has seen an unprecedented contingent of fit young men and women arrive in Adelaide. With 12 000 international visitors and their associates in town, an impressive $30 million in income will be generated for our state. Of course, they will not be spending the majority of their time in Adelaide: they will be visiting the regions. Today, I have spoken to visitors from California who have already been to Kangaroo Island, the Barossa Valley and McLaren Vale. So, already they have spread their time around the state.

The visitors to our state come from 60 countries, including North America, Spain, Finland, Hong Kong, Russia, South Africa, Kazakhstan, Venezuela, Trinidad and Tobago, and Iceland. Indeed, with 20 000 sporting entries, South Australia has set a record in the number of such entries at this event, and we have surpassed the number of sporting entries at the last games, which were held in Quebec two years ago. This means that competitors coming to the games are staying longer and spending more time in South Australia. These events have allowed us to organise special games tours to allow the competitors to spend time out of the city between events and competition.

The World Police and Fire Games is one of the world's largest mass-participation events, and it absolutely eclipses the Commonwealth Games in terms of events and competitors. It is held every two years and is a major event for firefighters, law enforcement officers, correctional officers and customs officers who compete in the games. Events range from Olympic disciplines such as swimming, track and field, and basketball through to very agency-specific sports such as the police combat pistol and ultimate firefighter events. There are also fun events people might wish to watch, such as arm wrestling.

The dragon boat racing will occur on 17 and 18 March on the Torrens Lake; the tug of war will occur on Colley Reserve on 17 March; and there will be an event that is quite unique called the Muster, which will occur in Hutt Street on 24 March. Of course, some of the efforts are about participation rather than elite achievement, but there are, indeed, Olympic and commonwealth medallists as well as world champions from a whole range of sporting arenas, and they will be in town over the next week.

I would also like to pay tribute to the more than 2000 volunteers, and this event would not be possible without volunteers who, of course, come from interstate and overseas to support these events. The volunteers will be welcoming people as they arrive in town. They will be supporting visitors and participants at the events, but they are also involved in event-specific management in terms of special skills. Their professionalism, in fact, goes a long way to making this event astounding. I would encourage anyone to go to the Convention Centre, where there are some fabulous displays, with more than 60 stands selling quite unique and fascinating instruments and materials. I have just met the Canadian Mounted Police, including women, who I would say—

The Hon. K.O. Foley: In uniform?

The Hon. J.D. LOMAX-SMITH: In uniform. They were unable to bring their mounts but I understand that the Canadian Mounted Police have been using our greys and they said they were in fine condition and form, and they enjoyed riding our own police greys. The World Police and Fire Games will commence with a spectacular opening ceremony tomorrow evening at the oval, and I have—

An honourable member interjecting:

The Hon. J.D. LOMAX-SMITH: Yes. The Premier will be involved in this splendid opening, of course, as well as the Governor. We announced the release of a range of complimentary tickets for this event and they were snapped up within hours of that announcement. I would encourage all South Australians to take part in observing these events and to go to the events on Colley Reserve, the Torrens Lake, in Hutt Street, ice hockey—an event which—

An honourable member interjecting:

The Hon. J.D. LOMAX-SMITH: I think there are some. Ice hockey also is an event that we very rarely see in South Australia, and there will be some world-class competitors. This is a compliment to our forces, of course, our police officers and our firefighters, without whose dedication and encouragement the state government would not have considered bidding for this event. They should all be congratulated. This is great for South Australia, and in a bipartisan way we acknowledge and thank people from other parties who are involved in the achievement of these games, and we invite them to enjoy the events.

WORKCOVER

The Hon. I.F. EVANS (Leader of the Opposition): My question is again to the Minister for Industrial Relations. Was Nick Thredgold correct when he stated on radio that the unions had received a guarantee from the state government that entitlements to injured workers from WorkCover will not be cut? Nick Thredgold, President of SA Unions, was asked on radio on 30 January:

> Are you also confident, like Janet Giles, that the government isn't going to slash workers' benefits to pull WorkCover into line?

Mr Thredgold responded:

> Yes, we are confident. We have sought and received commitments from the state government that entitlements to injured workers will not be cut.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I have already answered that question. I have said we will work in the best interests of and make sure we have got the best workers compensation system for all South Australians. What this government will do, unlike the previous government, is strike the right balance for injured workers, for employers who participate in the scheme and, of course, for the WorkCover organisation.

CLINICAL NETWORKS

Ms SIMMONS (Morialta): My question is to the Minister for Health. Who are the leaders of the statewide clinical networks that the minister previously announced would be established?

The Hon. J.D. HILL (Minister for Health): I thank the member for Morialta for her important question. In November last year the government announced that we would establish a series of statewide clinical networks. These networks are designed to give medical experts and health workers a greater say in the provision of health service planning, service delivery and disease prevention. Today, I am pleased to announce the chairs of the first eight of these

networks in the areas of cardiology, cancer, mental health, renal, orthopaedics, rehabilitation, child health and maternal and neonatal (it is, in fact, the first day).

Professor Paddy Philips will be the leader of the cardiology network. He is currently the Head of Medicine at Flinders University and Director of Medicine, Cardiac and Critical Care. He has worked as a director of clinical services at Oxford University and was a foundation member of the Australian Council for Safety and Quality in Health Care. In the cancer area, Associate Professor Brenda Wilson, who has extensive experience as a nurse and hospital executive, is now the Chief Executive of the Cancer Council of South Australia. Professor Norman James will lead the mental health network. Professor James has worked in public psychiatry for 27 years and is currently the Clinical Director of Glenside Hospital, having been brought back to South Australia by the late Dr Margaret Tobin in 2002.

In the renal area, Associate Professor Graeme Russ, who is currently the QEH Director of Nephrology and Transplantation Services, has committed to being the network chair. He is also the Chair of the Dialysis and Transplant Registry and the editor of the Organ Donation Registry. I am also pleased to announce that, in the orthopaedics area, Dr Christopher Cain will be the clinical chair. Dr Cain is well known. He is a very experienced orthopaedic surgeon and a respected leader of doctors throughout the state, as the President of the AMA. He currently works as a senior visiting medical specialist at the Women's and Children's Hospital and the Royal Adelaide Hospital and, of course, in private practice.

Ms Judy Smith will be the rehabilitation chair. Ms Smith is currently a Director at the Royal District Nursing Service and is a member of the Clinical Senate Executive. In child health, Dr Cathy Sanders has worked as a general practitioner at the Parkside Family Practice, is the Chair of the Adelaide Central and Eastern Division of General Practice and has vast experience in primary health care and children's health. Finally, Professor Jeffrey Robinson will lead the maternal and neonatal network. Professor Robinson has extensive experience in obstetrics both in South Australia and internationally, and has written over 240 publications. In 2006 he was awarded a CBE for his contribution to women's health.

Before question time I had the opportunity to meet with the network chairs and discuss the roles they will be undertaking. I am very happy to report that they were all enthusiastic about the establishment of these networks and the opportunities that they provide. These are only the first of the clinical networks that will be established. The chairs will have a key role in providing leadership in that area of speciality and chairing the steering committee of the network. Each network will develop a plan for their speciality area and will provide leadership in areas of clinical practice, research, planning and workforce. This strategy is about empowering clinicians to make expert clinical decisions in a coordinated way across the state. I would like to take this opportunity to thank the chairs for taking on the roles they have in what are very busy schedules, and I look forward to the results of their work.

WORKCOVER

The Hon. I.F. EVANS (Leader of the Opposition): My question is again to the Minister for Industrial Relations. Was Nick Thredgold, President of SA Unions, correct when he said on Radio FIVEaa that the unions had received a commitment from the minister that the workers' rights or entitlements under WorkCover would not be reduced? Nick Thredgold, President of SA Unions, was asked on Radio FIVEaa on 30 January:

> You don't believe there is any risk that workers will get their pay cut?

Mr Thredgold responded:

> We don't believe there is any risk that workers will get their pay cut. We sought a commitment from the appropriate minister and we received that commitment and we don't believe there will be any reduction in workers rights or workers entitlements as approved by the fund.

The SPEAKER: That is awfully close to the previous two questions, but I will indulge the Leader of the Opposition. The Minister for Industrial Relations.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): Thank you, sir. This is the third time that the Leader of the Opposition has asked the same question.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. WRIGHT: It highlights once again the inability of the opposition to be able to think up questions. I give the same response that I have provided before. We will work in the interests of all stakeholders to have the best workers compensation scheme for all South Australians. The third answer to the third question.

INDIGENOUS LAND USE AGREEMENT

Ms BREUER (Giles): Will the Attorney-General inform the house on the progress of the indigenous land use agreement policy—

Members interjecting:

The SPEAKER: Order! I ask members to show courtesy to the member for Giles.

Ms BREUER: I will start my question again. Will the Attorney-General inform the house on the progress of the indigenous land use agreement policy being pursued by his department, particularly as it impacts on access to land for exploration by mining companies and exploration and production by petroleum companies?

The Hon. M.J. ATKINSON (Attorney-General): I am pleased to inform the house that the indigenous land use agreement (ILUA) policy inherited by this government from the previous Liberal government and piloted by my department, is proving most successful. The policy is providing templates for mining and petroleum exploration negotiations throughout the state. The ILUA system pursued by the native title section of my department is based upon a spirit of cooperation and negotiation between interested parties and the whole of government. The attorney-general of blessed memory, the Hon. K.T. Griffin, deserves full credit for initiating this policy.

It recognises the rights of the first peoples of this state, but understands the reality of today and the need to encourage balanced and fair development. The ILUA system recognises and respects the heritage of our indigenous peoples, but allows us to work together in harmony in the best interests of every South Australian. While other states have followed a path of acrimonious and expensive litigation (sooled on by the Howard Liberal government), my department, the ILUA claimant parties and the respondents have chosen a path of cooperation, conciliation and compromise. Not only does this path provide quicker, less complicated and less expensive resolution, but as the results are comprehensively owned by all parties they are more likely to come to fruition promptly

and to provide a foundation for strong, long-term partnerships. We certainly hope to be with them as a government the whole way.

For indigenous South Australians, ILUAs can deliver good outcomes and benefits. Perhaps the most valued benefit of an ILUA is that it delivers cultural recognition to the original custodians of the land. In addition, there may be employment opportunities and money will become available if petroleum resources are discovered and developed. Certainty of outcome is attractive—that the ILUA is clear, uncomplicated, unambiguous and enforceable provides a sense of security. Often the smaller benefits can be the most attractive. Where a heritage survey accompanies an ILUA the indigenous history of an area can be identified and protected. Sometimes the indigenous stakeholders will seek to take the next generation with them on such surveys, thus turning the activity into a learning experience for those with a strong link with the land.

Recently, on behalf of the state government, my colleague the minister for mineral resources and I co-signed what was possibly the first conjunctive petroleum ILUA developed in Australia—it was certainly the first to be negotiated in this state. A petroleum ILUA developed in conjunction with indigenous peoples simplifies all the approvals necessary to enable petroleum companies to explore and produce oil and gas promptly and with confidence. It is an agreed template that protects all parties. It streamlines negotiations and allows explorers to get on with the job of exploring, accessing and producing oil and gas without delays. The benefits of such an agreement are evident.

It is this type of initiative that has seen this state recognised by the Minerals Council of Australia and we have been awarded the highest scorecard in the nation for the process used in dealing with the sensitive matters of land access for mining and petroleum companies. It is so effective that it must have the Democrats, the Greens and other anti-development parties grinding their teeth in frustration, which is why you never hear anything from them about it. Although this is the first conjunctive ILUA, the same principles have been applied previously and there have been around 40 petroleum exploration agreements negotiated in the Cooper and Arckaringa basins over the last six years under the right to negotiate provisions of the Native Title Act. These agreements cover an area of roughly 65 000 square kilometres.

The ILUA I recently co-signed authorised petroleum exploration and production in the Yandroo wanda/Yarra wokka claim area around Innamincka in the far north-east of the state. It will improve results for indigenous and non-indigenous South Australians alike and it will allow this government to meet more of the important objectives of South Australia's Strategic Plan. I am sure it is something that the member for Stuart is most pleased about. More importantly, it will show the nation that the ILUA plan, based as it is on negotiation, is truly—to quote a former premier of South Australia—a win/win for every South Australian.

WORKCOVER

The Hon. I.F. EVANS (Leader of the Opposition): My question is again to the Minister for Industrial Relations. As the minister has previously advised the house that he is involved in discussions with the WorkCover Board about legislative changes to the WorkCover scheme, will he guarantee that the government will release any proposed changes to the WorkCover scheme before the federal election, or is the minister intending not to release any proposed changes until after the federal election?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): As I have said to the house before, this government, with the new WorkCover Board, has introduced a range of changes. I also said in a ministerial statement previously that we are engaged in discussions about further reforms that may need to be made. I have acknowledged that there have been some significant changes: we have a new board, a new CEO and we have new regulations. As a result of the new regulations, a new contract has been put in place. We have a new claims management (EML) and we have a new law firm in Minter Ellison. Major changes have already been introduced to the system. As I have said before, I am having discussions with WorkCover about other potential changes that may need to be made.

CHILD PROTECTION

Ms PORTOLESI (Hartley): My question is to the Minister for Families and Communities. What recent developments have there been in the operation of the Council for the Care of Children?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): The Council for the Care of Children was established last year by the government under the amended Child Protection Act. The council functions as a key independent advisory body for government in all matters relating to children. During this inaugural period, it has provided advice to government on a broad range of topics. It has been assisted greatly by its diverse membership and by being chaired by Dr Rosemary Crowley. Dr Crowley has now decided to take up a position as Chair of the Ministerial Advisory Board on Ageing and therefore has relinquished her council role. I am very pleased to acknowledge her dedication and service to the council.

I am also delighted to inform the house today that Mr Peter Bicknell has accepted an invitation to become the new chair of the council. Many members would be aware that Peter Bicknell—from his time as CEO of Uniting Care Wesley Port Adelaide, or its predecessor, the Port Adelaide Central Mission—has spent a substantial period of his career working in child protection roles in the former department for community welfare as a front-line worker and then in senior roles in that department. He has been a member of the Social Inclusion Board and also a strong advocate for reformation of sections of the child protection system, and he has previously chaired the Ministerial Advisory Council on Alternative Care. Peter brings a wealth of experience to this role of chair of the council and he is uniquely placed to contribute to this very important public policy area.

TAXI INDUSTRY

Mr HAMILTON-SMITH (Waite): Is the Premier, as chair of the Premier's Taxi Council, aware that in the last 24 hours Mr Peter Johns, chair of the Taxi Council of South Australia, has resigned from his post, and is a lack of support from this government the key cause? The opposition has been informed that, despite 62 cases of sexual assault or attacks on passengers (mainly young women) in cabs, and despite a string of attacks on drivers and a range of other problems, Mr Johns, as CEO of the industry peak body, was not allowed to be part of the Premier's Taxi Council which he, as Premier, chairs.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON (Minister for Transport): The suggestion that Mr Johns has resigned (from a different council, I might add) as a result of anything emanating from this government is one I reject. There has certainly never been any communication to me of that nature. The taxi industry has been under a lot of pressure, and I think one of the major sources of that pressure has been the campaign of fear and misinformation carried out by the opposition.

UNEMPLOYMENT

Mr GRIFFITHS (Goyder): My question is for the Treasurer. Given that South Australia's trend unemployment rate is again the worst in mainland Australia, will the Rann government provide payroll tax relief or take action to reduce WorkCover levies to help small and medium size businesses grow jobs in South Australia? The trend unemployment rate, upon which the State Strategic Plan targets are measured, has increased from 4.8 per cent in August 2006 to 4.9 per cent in September, 5.0 per cent in October, 5.1 per cent in November, 5.3 per cent in December, 5.4 per cent in January, and 5.6 per cent in February. South Australia has the worst payroll tax scheme in Australia, as well as the highest WorkCover levies.

The Hon. K.O. FOLEY (Treasurer): I thank the member for his question. As I mentioned to the house yesterday, whilst we appreciate that an opposition will endeavour to paint gloomy pictures as best it can, under our Westminster system that is just what happens. However, as I explained to the house yesterday, it is important for the wider community to hear what independent objective observers of our economic performance are saying. Business confidence, as shown by the recently released Sensis Business Index, is at its highest level since May 2006. In the February report of BankSA that I referred to yesterday Mr Rob Chapman, the Chairman of Business SA and CEO of BankSA, said:

> Business owners are increasingly confident about the climate for doing business in this state, the direction of small business and our mix of industries. This is reflected with more expecting to hire staff in coming months.

Mr WILLIAMS: I rise on a point of order. The question to the Treasurer was specifically about what the government will do to try to reverse the trend unemployment rates with regard to payroll tax and WorkCover levy rates.

The SPEAKER: The member for MacKillop will take his seat. I realise that the question was specific, but the explanation was not. As I have advised the house before, if members give long and unnecessary explanations it is only fair that I allow the minister to respond to them.

The Hon. K.O. FOLEY: The ANZ Bank measure of job advertisements in South Australia, the forward-looking indicator of the labour market, rose 2.3 per cent in January to be 4 per cent higher than a year earlier. There have never been more South Australians employed than there are today. We have never recorded an unemployment rate as low as we are recording now—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: As I said, I respect the right of an opposition to use the tactics of interruption and interjection but—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: If I may be allowed to say that the jobs growth in our state is quite significant, and one should not just simply take two or three months' figures.

Honourable members: Six.

The SPEAKER: Order!

The Hon. K.O. FOLEY: What we can say is this: the biggest challenge facing South Australia in the years to come will be the availability of labour—skilled labour. We are having significant skill shortages in many industry sectors, as is occurring right around the nation, but we have—

Mr Williams interjecting:

The SPEAKER: The member for MacKillop will come to order.

The Hon. K.O. FOLEY: Sir, I am endeavouring to answer the question, but members opposite—and I respect their right—seem to know better than I; if that is the case, sir, I am happy to defer to these people opposite. I conclude by saying that on issues of payroll tax, we are a government that has cut payroll tax already once in our budgets. We have factored into the forward estimates hundreds of millions of dollars of tax cuts, as per the intergovernmental agreement. We are funding those tax cuts. We are removing taxes right across the broad spectrum of business taxes.

The difficult job of putting a budget together is keeping the operating account in surplus, delivering tax cuts and meeting the ever-increasing demands on services we provide as a government. I understand where the opposition is coming from. In opposition, it is easy to say that you can solve all problems and that you can cut taxes, spend more and do all the things that an opposition says it can do. But when you get into government, your constraints—

Mr Hamilton-Smith interjecting:

The Hon. K.O. FOLEY: The member opposite says that we are awash with cash; that is simply not the case.

An honourable member: You have made a mess of it and you know it.

The Hon. K.O. FOLEY: We have made a mess of it! Well, if getting the state a AAA credit rating is making a mess of the budget, I am guilty as charged.

SABRENet

Mr O'BRIEN (Napier): My question is to the Minister for Science and Information Economy. What outcomes are anticipated to arise from the government's support for the use of high-speed broadband connections for key education and research bodies in South Australia?

Ms CHAPMAN: On a point of order, Mr Speaker, is that question hypothetical?

The SPEAKER: I did not hear the proposition; it was simply about what would be the impact. I rule the question in order.

The Hon. P. CAICA (Minister for Science and Information Economy): Don't you like good news? I thank the member for Napier for his question, and I acknowledge his commitment to things that are going to make South Australia a world leader. I am pleased to report that the state government has taken a lead in promoting a major project that has begun to link our key research and educational institution sites to each other and, indeed, internationally, via a very high-speed broadband network. I know that the member for MacKillop is aware of this and supports it as much as I do.

I was delighted to attend the launch of the South Australian Broadband Research and Education Network

(SABRENet) with the Premier last Friday at the UniSA Mawson Lakes campus. SABRENet is an optical fibre telecommunications network linking our most important research and educational sites, including university campuses, research precincts and teaching hospitals in and around metropolitan Adelaide. Again, I know that the member for MacKillop is flabbergasted by this figure, but it delivers ultra high-speed connectivity, currently some 20 000 times faster than most home broadband connections. This allows for extremely large volumes of data to be transferred rapidly.

SABRENet initially provides connection to sites extending from Roseworthy in the north, through the Adelaide CBD, south to Flinders University, east to Magill and west to the Woodville area. UniSA, the University of Adelaide, Flinders University and the DSTO have partnered the state government in this exciting project—the Premier having announced the concept in 2004. I also wish to acknowledge—because we do work very well with the federal government—the commonwealth's support in the construction phase of SABRENet. The Premier—

Members interjecting:

The Hon. P. CAICA: Sir, they are obviously attempting to pre-empt—

The SPEAKER: Order!

The Hon. P. CAICA: I am happy to state again that last week the Premier and I were extremely pleased to announce the allocation of $475 000 to connect an initial six TAFE campuses at Elizabeth, Salisbury, Regency, Panorama, Roseworthy and Urrbrae. In addition, discussions are taking place at the moment which, in the future, will link a number of schools located close to the SABRENet route.

The Hon. M.D. Rann: It is unbundled fibre.

The Hon. P. CAICA: It is incredible: it is unbundled fibre. This is the important point.

Ms Chapman interjecting:

The Hon. P. CAICA: I think that the honourable member should have understood that from its being 20 000 times faster than your broadband connection at home because it is unbundled. This is the important point—and I know that the opposition supports the government and this concept. SABRENet will help to revolutionise Adelaide's education and research capacity. It will make our city the only place in Australia to have a network connecting all key research and education sites with optical fibre. It will assist us in meeting many of our state's Strategic Plan targets from business investment and labour productivity to research and development and innovation. Our state's ambitious defence targets to double the sector's contribution to our economy and increase defence sector employment to 28 000 by 2013 will be aided by DSTO's involvement with SABRENet.

SABRENet will become a vital platform for health research, enabling the transfer of large medical images and data sets to support medical teaching and training. It was quite interesting last week—and I think it was the first time that it has ever been done in South Australia but it showed one of the capabilities of SABRENet—when we had a musician at Mawson Lakes and a musician at Flinders University play a duet over the SABRENet system. It was quite—

The Hon. K.O. Foley interjecting:

The Hon. P. CAICA: It was quite incredible and then also—

An honourable member interjecting:

The Hon. P. CAICA: It was certainly very impressive. It showed the capacity of it. It also showed from an educational perspective that all those recorder sessions that members may have experienced when their kids were at school are certainly worthwhile: it is paying dividends. The simple fact is that a connection was made between two distant locations which showed one of its capabilities. In addition, it also showed some of the medical information that could be transferred in a very quick time—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: SABRENet will become the centrepiece of the government's strategy to make Adelaide a leading destination for students and researchers from around the world. It is a classic example of what South Australia is capable of doing to make our state a national and international leader, and I know that the opposition supports this.

The SPEAKER: I point out that, in relation to the point of order called by the deputy leader, the member for Napier's question was: what outcomes are anticipated from government policy. That is not hypothetical.

TAXI INDUSTRY

Mr HAMILTON-SMITH (Waite): My question is to the Minister for Transport. Is a breakdown in relations between the Taxi Council of South Australia, the minister and his department a cause of the sudden resignation of the Taxi Council of SA's CEO, Mr Peter Johns? Taxi industry sources have advised the opposition that relations between the industry and the passenger transport division of the minister's department are 'appalling' and that the minister and his department are in a 'comfort zone', leaving this licensed and government regulated industry, taxi owners, operators and drivers alone to deal with the range of public safety and other issues.

The Hon. P.F. CONLON (Minister for Transport): Once again, the opposition is quoting unnamed sources. They have been hearing voices for some considerable period of time.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Mr Speaker, I am not going to continue while they are interjecting. I have turned over a new leaf. If opposition members do not desire to hear the answer, they should not ask questions. However, once having asked the question, they could listen to the answer.

Members interjecting:

The SPEAKER: Order! The house will come to order.

The Hon. P.F. CONLON: On the one hand, we have absolutely no evidence to support what has been said. There has been no complaint from the Taxi Council. In fact, we have a good ongoing relationship. I think my office was talking to Mr Johns as recently as the last few days. But, let's face it, if a rubbish bin blew over in the street, this bloke would blame me for it. On the other hand, we have the opposition seizing on someone choosing to resign. It is hearing voices and trying to blame me for it. Our relationship has been very strong. My view is that the relationship between this government and the taxi industry is the strongest it has ever been. I am the only minister ever to have attended its AGM. We set up a one stop shop and employed Bill Gonis from the industry to manage it. I do not believe our relationship has ever been stronger.

Members interjecting:

The SPEAKER: Order! Has the minister finished his answer?

The Hon. P.F. CONLON: All I can say, sir, is that, if members opposite are going to come into this place and make allegations, they should have something factual evidence to back them up, not hearing voices. I do not believe the relationship between a government and the taxi industry has ever been stronger. I reject the notion that this government has thrown everything upon the industry. We work very closely with the industry—more closely than any government in the past—and we have introduced a range of measures to improve taxi safety. We have done all of that. The fact is that a man has resigned. What I suggest is that the member find out from him why he resigned. I will find out a bit later. All I can say is that there has never been a suggestion from my office of any failure in the relationship. It is completely baseless, but it is the same sort of rubbish this mob deals up.

SAFEWORK SA

Mr RAU (Enfield): Will the Minister for Industrial Relations inform the house about the outcomes of a recent explosives safety training course hosted by SafeWork SA?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): Earlier this year, SafeWork SA hosted a very successful explosives safety course at the Defence Science and Technology Organisation's facility at Edinburgh in Adelaide's north. The five-day presentation delivered training on international best practice in explosives safety, using the expertise of Britain's Cranfield University Defence Academy. Cranfield specialises in research and education for armed forces, government agencies and private industry personnel from around the world.

SafeWork SA initiated the course in order to provide the best possible training to the new explosives inspectors who have joined SafeWork's dangerous substances team. The inspector's current role includes overseeing the implementation of national security regulations for ammonium nitrate in South Australia. Recognising the expertise that would be available through this course, SafeWork SA also extended an invitation to other jurisdictions and interested parties to attend. Approximately 100 delegates attended from a variety of government and non-government bodies, including representatives from organisations such as the South Australia Police and Metropolitan Fire Service, a number of commonwealth safety authorities, the Australian Safety and Compensation Council, explosives safety officials from Queensland, New South Wales, Victoria and Western Australia, and private defence contractors.

Given the rapid expansion of South Australia's mining industry and its reliance on explosives, as well as the growing defence industry in this state, the government is committed to ensuring that all reasonable measures are taken to maintain safety.

VICTORIA PARK REDEVELOPMENT

Mr PENGILLY (Finniss): Does the Minister for Tourism believe that the government should have stood by its pre-election commitment not to provide funding for the redevelopment of facilities at Victoria Park? In 2002 the SA Jockey Club requested the government provide support in the order of $1 million for the redevelopment of facilities at Victoria Park. In August 2002 the racing minister, minister Wright, ruled out the provision of any government funding, saying he could not justify taxpayers' funds being spent on grandstands. He said:

> This government's priorities are in the area of health and education, and I cannot justify taxpayers' funds being spent on grandstands.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY (Deputy Premier): I thank the opposition for their warm welcome to me standing on my feet to give an informative answer to the house. The government has a plan to build a permanent fixture on the current site of the pits and grandstands that we have; a proposal initiated under the former Liberal government and various iterations. The Adelaide City Council even put an iteration of a grandstand; it apparently came from the council, but they did not really put it forward. They were walking both sides of the street when it came to whether or not they supported it, or they proposed their own version of it. I was pleased when we released the plans for the former leader of the opposition, now shadow minister, to warmly embrace the government's plans for Victoria Park.

From my discussions with many members opposite there seems to be a strong consensus that it is the right thing to do. I would be happy if the opposition would like to counter that. I accept that certain members do not share that view, but I think there is a growing consensus that it is the right thing to do. As always—

Ms Chapman interjecting:

The Hon. K.O. FOLEY: I will always do what I do best, and that is I will consult and I will listen to other points of view from key stakeholders, and I will value input from people who do not agree with me, and then we will go ahead and do what the government proposed. No; we are going through a consultation process—we are going through the process outlined with the—

Ms Chapman interjecting:

The Hon. K.O. FOLEY: There is the very intelligent interjection from the deputy leader that the grandstand is costing $33 million. That is about right; factually she is correct. Whether or not she is actually following standing orders, that is not a matter for me.

An honourable member interjecting:

The Hon. K.O. FOLEY: No, I said that in all jest. As we have said, the government is confronted with having to buy new temporary facilities because the old facilities are pretty old and tired. That will come at a multimillion-dollar cost and, of course, it costs us a million dollars each year to put up and pull down.

An honourable member interjecting:

The Hon. K.O. FOLEY: Sorry? Mr Speaker, the opposition need to say whether or not they support this.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. Conlon interjecting:

The Hon. K.O. FOLEY: As my colleague and good friend the member for Elder indicates, the Liberals, of course, made many election promises involving an extended tramline, but then changed their mind. That is politics. I have forgotten what the actual question was; I hope I have covered it.

Mr PENGILLY: I will try again. My question is for the Minister for Tourism. Given that Tourism Development and Australian Major Events have previously advised that the level of expenditure required by Victoria Park to accommodate permanent facilities could not be justified, what advice

has the minister received from her agencies regarding the government's current proposal, and will the minister release the advice publicly? An August 2002 media release from minister Wright confirmed that government agencies, including Tourism Development and Australian Major Events, had received a number of proposals for the redevelopment of Victoria, Park, with a range of costs up to $25 million to $30 million. The release went on to state:

> . . . each of these agencies has confirmed that the level of expenditure required at Victoria Park to accommodate permanent multi-use facilities could not be justified.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The member referred to a press release in August 2002. It is now 2007, and the government has formed a view that we should have a permanent facility.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Governments evolve. Governments have different issues put to them, they have different considerations and they make decisions. If members opposite are trying to make light of the fact that the government has a different position now on building a facility in Victoria Park than it may have had five years ago, I find that—with all due respect—a somewhat absurd notion.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I will tell members what the advice is. A lot of people have spoken to me and convinced me that this is the right thing to do—people such as Robert Gerard, who thinks that this is a good thing to do, and Roger Cook and Graham Ingerson, people who have had strong views—

Mr Koutsantonis: Like the member for Frome.

The Hon. K.O. FOLEY: The member for Frome; exactly. Many members of the Liberal opposition who attended the Clipsal race the other weekend told me how good an idea this is.

Mr PENGILLY: Sir, I rise on a point of order. My question was—

An honourable member interjecting:

The SPEAKER: Order!

Mr PENGILLY: My question was to the Minister for Tourism, asking what advice had been received from her agencies, not to the Treasurer.

The SPEAKER: There is no point of order.

The Hon. K.O. FOLEY: I wind up by simply saying that a lot of people whose opinions I value have convinced me that we should do this.

An honourable member interjecting:

The Hon. K.O. FOLEY: The Leader of the Opposition.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: We have received detailed advice from a number of government agencies—

Members interjecting:

The Hon. K.O. FOLEY: Silly opposition! I am trying to be as balanced as I can with my learned colleagues, but—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Members of the opposition want this grandstand, because they told me that—unless they did so only because they were enjoying the hospitality of the Clipsal weekend. Plenty of Liberals told me that they liked the plans.

Members interjecting:

The Hon. K.O. FOLEY: I am happy to make some advice available, if that is what members are asking for. We will see what advice we can release. I am more than happy to do that.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The government had a view in August 2002. We changed our mind with respect to this project. We got our finances right; we have built the capacity to do—

Members interjecting:

The Hon. K.O. FOLEY: Dear oh dear, sir; I find members of the opposition to be somewhat absurd in their suggestions that governments cannot change their opinions.

HEALTH AND SAFETY GRANTS

Dr McFETRIDGE (Morphett): Does the Minister for Education and Children's Services support unions being provided with a $3 million grant scheme at the same time as $600 000 is being stripped from state small schools, and would she prefer the $3 million to have been allocated to small schools? The opposition has been advised that $3 million will be provided exclusively to the union movement by the Rann cabinet but, at the same time, cabinet has stripped $600 000 from this state's small schools, an initiative which the minister was forced to try to defend in this house.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I support the decision of my cabinet colleague on this matter, because he runs his portfolio and I run mine. The reality is that most of the information brought by the member for Morphett has been inaccurate. Two or three weeks ago he told us that there were teachers in our schools who were guilty of offences against children. I asked him to bring me the evidence; he did not. We have no record of such an occurrence. The next week he told me that we have stripped half a million dollars from a school. I asked him for the evidence; we have no evidence. The truth of the matter is that our education system has invested an extra 38 per cent per capita in the children in our education system. So, time after time members opposite come in with unsubstantiated stories, I ask for the facts so I can track the matter down, I want to assist them, and they never bring us the evidence.

WORLD CONSUMER RIGHTS DAY

Ms BEDFORD (Florey): Will the Minister for Consumer Affairs inform the house of the importance of World Consumer Rights Day?

The Hon. J.M. RANKINE (Minister for Consumer Affairs): I thank the member for Florey for her question, because in fact today is World Consumer Rights Day—

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: As I was saying, today is in fact World Consumer Rights Day and it is a day on which we have the opportunity to promote the basic rights of Australian consumers. It is a day that has been celebrated internationally since 1983. The day focuses on eight basic consumer rights as adopted by the United Nations in 1985, and they are: the right to access to basic goods and services; the right to safety; the right to be informed; the right to choose; the right to be

heard; the right to redress; and the right to consumer education and a healthy environment.

Here in South Australia our consumer rights are enshrined in legislation, including, on a national level, the Trade Practices Act and South Australia's Fair Trading Act 1987 and a range of other specific industry laws, such as the Residential Tenancies Act and the Occupational Licensing Act. You cannot underestimate the importance of consumer policies, both in protecting vulnerable and disadvantaged people and also in ensuring there is a competitive and fair marketplace. We are now in the midst of a national awareness campaign, as I have mentioned: 'Scams target you! Protect yourself', aimed at helping people to protect themselves from becoming scams victims.

It is also important that people are made aware of their rights and responsibilities as consumers. Late last year Consumer Affairs visited shopping centres in the northern and southern suburbs, at the Colonnades and Elizabeth shopping centres, and promoted to people the pitfalls of pay day lending, especially in the lead-up to Christmas. There was huge interest and hundreds of people approached the OCBA offices for information on a range of issues. As a result of this very successful trial of going out into the community, I am pleased to announce that Consumer Affairs will embark this year on a series of regular visits out into our shopping centres and into our local communities to engage, inform and involve local people.

I have asked the Commissioner for Consumer Affairs to negotiate with our children's centres to provide regular consumer education services to which families in our community can have ready access in these centres. It is an opportunity to be informed about a range of things involving children; for example, safe and appropriate toys. By taking our consumer protection messages out to the community, we have a real opportunity to ensure that people are better educated about their consumer rights and responsibilities and are more aware of present and emerging traps.

SCHOOLS, LEAGUE TABLES

Dr McFETRIDGE (Morphett): My question is again to the Minister for Education and Children's Services. Given that the minister has previously opposed the publication of league tables, claiming schools will be demonised if so-called league tables were given to parents, why did her office claim the government did not have a position on this issue yesterday? In July 2005 the minister stated:

> I think that the problem with having a league table is that you punish the schools that have the most challenging task. A task that will lead to demonising the blame is not a good outcome.

Yet yesterday the minister advised that the government did not have a position on the issue.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I think the member for Morphett misunderstands the process of how one consults the community. If you put out a discussion paper before developing legislation, you put out a discussion paper in order to listen to a consultation. When you get tens or hundreds of consultation documents, you do not announce a position before you have read the documents and presented a synthesis of the ideas. When we put out a discussion document there were lists of key areas of concern that needed to be addressed.

The matter that was being canvassed by the journalists at the time related to the discussion paper, the review of the SSABSA board and the legislation relating to it. The question that was being debated as part of that discussion related to the capacity of the SSABSA board to deliver results to a sector, not to release a league table. So, the items and the discussion are confused, as ever. The member for Morphett has not actually got to the crux of the issue and, albeit unintentionally, because he does not understand the matter, is misleading in that he is mixing two issues. If we talk about league tables, the reality is that they have the capacity to demonise some of the highest achieving teachers and the highest achieving schools which take young people who have led the most disadvantaged, damaged or difficult lives and who may well have lifted their scores remarkably. They are demonised because they are not as high as those teachers in other schools who deal with more advantaged students.

That is one of the problems with the federal minister's idea of rewarding teachers on scores in schools. It will drive teachers away from the most challenging schools. In addition, it will drive children who are struggling out of senior secondary education just when we want them to be retained, because the schools that want their marks to be highest will not encourage young people who struggle to stay in the education system. So, there is a range of issues around the league table. However, I will stick by the view that this government, when it consults, wants to listen. It is a shock! When this government consults over legislation, it puts out a discussion paper. I have put out a discussion paper and I genuinely want to receive a diversity of views. That issue was a very specific one: it was about sectors receiving information from the board.

GRIEVANCE DEBATE

SCHOOLS, SMALL SCHOOLS PROGRAM

Dr McFETRIDGE (Morphett): Today I asked the minister whether she agrees with spending $3 million to assist unions or $600 000 in assisting small schools. We did not get an answer, because the obvious answer is that the minister agrees with spending $3 million on unions but does not agree with spending it on small schools. Spending $600 000 on small schools will go a long way towards shaping the lives of many young people in this state. I am disappointed that the minister does not come out strongly against the cuts not only to small school grants but also to aquatics, instrumental music, and other areas, concerning which this government is determined to make schools suffer. I refer to areas ranging from WorkCover to the school interest—and it goes on and on. The education budget has been cut by $170 million.

Today I want to focus on the cuts in the Be Active—Let's Go program. The government says that this program was funded for only a number of years. It was supposed to cut out at the end of this year, but if anybody in the minister's department—with her 22 ministerial advisers, including a communications adviser who has obviously failed to communicate—had been looking, listening, talking and consulting with teachers, as the minister said she was doing a moment ago in answer to a question, then she would not be hiding behind reviews, bilaterals and a smokescreen of rubbery figures of increased funding. She would be saying, 'We will not be cutting funding to small schools. We will not

be cutting funding to instrumental music. We will not be cutting funding to aquatics programs, and we will not be cutting funding to the Be Active—Let's Go program,' the physical education program. I have letters from the Cancer Council and the Association of Child Health Professionals condemning the government's move. They point out quite succinctly that this move is completely out of sync with the state's Strategic Plan, the same way that we heard today that the unemployment figures, particularly youth unemployment figures, quoted by members of the government are not in line with those referred to in the State Strategic Plan.

A more interesting aspect, though, is that most of the small schools are in Labor seats. I know the member for Morialta will cop a hiding from the Basket Range parents, because she now has that school in her electorate, but let us have a look at Woodcroft Primary School in the member for Mawson's electorate. That school will lose $19 000 that was to be used to purchase sports equipment, provide a specialist person to coordinate the physical activity programs, transport students to sporting events, and take students to specialist sporting events when those programs are not available in the school. I am not making that up, I am not coming in here without proof; that is from a direct contact within that school.

Let us go a bit further south in the member for Mawson's electorate, to that area he talks about a lot and says he loves—the McLaren Vale area. The McLaren Vale Primary School is losing $9 638.15 in a 'Be Active—Let's go' program. A communication from McLaren Vale Primary School says that the funding was used to extend the PE program to cover an extra PE teacher and the SAPSASA program. Some of the funding was also used for a temporary relief teacher to cover the PE teacher's classroom responsibilities. It goes on and on.

Let us go to the member for Light's electorate in Roseworthy and tiny little Roseworthy Primary School—which might be getting a redevelopment somewhere out in the distant future, but at the moment their only brick building is the toilet. That school is losing $2 600 from the 'Be Active—Let's go' program, funding that was used to support the introduction of sporting skills for every child in the school. There is only one sporting club in the town, and funding is used to provide skills sessions and equipment for a variety of alternative sports at the tiny Roseworthy Primary School.

In the electorate of the member for Chaffey, the Minister for Water Security, the Renmark West Primary School is losing $4 000—funding that was being used to replace old sports equipment, purchase new equipment, and pay for a specialist coach to improve students' sports skills. I have about 40 different cases—most of them from Labor members' electorates—that detail every cut. It is a disgrace.

Time expired.

DAVID CAMPBELL PERFORMING ARTS AND TECHNOLOGY CENTRE

Mrs GERAGHTY (Torrens): On 26 August 1998 the David Campbell Performing Arts and Technology Centre at Ross Smith Secondary School was officially opened by the then minister for education and children's services, the Hon. Malcolm Buckby. This performing arts centre houses the teaching of drama and music, and includes state of the art theatre technology (which is very important) and a music computer laboratory. It is a wonderful facility that also provides an excellent environment for students to study performing arts. The school has just won a $75 000 federal government grant to upgrade the technology facilities at the centre.

At the time of opening, the school council decided to accept the recommendation of staff to name the performing arts centre after David Campbell, a former student who has made his name in the entertainment industry across the world. David returns to the school quite regularly to talk to students of his old school as well as perform for them. As many of you may know, David is the very good-looking son of Jimmy Barnes, and is a world-renowned entertainer in his own right. He graduated from Northfield High School (which, in a later amalgamation, became the Ross Smith Secondary School on the old Northfield site) in 1991, and he has gone on to build a reputation as a singer and actor of international acclaim.

David has performed for the Queen and the Duke of Edinburgh at a royal gala performance in London. Now in his 30s, he has won numerous awards, including two Mo Awards, one for his acting in *Les Miserables* and the other for his performance in the musical *Shout!* David donated his Mo Award for the musical *Shout!* to the Ross Smith Secondary School, where it is proudly displayed today. As I have said, David often returns to his old school to share with students his experiences as an entertainer and also to perform for them. He is a wonderful and inspiring role model and a great example of what students can achieve when they put commitment into their chosen field.

The David Campbell Performing Arts and Technology Centre is one of the best school performing arts centres in South Australia and is just one reason that we in the community believe that the Ross Smith Secondary School would be an ideal site for the super secondary school for the inner north-eastern suburbs. To lose such a showcase for music studies would be a great shame and a great loss to students of the future. Certainly, having someone like David Campbell showing an interest and commitment to the centre is of immense value to the students. It is extremely rare for a musician and performer of his calibre to take such a genuine interest. Whilst accepting that it is an old school, he still makes the time and effort to encourage students and give something back, as he says, 'to the place where I literally started acting'. For many students, they are now part of a living history.

We in the school community value the David Campbell Centre and the chance it gives students to explore and be creative with their musical talents. The opportunity to know that some of those students have gone on to greater things is a credit to the commitment of the staff of the Ross Smith Secondary School as well as the commitment of the students. While not all will pursue a career in the theatrical area, the skills and disciplines learned through performing will certainly stand them in good stead in their chosen field of work. Had the federal government not thought the David Campbell Centre a worthy centre, it would not have provided the grant to upgrade the technology there.

I am sure that most people in the community are excited about the prospect of having a new super school built for our students. The opportunities it will give our young people for generations to come are exciting, and we are really pleased to be part of this process. I know that everyone wants to have a super school in their area, but I have to say that we at Ross Smith and our community believe that it is the ideal location, as we have the new Northgate development that will bring new families into the area with students for primary and secondary schools. The feeder area for Ross Smith is wide, and the location of the school is very important. It needs to

be something which we can showcase and which has transport facilities. As I have said, we have plenty of land around the school—land we can move around to provide a new super school on our site.

PUMP-OUT STATION, WALKER FLAT

Mr VENNING (Schubert): I am disgusted at the unbelievable delay by the Rann Labor government in constructing a pump-out station at Walker Flat on the River Murray between Mannum and Blanchetown in my electorate. I first raised this issue over five years ago and expressed concern about the lack of public facilities along the Murray. At that time, raw sewage was being pumped out onto the banks of the River Murray. It is unbelievable, and I am amazed that somebody has not been there with a camera. Even large boats were using it, and most did so in the middle of the night. Raw sewage was pumped out at the pump-out station, over the bank and just spread out over the ground—and it probably still does, although it has been closed for some time.

At the moment, there is no pumping station nearby, which means that houseboat operators and others are expected to travel to the nearest pump-out station at either Mannum or Blanchetown. From a position halfway between the two towns, that station is about two hours' steaming time by river, that is, two hours there and two hours back. Walker Flat is or will be on sewerage, and a new pump-out station should be part of that scheme.

It is not acceptable, and it is concerning to think that everyone may not be doing the right thing. For those who cannot be bothered or cannot afford to travel to the nearest pump-out station (it costs a lot of money to boat for two hours), what is to stop them pumping out on the banks illegally, as was previously the case at Walker Flat? Only a sludge pump is needed, and it is no big deal to buy one and use it illegally. We know that, by law, most houseboats are fitted with particular plumbing fittings, but it is no big deal at all to bypass those. Constructing a pump-out station at Walker Flat is certainly the Rann Labor government's responsibility. It cannot expect the Mid Murray Council to fund this project. We are all paying the River Murray levy; surely this is what it is for.

The council is prepared to do the work: it has built two already. Apparently $700 000 was put aside to build this pump-out station but, as it was not sufficient, nothing has happened. The Mid Murray Council is apparently more than keen to cooperate with the government and eagerly awaits the opportunity to take its cue from the government to get the project off the ground. What an immense volume of traffic we see in the Mid Murray area. This is at the turn-around point of the biggest concentration of commercial houseboats in Australia. The situation certainly needs to be resolved—and resolved urgently. It is all hypocrisy and grandstanding by Premier Mike Rann. He talks about saving and securing the future and pristine condition of his beloved River Murray, but behind the scenes he has neglected the river by holding up progress on vital projects such as this. It really is a disgrace. It is high time he stopped the rhetoric and took some real action.

It is a wonder that there has not been an incident, or even a camera catching someone in the act of pumping. What sort of publicity would that be for our beloved river? We take money off all the boat owners in South Australia and it is our responsibility to provide them with reasonable facilities. I commend the Boating Industry Association of South Australia. They are great supporters of anything to do with the River Murray and the sea, and they have a very good lobby group and a very good relationship with the government. I know that they are very concerned that, after five years, still nothing is happening at Walker Flat. It really is quite disturbing and should be addressed forthwith, as should the Bow Hill wharf. It was demolished, but it should have been rebuilt almost three years ago now. Nothing has happened, but that is not a problem with government. I think there is a problem with the council.

I am disgusted that the wharf was not pulled down and rebuilt at the same time because, the longer they take, the more problems they seem to encounter. I am very cross about that delay. This is a wonderful part of our state. It is a beautiful area and it is great for recreation. It is a great advert for our state, and it is high time that we did the responsible thing and provided this pump-out station and had the wharf fixed.

TAXI INDUSTRY

Mr KOUTSANTONIS (West Torrens): I will give to the house my humble opinion on the state of our taxi industry. I am very concerned with the recent spate of attacks and the negative publicity being directed at South Australia's taxi industry. As a former taxi driver—and a very proud taxi driver—can I say that I have nothing but the utmost respect for the men and women who drive South Australia's taxis. They do a very good job in very stressful circumstances. Anyone who knows what it is like to sit in a car all day waiting for your next job will know that it is very difficult. It is the last bastion of pure capitalism left in the world, other than the stock exchange. I will humbly submit to the house that the problems with the taxi industry cannot be fixed overnight. However, the problems have accumulated over a long period—at least four to five years—and I will tell members my theory.

My theory is this: multiple owners, speculators and investors have caused the problems. There was a time when, if you wanted to own a taxi plate, you needed to be a taxi driver; that is, it was your car, your taxi plate. You met the drivers; you joined the taxi company—whether it be Independent Taxis, United Yellow, Suburban (in those days), or whatever. You looked after your car and cleaned it, you interviewed the drivers and you assigned shifts. It was your small business. Now you have people coming into it who know nothing about the taxi industry. They pay about $260 000 for a taxi plate, give it to a taxi company—taxi companies bid for these taxi plates because they want to get their numbers up as it means base fees—and then they say to the owner, 'We will manage the taxi for you. We will get a driver for you. You bring your car to our company, we will get you drivers.'

How do they do that is by letting anyone walk into a taxi company and get their licence. Sure, they get a police clearance, and the government does have safeguards. My relatives who have taxis know who is driving their taxi. They meet their families and sometimes have dinner with them or invite them around for barbecues. They know who they are. They are like employees. Now, however, we have faceless men and women investing in taxis. Many of them are Chinese investors (which, I have to say, is a really disconcerting prospect) who are looking for residency visas and who have

to turn over a certain amount of business in Australia to qualify. They are buying up taxi plates. They do not even know who is driving their taxis; they do not see them. Remember the old TV series *Taxi*? You walked into a depot—you never met the person who owned the taxi—got in the car and drove away. There was no sense of ownership. If we want to end these problems, we have to go back to the way it used to be. I am not talking about a long time ago; I am talking about five years ago.

It took me a week to get my taxi licence, which I thought was a very short time and unbelievably easy. Today, I think you can get your licence in a day. It may not be just one day but, technically, you can go in, get your police clearance and medical check, show your valid driver's licence, and complete the paperwork. You can be driving a taxi fairly quickly without any real knowledge of the rules, cultural differences and, most importantly, any idea of where you are going. I took a taxi today (I will not mention the company), and when I said, 'Parliament House,' I got this blank stare.

We are trying to grow our tourism industry. I have said a million times that taxis are the front line of our tourism industry, and they have to get it right. The days of throwing the UBD on the lap of the customer are over. When I got my taxi licence—I am sounding like my father now, when he says, 'When I was a boy'—I had to take an exam, and that exam included questions such as, 'If I live in Flagstaff Hill on this street and I want to go to Jolleys Boathouse, name every single road and the shortest possible route.' If I got one question wrong, I had to go back to do the whole course again.

We are bringing it back because the investors and speculators want people driving their taxis the whole time. Those mums and dads who drive their taxis and operate like a real small business get the good drivers. Good drivers flock to them, because the cars are clean and well looked after. The problems are caused by the speculators who do not see their taxis, and if we do not fix the problem, we will be in serious trouble.

Time expired.

REGIONAL MASTERS GAMES

Mr PEDERICK (Hammond): Recently, my wife Sally and I had the pleasure of attending the opening ceremony of the 2007 Regional Masters Games, another hugely successful event in my electorate at Murray Bridge. This year's event, hosted by Murray Bridge for the first time, attracted 815 athletes from around the country, a record for any town holding the games for the first time. Almost three-quarters of the athletes came from outside the district, attracted in part by Murray Bridge's central location, its excellent facilities and its reputation for hosting top-class major events.

As members probably already know, Murray Bridge has also been the scene of several other major events in recent months, including the Australian International Pedal Prix, the Autofest (a national motor event), and last weekend's Rotary Murraylands Cultural Festival, featuring some 36 items over the two-day program. One of Australia's best known Olympians, Her Excellency the Governor, Marjorie Jackson-Nelson, officially opened the four-day event at a dinner on the Thursday evening. Rural City of Murray Bridge Mayor, Allan Arbon, paid tribute to games coordinator Jenny Phillips and the local army of volunteers, who were well organised by Ken Coventry and Neville Gotch. Mayor Arbon was pleased and proud that Murray Bridge has sufficient sporting facilities of the quality required to host such an event.

Mr Venning: He loves you.

Mr PEDERICK: Yes, he does. The hundreds of visitors to the region also benefited the local business and tourism community, with many local attractions backing up the games. Some of the most significant compliments came from competitors, many of whom are games regulars. One regular competitor is Robert Freak, who has participated in 25 games. Mr Freak described the 2007 event as having 'huge potential', which augurs well for future events in Murray Bridge. Another competitor is the remarkable 97 year old Margo Bates. Mrs Bates, who is almost blind, competes as a swimmer. Over the years, she has won 177 gold medals—and she won even more at the recent games, an achievement made even more extraordinary by the fact that she learnt to swim only some 10 years ago when she started competing in these games. Mrs Bates has competed in Australia and internationally. Following her visit to Murray Bridge, she said she was impressed with the hospitality of the local community and looked forward to returning.

As well as 240 local people competing and dozens of others participating as volunteers, the games are also providing an opportunity for local sporting clubs, teams and schoolchildren to take some part in the activities. As well as displaying strong community spirit, the success of these games can also be taken as a measure of the resilience of local people who find themselves facing the consequences of the worst drought in recorded history, and dealing with several resulting uncertainties that might profoundly affect their future. All the people involved with this event—from organisers and sponsors to volunteers and spectators—are to be commended for their part in presenting another successful major event in one of South Australia's most important regional centres.

HOLIDAY EXPLORERS

Ms CICCARELLO (Norwood): Today I am delighted to speak about an organisation in my electorate which is providing a truly wonderful service for South Australians with an intellectual disability and their carers. For the last 19 years the mission of Holiday Explorers has been very simple, and that is to provide planned respite for carers while at the same time facilitating rewarding travel experience for care recipients who are persons with an intellectual disability or associated impairment over 16 years of age living anywhere in South Australia.

I think that we sometimes forget the enormous workload and responsibility which carers undertake in looking after their friends and family who have a disability, and that is where Holiday Explorers steps in. By using travel as a means of personal development for the tourist and a chance for carers to recharge their batteries, Holiday Explorers provides a benefit for everyone concerned. It does this by offering an affordable range of holidays with appropriate support for trained volunteers to enable persons with a disability to participate in the joy and excitement of a holiday experience, just as we all do. However, what really impressed me about this program is that each individual at the end of the holiday is also provided with a diary with photographs which record their holiday experience. Some people might be a little bit bemused by this, but many of the participants do not have verbal skills and, by having the diary, it means that they can share their experiences with family and friends, and they can

also relive their holidays by looking at the photographs of their trips.

Last year 489 tourists from 600 members on Holiday Explorers' books enjoyed 206 holidays throughout South Australia, Australia and even overseas to New Zealand. Some went to Disneyland. The average length of holidays was three days and the total number of days of holidays was an extraordinary 573. It is not just the tourist who reaps the benefits from the wonderful service. Last year the total number of days of respite totalled 2 869, which is equally important in giving carers a much-needed break and an opportunity to maintain their quality of life.

I am sure that we can all appreciate that the service Holiday Explorers provides is not only innovative but extremely positive. None of it would be possible without the men and women who so willingly and selflessly give their free time and skills to offer assistance and guidance on those holidays. Last year 76 trained volunteers aged between 19 and 76 donated 26 000 hours of their valuable time in ensuring that the holidays were not only enjoyable but safe for everyone involved. It is no wonder then that Holiday Explorers has been recognised with numerous awards commending its commitment to tourism, community services and persons with disabilities.

I have had the pleasure of meeting the dedicated staff working at Holiday Explorers many times. This year I presented them with grants from the Volunteer Support Fund and the Premier's Community Initiatives Fund, and as always I was impressed by their unrelenting enthusiasm and commitment to the service which they provide. I am delighted that the Rann government continues to acknowledge the outstanding work that they are doing within our community. Holiday Explorers is a fine example of South Australians working together to enable others to enjoy experiences that we too often take for granted and they continue the fine tradition that South Australians have in relation to volunteering and helping others. Volunteers do a superb job all year round and enrich our state culturally, socially and economically. Too often their work goes unrecognised and unappreciated, and it is times like this when we can stand up and thank them for their hard work and tireless effort.

The contribution that volunteers make is huge. While we have all rightly recognised the role that volunteering plays in generating a sense of community and establishing vital support networks, we sometimes forget that volunteers also contribute more than $5 billion in economic benefit to South Australia. Our government is immensely proud that our state now has the highest volunteer participation rate in the country. Volunteering rates have increased steadily since the first study was undertaken 12 years ago, rising from 28 per cent in 1995 to 51 per cent in 2006. This represents 610 000 South Australians providing an estimated 1.4 million volunteer hours per week.

However, this does not mean that we will rest on our laurels. We recognise the role that volunteering plays in building a strong and supportive community, and we remain committed to developing our volunteering sector. Today I am proud to acknowledge and applaud the work of Holiday Explorers, and I encourage anyone who knows someone who would benefit from the services of this truly wonderful organisation to get in touch with it, because quite often it is very difficult for families to provide the opportunity for the people for whom they are caring to really enjoy holidays, as the rest of us do.

Time expired.

SUPPLY BILL

The Hon. K.O. FOLEY (Treasurer) obtained leave and introduced a bill for an act for the appropriation of money from the Consolidated Account for the financial year ending on 30 June 2008.

The Hon. K.O. FOLEY: I move:

That this bill be now read a second time.

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

Leave granted.

This year the government will introduce the 2007-08 budget on 7 June 2007.

A Supply Bill will be necessary for the first three months of the 2007-08 financial year until the budget has passed through the parliamentary stages and received assent.

In the absence of special arrangements in the form of the Supply Acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill.

The amount being sought under this bill is $2 000 million.

Clause 1 is formal.

Clause 2 provides relevant definitions.

Clause 3 provides for the appropriation of up to $2 000 million.

Mr GRIFFITHS secured the adjournment of the debate.

PSYCHOLOGICAL PRACTICE BILL

Adjourned debate on second reading.

(Continued from 27 September. Page 1097.)

Ms CHAPMAN (Deputy Leader of the Opposition): It is proposed that this bill replace the Psychological Practices Act 1973. It is, I think, the last of a series of health professional registration bills to be introduced in the house as a result of an agreement to reform a number of our state legislative bodies, in line with national competition policy, in the health area. The bill proposes a number of changes to the way in which psychological practice is regulated, with changes to structure and functions of the board. A number of these matters have been covered in previous submissions.

Of all of the bills in this area, this is probably the one that has caused the most controversy and has certainly been the one, ultimately, that has caused considerable disquiet among some of the professional areas affected by the reforms. It is probably fair to say that the pharmacy legislation attracted five years of debate but ultimately there was general consensus between the major players. In this area, however, there has been little abatement in relation to the considerable diversity of views. It is probably one of the reasons that it is the last measure to actually come before the house.

In the course of the consultations in this matter, I have met with the minister and had the opportunity to hear from him about what I think is a worthy proposal to deal with one of the controversial aspects of this bill. I understand that the minister may address the parliament further as to how his government will deal with one of the aspects of concern involving hypnotherapists. On that basis, while I will have some things to say about this area, I anticipate that a foreshadowed amendment that I would be putting to the parliament will be withdrawn. I have also had the benefit of some brief consultation with the member for Mitchell and

have received notice of amendments that he proposes to move, some of which have considerable merit.

The bill is not perfect and there are some areas of controversy, about which the opposition's position should be recorded. Some amendments have been tabled in my name which we would hope will help to improve the overall operation of this bill and the protections it provides for the relevant professions. In general, I can say that the opposition considers that, as with other relevant bills, it is worthy of consideration and support. This was a bill in the first instance on which there appears to have been some lack of consultation. That would not seem unusual, seeing that this bank of bills have had some years of gestation and development.

I was concerned to hear from some of the agencies and individuals consulted that, despite my advice that the government had consulted with a very extensive list of agencies and individuals, some of them appeared to have missed out and they were quite cross about it. Nevertheless, with the elapse of time there has been an opportunity to hear and consider their views and even to prepare some amendments involving the areas of concern that they had.

Now that we are concluding this raft of legislation in relation to these professions it is important to understand, though, that the Council of Australian Governments has met and agreed to establish a national register in relation to health professions. It is fair to say that this direction is one which is not without controversy in itself, and already certain professions are saying—if I can generalise this; I do not want to dwell on it for a long time—that they do not oppose having a national registration system but they want their profession to be kept independent of others. So it does seem to be generally the case, whether it is the medical profession or the pharmacists, or other health professionals, that they are saying that a national approach is something they will look at, and that many will embrace, but that they want to be separate from each other.

So, instead of having separate registration boards and separate structures in each state for each profession, it seems that they are saying that we should have national registration boards and structures, which have their attached disciplinary panels or tribunals and the regulations that go with them, but that they will be for the individual health professions. So I am not sure how ultimately that will come to pass, but my understanding is that the expectation of the parties to COAG is that it will be up and running and operative by 2008, and I think from memory that is mid-2008—we are really not very far away from that. I suppose one has to wonder what is the purpose of progressing the Psychological Practices Act. But I think the answer to that—and we would accept it—is that although a national program may be imminent this is one of the last. In some ways it is not its fault that it is the last and therefore almost rushes into the time frame for the new procedures at a federal level. So, although I was initially of the view and was prepared to represent to the opposition that there would be merit in putting this measure on at the national level and waiting for it, I indicate that we will support this here today.

Let us just move to perhaps the three most contentious areas of this bill. First, the bill removes the restriction on the practice of hypnosis that exists in the current Psychological Practices Act 1973. The minister in his second reading contribution cites the main reason for no longer regulating the practice of hypnosis is the difficulty in defining hypnotherapy, and no demonstrable evidence of harm. May I say that I have had extensive submissions in this area from the Psychologists Association of Australia (SA Branch) and personal presentations on this issue. As a result of that I did some further investigation as to what applies in other jurisdictions and whether in fact this would be a good thing.

Essentially, the government was saying that, consistent with the national competition policy, and for the reasons I have just indicated, the restrictions should be removed. The psychologists as a group, through their representations to the opposition, took the view that that was a dangerous way forward and that it should be opposed. Then we saw foreshadowed amendments by the member for Mitchell which were essentially to reinstate the restriction on hypnotherapy that applied under the existing act. The relevant amendment provided:

> A person must not provide hypnotherapy unless—
> (a) the person is a dentist, medical practitioner or psychologist. . . or
> (b) the person provides it through the instrumentality of a person referred to in paragraph (a).

The existing provision that was to be removed under the bill referred to those three types of person and, essentially, to the retention of that restriction. That foreshadowed amendment brought out of the woodwork a deluge of submissions from those in our community who practise in the field of hypnotherapy, their representative associations, and a number of other individuals. It was important to read through these submissions, because those people took a very different view. The current legislation had operated for some 33 years and they believed the reality was that, as no definition of 'hypnotherapy' had been set out, there had actually been no regulation or registration of people carrying out this practice and that, therefore, there was a legislative framework that just did not operate. Notwithstanding that, their self-administered professional standards had meant that there had not been transgressions or harmful events and the community had not been put at risk, and that ought, therefore, to be taken into account in support of the contention that such a provision was not needed. On the flip side, the psychologists were saying that because the law was there—even if it was not carried out—that was sufficient to provide the protection.

The reality has been that many dentists, medical practitioners, psychologists or others who have performed hypnotherapy have had very good training and possess qualifications which have allowed them to carry out this practice safely and for the benefit of the community. What had been raised by hypnotherapists and a number of counsellors, particularly their representative organisations, is that some in the restricted category (that is, dentists, general practitioners or psychologists) may themselves not have had specific training in hypnotherapy, yet they were able to undertake the practice of hypnosis during the course of their work. So, there could be a situation where someone who had these qualifications, but who was without specific training, would be deemed to be under no restriction to carry out the hypnotherapy, but people outside those restricted professions, who had done all the training, were well qualified and may have been very experienced, were restricted by law, if not in reality.

With that in mind, I recognise those who have made submissions, including the Council of Hypnotherapists, the Australian Hypnotherapists Association, the Physiotherapy and Counselling Federation of Australian, the Counselling Association of Australia, the Australian College of Hypnotherapy, and an organisation trading as the Academy of Applied Hypnosis. I am not sure of the members of that academy, but it was correspondence from Leon Cowen. Individuals who also made submissions include Sue

Worzfeld, Bruce Richardson, Peter George, Joan Hoogstad, Joy Allen, Daniel Smaistria, Julie Smaistria, Pamela Brear, Robert Brown, Michael Wales, Viv Cheeseman, Willy Gutwein, Ruth Strout, Jane Backhouse, Judith Fairlamb, Peter Hill, Stephen Radke, Tony O'Sullivan, Greg Harrison, Helen Osborn, Joe Fowler and Jeff Lucas. These people were from all around Australia and were quite passionate in their desire to have the profession opened up. They wanted the facade of what had happened in the past to be cast aside and to be able to trade without this restriction, even though in a practical sense that had not occurred.

I draw the house's attention the AHA Code of Ethics that applies to hypnotherapists. As one would expect, it sets out ethical behaviour, the conduct of members of its practice and a number of ethical principles and specific responsibilities. I note that one of the ethical responsibilities listed under 'Responsibilities to the client' is as follows:

> Members take all responsible steps to avoid harm to the patient as a result of the therapeutic process.

It also states:

> In the event of harm resulting from therapy, members take responsibility for restitution, and professional indemnity should be considered by all therapists.

I raise this because, prima facie, those who practise this profession understand that there are some risks if hypnotherapy is practised by someone who is unqualified or untrained and that it is a practice which, in the wrong hands, could create some harm and danger to the consumer, particularly the patient. Practitioners set their own guidelines to ensure that, under their code of ethics, they take responsibility to remedy that and provide restitution if necessary. Medical practice or therapeutic work in this area should not be underestimated.

In considering this matter, one has to be realistic. I am disappointed that an operating and practising registration for hypnotherapists has not been established. I am not convinced that it should even be in the psychological practices legislation, as I think that they are two very distinct and important professions. I do not think that lumping them in with psychologists gives proper recognition to those who carry out this other therapeutic practice. My understanding is that the government will give consideration to another way of dealing with this. In the circumstances, I think that it is the best way forward, and the opposition supports that position.

When we look at the registration and regulation of hypnotherapists in other states, they have been left unregulated in all states as a result of their carrying this type of reform legislation. However, New South Wales passed the Health Legislation Amendment (Unregistered Health Practitioners) Act, which allows a code of conduct for unregistered health practitioners. It is not just for hypnotherapists but also for those, as I have indicated, who do not fall into the category of those with a specific registration structure.

Apart from allowing a code of conduct, that legislation also allows the Health Care Complaints Commission to investigate any breach of the code. The commission can issue 'a prohibition order that places conditions on the way a person provides health services, or restricts the health services that the person can provide, or prohibits the person from providing health services altogether'. The bill was passed with amendments in November 2006 and, when one views the second reading contribution in the Legislative Assembly in New South Wales, it may be a way to move forward. I have had the benefit of speaking to the minister and, if it is his wish to advise the house that he agrees with that course of action, we will not proceed with our amendment to legally protect the position until there is some other amendment.

It would be along the lines that the Social Development Committee (which plays an important role in our parliament) have referred to it for investigation the general question of any potential harm of hypnotherapy and the possibility of a code of conduct to apply to the unregistered health practitioners, which would include hypnotherapy practitioners in line with what they have done in New South Wales. A commitment by the government to that effect would enable the committee to report to the parliament and we could see what could be done and what benefits that could provide.

The areas at which the inquiry in New South Wales looked (and I think it is an important one) included not just their general professional training and the like but such things as sexual misconduct, financial exploitation, privacy, confidentiality, informed consent, record keeping and the provision of accurate information to the consumer. These are all important aspects in relation to carrying out the practice of a health professional. At the end of the day, people who hold themselves up as providing a cure, aiding someone to keep well, or restoring the health of persons are people who we expect will not act in a manner that is contrary to the interest of people. If someone is sick or wants to remain healthy, it is a very important issue for them and we want to ensure that they are protected against anyone who would act in an unprofessional manner or, for example, offer a service, a cure, a remedy, or, more particularly, a false expectation. Imagine the distress it would cause, let alone the physical harm if someone misapplied a medical procedure, medication or a therapeutic program. In relation to that matter, I will be interested to hear the minister's contribution and intimate that we will not be proceeding with amendment No. 5.

The second area of controversy is the one surrounding the removal in the bill of the prohibition on administering psychometric tests by non-psychologists on the basis that there is adequate commercial self-regulation as the tests can only be purchased by professionals trained in the use of such tests. Concerns have clearly been expressed to the opposition that unqualified people do have access to psychological tests and the public is not adequately protected from inappropriate interpretation of those tests. Again this is one on which we have consulted quite widely and about which some concern has been expressed. We will be moving an amendment to restore the protection in this area.

It is well known that psychological tests are used quite extensively in the community not just in the area of medical or health practice but in the field of research and extensively in education. They are used to assess people for the purposes of being eligible for employment. They are used for the purposes of assessing people as to what level of employment they may undertake post injury, in particular for WorkCover claims. They deal with the behaviour of persons who are under consideration for probation, although mostly they are dealt with by psychiatric or psychological assessments as distinct from psychological tests, but they do play some role in that area. They are very widely used as an instrument to measure someone's assessed level, that is, the reading level of a student at school or their aptitude for a particular type of employment.

The rationale of keeping some tab on this and keeping it restricted is really one which acknowledges that, whilst a lot of testing is used and it is generated through research and it

is generally freely available, the use of these tests by interested persons is quite acceptable. It does not cause any harm. The control of the use of the interpretation is normally protected by academic peer review processes and so it is not an issue. Tests which are used to classify or diagnose do require some regulation, and this is the area where concern has been raised and about which we agree. I will identify the three levels.

First, tests that can assist in helping people and fall within the competence of psychologists and some other professions but are not for public use. Good examples of these are tests that teachers should be able to use to assess the reading level of a student. A second level is where the tests are more complex and the diagnostic use relevant. Those tests are used, for example, by speech pathologists and audiologists. Such tests are normally required for specialist training and are required to be used validly. However, it is this third and highest level of tests of personality, intelligence and neuropsychological functioning that raises some issues. Because of the complexity of interpretation and the need for clinical skill to integrate the test results and other material in forming an expert opinion, these tests should be undertaken only by psychologists, and that may require further accreditation to achieve the expert status. There is an area where the stakes are high if there has been any misuse or misinterpretation (even if inadvertent) of the testing by an inexperienced person. If the testing is wrongly interpreted, it could preclude someone from financial benefits (for instance, WorkCover liability). Therefore, it is essential that the testing is interpreted by those who understand it, namely, the profession which created it.

This is an area where the government does not agree. It believes that this is an area that ought to be made available for people such as clerks in WorkCover Corporation or employment agencies. These tests are broadly used in the employment area, which in itself is a very big industry involved in the selection and placement of employees, and concerning which all sorts of assessments are undertaken. I note from an article in *The Advertiser* of 6 January this year that there is a move for psychological testing to replace the historical practice of those seeking employment obtaining job references from other parties. So, instead of a prospective employee going along with their three references from people with whom they have previously worked attesting to their good character and magnificent work performance, their punctuality and their loyalty to past employers, it is thought that a good psychological test would be a more reliable and accurate way of identifying whether a person is suitable and has the skills required for the job. A number of employment agencies now consider personal profiling and personality testing as the best way to choose the right candidate for the job, and they raised the deficiencies in the practice of supplying references. The National Finance Manager of Clements Recruitment said:

> We have to do more psych testing these days because it is the only way people can't lie, cheat and fabricate their abilities.

I do not think he was asserting that people who provide references are necessarily in that category. Certainly, if the applicant was very keen to gain employment, they might be tempted to exaggerate their abilities, and such psychological testing was seen to be an important check and balance. Psychological testing is an important and extensive tool used in the selection of people for employment, and it is here to stay. We need to make sure that people are properly administering this testing, as well as being capable of interpreting the results, because a person's future employment is at stake.

The third area of some controversy is the requirement in the bill for all students of psychology to be registered. I received a briefing on this matter from representatives from the minister's office and the department, for which I thank them. It was confirmed that there will not be a requirement for students to pay the registration fee. Nevertheless, one has to consider the workload involved in having students concerned with this process. I have seen the member for Mitchell's proposal in relation to students, but we think that is perhaps not tight enough. So, I foreshadow that the opposition will move an amendment to restrict it to post-graduate study.

I am advised by the minister's office that they feel an unamended bill is the best way to go. It is not a huge issue for the opposition, but we do not want to create something that means more paperwork when the need is not really there. It is important to accept that students at whatever level undertaking their work need to be properly supervised. We know that sometimes in a training situation students are left unsupervised, especially in the health arena. Emergencies can arise when the principal, supervisor, mentor or lecturer is called away, and there is the possibility of a patient being at risk when at the mercy of a student. So, we need to have that issue regulated as well. I see the need to consider this matter, but I do think that it is too broad and I am not sure that the member for Mitchell's amendment helps a lot in dealing with that matter. Nevertheless, it is a matter that needs to be tidied up.

There are some other amendments relating to the operation of the regulatory procedure that I will be moving in the committee stage, so I will not traverse the details of those amendments. However, I wish to say that I have appreciated the advice of the departmental officers in this matter. It has been a long road to conclude what seems to be this army of bills. It started with the previous Minister for Health in this government, and I think it is fair to say that this minister is ably completing that process. It started with my predecessor, the Hon. Dean Brown, and I read with interest some of the early debates on the other bills. It has taken a long time. I think the effluxion of time has actually been of benefit regarding some of the measures because it seems that they have reached a common ground in the end and that has been most useful, and I thank those concerned.

I should also acknowledge the representatives who had attended from the Psychologists Association, SA branch. Mr Stuart Byrne, the chair of the Australian Psychology Society and Ms Carol Black, the secretary of the Psychologists Association have been most helpful. Mr Quentin Black, who is also probably well known to us all in politics, has also made his views very clear, and I have appreciated his open and frank assessment of what he sees are the concerns in this area. So I do thank them for that. With those comments, I indicate the opposition's support for the thrust of the bill.

The Hon. J.D. HILL (Minister for Health): I thank the Deputy Leader of the Opposition for her comments and indication of the general support of the opposition for this legislation. I will go across some of the issues, but I will not go across them in the same depth that the Deputy Leader of the Opposition has done. I think she covered the matters well, and she obviously has a fairly good understanding of the issues involved. However, I will address a couple of the issues. First, the Deputy Leader of the Opposition raised the

issue of national registration, which I think is a pertinent issue. That has yet to be resolved, and it is interesting to see that the federal Minister for Health has changed or clarified his position in relation to it. I think the original intention was for one national board covering all nine fields. The federal minister has now indicated he supports nine individual boards. As the deputy leader says, I think that is a wise move. It has yet to be determined because what will be determined is being done by heads of government, but the direction that the federal health minister is following is certainly an improvement. It is a bit hard to tell where all that will end and what impact it will have on this legislation, as the deputy leader said, but that does not mean that we should not go ahead with this.

I think if one were to go through this process again, the wiser thing to have done would be to have one piece of legislation covering all of the fields and have some general clauses, and then a section relating to each of the professions. I understand from the Chief Executive of Health, Dr Sherbon, that that is a process that occurred in the ACT, but it did take them three years to go through that process, so I do not advocate that we now go through that process. It would have been very difficult, of course, for the department and for the various professions if we had done that because it would have meant that none of the legislation would have been passed or that all of it could have been passed. The process has been a slow one but it has not been one where time has been wasted. I think that time has been used well to try and get consensus, and I think by and large that has been achieved pretty well everywhere. There are some issues in this bill—which I will go through—where that has not been achieved but we have certainly tried to get consensus and agreement across the profession where there have been differences of opinion.

I raise that particularly because of the one comment that the Deputy Leader of the Opposition did make with which I do take some issue, and that is in relation to the issue of consultation. The process of consultation in relation to this bill has been the same as that in relation to all the bills. Everybody has had a chance to have a say, they have been listened to by departmental officers, and I have certainly had meetings with the Psychologists Association and had an opportunity at first hand to hear their opinion. However, I guess people sometimes, when you do not agree with them following consultations, say that the consultation in question was not very good, but that is not necessarily the case. If you listen to somebody, you listen to their view, you consider it and assess it, and then you say, 'No, well, we are not going to do what you want.' That does not mean consultation has not occurred. There are a couple of issues where the government and the Psychologists Association do disagree. I have to say my initial thoughts, when I heard their views, were to be supportive. It was only when I examined the issues very closely that I came to the conclusion that their position, in relation to two issues at least, was not to be preferred, and that is the issue in relation to hypnotherapy and psychometric testing, which the deputy leader has gone into as well.

I will deal with the issue of hypnotherapy first, and then the issue of psychometric testing. The deputy leader informed the house that she and I have had a discussion about this, and I would like to thank her for taking the time to come and meet with me about this issue. I think most of the legislation we have put through so far has been on a bipartisan basis and I thought it was important that we try to reach a consensus in relation to this. We did have a good conversation about the issues and I think we have reached an agreement in relation to hypnotherapy about how to proceed. I read a statement to the house which sums up the position that I have put to her and I would put to the house, as follows:

> The issue of hypnotherapy has been one of repeated discussion during the development of this bill. The evidence from longstanding practice interstate and internationally has shown that there is little evidence of harm associated with hypnosis. Considerable public benefit has been shown by enabling the community to access a wider range of trained practitioners such as mental health nurses or physiotherapists who practise hypnosis.

The current legislation allows for psychologists and doctors to practise hypnosis whether or not they are qualified to do so. Under the amendments that the deputy leader is indicating that she will withdraw if she is satisfied with my comments, the legislation would allow a psychologist to practise hypnotherapy even if that psychologist had no training in that area. So, they could have obtained that knowledge from a book or some other source. However, it would deny the right to practise hypnotherapy to someone who had been through a training course. That is clearly a nonsense and it would be unreasonable, in my view, to allow that nonsense to be continued.

The South Australian Psychological Board has also said that, because of the difficulties in defining hypnosis, it has never been prescribed by regulation. It is known that, since 1973, many practitioners have provided a service that is similar to hypnosis, but they do not use the term 'hypnosis'. I guess things such as relaxation therapy, visualisation therapy, counselling, dream therapy, and a whole range of things that all of us will have read about if we ever read the *Adelaide Review* or other such publications, are practised in the community without any evidence of bad effect, provided the bona fides of the person are in place. There have not been any particular problems of which I am aware. Even if this legislation were amended in the way that is being suggested, it would not stop people from practising hypnotherapy; they just would not use the word 'hypnotherapy'.

The other area that is of some concern to me is that it would stop a range of professions that work within the health sector from doing this work, because they would be outside the legislation. So, they would be constrained by a whole range of other factors. I refer, for example, to midwives who might want to use hypnotherapy techniques to help women who are experiencing difficult pregnancies or pain during pregnancy or who want to have a natural birth. It would stop palliative care nurses, for example, helping patients in the last days of their lives to deal with the dying process, and it could stop people who are working with patients who are obese or who are trying to give up smoking, and a whole range of other people, who are not necessarily psychologists or doctors but who otherwise are counselling those people. I believe that, for a whole range of reasons, this proposal we are putting before the house as legislation is the right way to go.

Given the lack of evidence, the difficulty of defining hypnosis and the broader public benefits to be gained, restrictions on the practice of hypnosis have now been rejected by all states and territories. This state is the only jurisdiction that still regulates hypnosis. However, I acknowledge that there are concerns surrounding potential harm from the improper use of hypnotherapy and, indeed, a whole range of currently unregulated therapies, particularly in regard to the potential for improper conduct.

The Health and Community Services Complaints Commissioner has powers with respect to the investigation of complaints against unregistered and deregistered health

practitioners. However, I acknowledge that she does not have enforcement powers. After discussion with the Deputy Leader of the Opposition, I have offered the suggestion that the Department of Health investigate the issue of the potential for harm from hypnotherapy and the possibility of a code of conduct to apply to unregistered health practitioners, including—and especially—hypnotherapy practitioners. I will do that, and I will bring back a report to parliament on this issue within the coming months. The parliament can then determine whether this matter should be referred, for example, to the Social Development Committee, which the member mentioned. I certainly would support that move if the opposition were of that mind.

A New South Wales parliamentary inquiry has recently recommended such a code of conduct for unregistered health practitioners to cover such things as sexual misconduct, financial exploitation, privacy, confidentiality, informed consent, record keeping and the provision of accurate information to the consumer. Whilst there is a motion before parliament for the Social Development Committee to investigate the issue of unregistered quacks, it is clear that appropriately trained hypnosis practitioners are not quacks, and I will ask the Department of Health to undertake this separate investigation and report back to the parliament. As I have said previously, parliament may wish to refer the investigation to the Social Development Committee for further analysis and, if that was the desire of the opposition, having read that report, I certainly would not oppose that course of action.

The issue of psychometrics is a similar kind of story, in a sense. I believe that South Australia, from memory, is the only state that currently restricts the provision of psychometric testing to psychologists. It was included, I think, at the behest of the association back in the 1970s, when the legislation was originally constructed. I am told that, in the entire time it has been in place, regulations have not been enacted to allow the board to enforce that power. So, in effect, it has not been used: it is a power that exists in name only. The reasons why it has not been used are relatively complex, but are to do with the fact that psychometric testing systems change on a fairly regular basis, and I understand that it is practically difficult for the board (and I am getting agreement there) to regulate the issue.

In other jurisdictions other personnel have been able to carry out these tests. It seems logical to me that we would not want to stop teachers, for example, or TAFE lecturers in various educational institutions from conducting psychometric testing on their students for particular outcomes. One could argue, in fact, that some of the testing that is done across the board in South Australia at the moment verges on psychometric testing. Indeed, in industry, a whole range of psychometric tests are performed in a business setting to see whether or not someone has a particular aptitude. There is a concern (the deputy leader has expressed it and I share her concern) that this form of testing may lead to unfair results and particular types of people being discriminated against in employment. Individuals may be discriminated against in employment for a whole range of reasons, and that could be exacerbated by someone conducting a test who does not have the skills to do so.

I accept that that is a possibility. However, I do not think this matter can be regulated by a bill that is about the profession of psychology and the protection of consumers, in a health sense. Perhaps it is an issue that the industrial relations portfolio ought to consider, or some other portfolio or area of government if it is about equal opportunity. It is not something that can be properly regulated by the Psychology Practice Bill. Indeed, even if we said that only psychologists could conduct these tests, there is nothing to ensure that the tests are constructed in a way that they will not discriminate against particular classes of people: migrants, Aborigines, the poor, or those from a non-English speaking background.

So, I reject the proposition that psychometric testing should be exclusively within the domain of the psychology profession. This appears to be an attempt by that profession to have exclusive rights in that way. That would impose on those sectors of our community who want to conduct psychometric testing an unfair burden in that they would have to employ psychologists when somebody with a lesser level of skill would be able to do the job adequately. I am also informed that the companies that produce these psychometric tests have very high levels of self-regulation to protect their own names and to ensure that their products are used in an appropriate fashion.

The point about this legislation that flows on from the commonwealth's goals, which have been endorsed by the states, to get rid of unnecessary regulation is to ensure that we do not have to have people who are over-qualified doing things that could be done by somebody else. To restrict to psychologists this set of activities would be a very good example of having an over-qualified person conducting one of these tests.

The Deputy Leader of the Opposition has a number of other amendments. We have looked through those amendments. We would like, if we could, to indicate goodwill by supporting some of them but, unfortunately, we do not believe they improve the bill. We understand where she is coming from—I do not think we are ideologically opposed in any way at all, it is perhaps just a different way of expressing some of these ideas. I say to the Deputy Leader of the Opposition that I appreciate the open and easy way that we have managed this process. If one looks around the chamber one can see that there are no media here to see this bipartisan or civilised debate on matters of importance; of course those kind of issues just do not get the coverage.

While I am on my feet and before I conclude my remarks, I would like to thank parliamentary counsel, Rita Bogna and Christine Swift, who have worked on this bill and many of the others, if not all of them, and the departmental officers Kay Anastassiadis and Nicki Dantalis, who have worked very hard on these bills over a very long time and they have given me very good advice during the process of negotiation with the various bodies. I also thank the various bodies who have been interested enough to make representations and express their opinions to the government and the department.

The Hon. J.D. HILL (Minister for Health): I move:

That the time for moving the adjournment of the house be extended beyond 5 p.m.

Motion carried.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr HANNA: I move:

Page 5, after line 25—After paragraph (a) insert:

(ab) prescribed intelligence testing; and

I appreciate the arguments given by the Minister for Health in closing the debate on the second reading of the Psychologi-

cal Practice Bill. However, I do believe that the psychologists with whom I or my staff have spoken do have a good point in relation to prescribed intelligence testing. I do not think it is something that just anybody should be able to do. I think the fact that it can extract quite intimate material and that such material can be used improperly or disclosed improperly so readily, does give cause for caution to be exercised in the use of such testing. It is as simple as that. It is a delicate procedure and the consequences of misuse could be very serious. I think there is a need for regulation so, if possible, I will proceed with the amendment in my name.

I appreciate that the minister has pointed out that, over the many years in which it has been possible to regulate prescribed intelligence testing, in fact there have been no regulations and the psychology board has not brought forward definitions which might be used in regulations. If the facts which have been reported to me are correct, then I suppose the psychology board bears some responsibility for the fact that there are no current regulations concerning intelligence testing and who may do it. Nonetheless, I think the principle is right, that it is something that ought to be regulated, so I am suggesting that it be retained in the legislation. That would be the effect of the amendment. Then it is for the psychology board, the minister and his advisers, to come up with appropriate regulations.

The Hon. J.D. HILL: I will not go through my arguments again. I appreciate the arguments made by the member, but the government does not support that proposition. In fact, I think by including intelligence testing, he has gone even further than the current legislation. I am advised that the individual companies that produce these tests have a high standard of self-regulation and, in fact, just being a psychologist does not necessarily mean that a person has the right to conduct one of these tests. They have to be approved by the company in any event. That does not necessarily mean that this cannot be put in legislation. What we are saying is that there is a very high standard of self-regulation. No harm is currently being experienced by anyone that would lead us to believe that this is a necessary outcome. The practicalities of it are that, even if it is in here, the board will not enforce it. My advice is:

> The board has never sought to identify these tests or place such a list within the regulations since these tests are frequently updated or modified by the owners or publishers, requiring regulations to be updated as soon as a prescribed test is modified or a new test comes on to the market.

So, it is just an impracticality. I understand the basis on which the member moves the amendment, but I have to say that, as a former schoolteacher and student of education, I was always horrified by the use of intelligence testing to put people into particular streams which could determine their life. We know that there are in-built biases in various tests. For example, if someone grew up in the desert, they would be unlikely to be able to answer intelligent questions relating to the sea, and vice versa. So they do have cultural biases in them. That is why schools these days generally do not use intelligence testing in the same way as when I was a student and, in fact, when I started teaching.

When I started educational psychology at the University of Adelaide as a DipEd student—if I may be anecdotal briefly—I remember attending Saturday morning lectures. The lecturer would bemoan the fact that the then Dunstan government was getting rid of IQ testing and had not given any sound reasons for that. I put my hand up and said, 'What were the reasons for introducing them in the first place?' He could not answer that question either. It was something that teachers liked to do in those days, to mark boxes and say what you are.

Mr Hanna: Stereotype.

The Hon. J.D. HILL: Stereotype, as the member says. I understand where the member is coming from, and I had some concerns about this myself, but I am absolutely persuaded that putting this provision in will serve no good purpose. It will not affect things at all. I think self-regulation is probably the only way we have to cover this because, as I say, the tests change so rapidly that it is really impossible for a board to keep up with them.

Ms CHAPMAN: I indicate that the opposition considers the member for Mitchell's amendment to be of merit. There is a foreshadowed amendment by the opposition which covers the same topic. We consider ours to be a little bit more extensive and would better address the issue. However, the sentiment expressed in the amendment is an important one, and we thank the member for Mitchell for acknowledging that.

On the question of a board not carrying out the work necessary to register, regulate or prepare a definition, quite frankly, if this parliament passes a law and the minister implements a regulation which sets out a prescription, for example, under this amendment (if it were to pass), then that should be honoured. Of course, it is important for a parliament to understand what the workload will be or how difficult that exercise might be. It is part of the consideration of what we do in here. However, I am a bit concerned to hear the minister's comments about the fact that these tests change so often that the workload would be too much, and it would be too difficult to deal with. That is exactly why we have a prescriptive process through regulation, to enable us to have flexibility with legislation so that we are not coming back into the parliament every few months or every year to amend legislation. That is why ministers have regulatory powers—to enable them to manage at that level.

I want to make it clear that we have a procedure by which this would be accommodated and, although we might think our proposed amendment might better address the issue, we thank the member for Mitchell for raising it. I hope it is not endemic in these bills that, because they get a bit too hard to operate or there is too much rapidity in changeover of these tests, it is all too hard and we should not do it. That should not be the basis on which we reject something.

Mr HANNA: Following on from the member for Bragg's comments, one wonders how the fact that there is scope for making regulations about a particular topic yet no regulations ever eventuate reflects on health ministers of the last 33 years. It cannot simply be put back to the psychological board and say that it has not come up with an adequate definition.

I have a question for the minister in relation to these tests. Has he had reports about the use of such tests by Scientologists, in particular? I am sure the minister would be aware of people who stop passers-by on the street and offer to administer an intelligence test of some sort—

The Hon. J.D. Hill: I am intelligent enough not to do them.

Mr HANNA: Well, that is the test. I ask whether the minister has had reports on the use of those tests in particular, and whether they have given the minister any concern.

The Hon. J.D. HILL: No, I have not. I am aware of the tests to which the member is referring and the advice I have is that the bill relates to prescribed tests, not what they are doing. It is a bit like the hypnotherapy thing. A test could be

put on a website that says, 'Assess your own character'—or intelligence, or whatever. It is a totally unprescribed area of activity and this legislation—

Mr Hanna interjecting:

The Hon. J.D. HILL: I know, but when a *Women's Weekly* or some like magazine puts out an 'Assess your capacity to love your partner' (or whatever) test, is that a psychometric test? It gets to a point where it becomes absurd.

I have just had an idea which I will share with the house (although perhaps that is dangerous). Between this chamber and the other—

Ms Chapman interjecting:

The Hon. J.D. HILL: Every time I go to my dentist, which is regularly, I catch up with the love affairs of well-known Scientologists—Travolta and Hanks and company. It did occur to me that between this house and the other we could see whether we are approaching this the wrong way. Perhaps we could give the psychology board (and I would need to talk to them about whether this is a possibility) some sort of power to determine whether a particular individual, or particular classes of individuals, could be suitably registered, or regulated, or allowed to conduct tests of this sort. Now, I am springing this on my advisers and others, but it occurs to me that making the psychologists the only group to protect the victim, or individual, from the evil is not necessarily the only way to go. So, and without giving any further undertaking, I will explore this possibility. It may be a way of dealing with some of the inherent issues.

I do not accept the amendments today, but if I can be persuaded that there is a way of doing this that is relatively straightforward and within the general powers of the board I will certainly talk to members here about it. The other thing I would like to say (and both members raised the issue) is that the board has a responsibility to do what the parliament says. The fact that for 33 years ministers and parliaments of all sorts of political persuasions and characters have not done it indicates to me that it will be difficult to get them to do it in the future. The only thing I can suggest to get them to do it is to give them more resources—and where do they get their resources from? From their members. Perhaps one of the implications of this, if we are determined that the board keeps up to date with all the psychometric tests and regulates them, is that they would have to charge their members. Psychologists would then have to charge a higher fee in order to achieve the benefit being sought through the amendments that members opposite are moving. They may like to contemplate that between here and the other house, and we may do a little bit of estimating to determine how much extra work would be involved and what the effect may be on their fee schedule.

Amendment negatived; clause passed.

Clauses 4 and 5 passed.

Clause 6.

Mr HANNA: I move:

Page 8, line 9—After 'person' insert:
with experience in the practice of psychology

This clause concerns the composition of the Psychology Board of South Australia, and the point I make with this amendment is a simple one. If we are to have a member of the board who teaches psychology at one of the universities in South Australia, the concern put to me was that the person should also have experience in practising psychology. Perhaps it is an obvious point, but it seems to me that it would be profoundly more useful to the deliberations of the board if the lecturer or professor also had practical experience. It could be that someone with only academic experience might otherwise be chosen to fulfil that particular role on the psychology board.

Ms CHAPMAN: I indicate that the opposition supports the amendment.

The Hon. J.D. HILL: Joy all around! The government supports this amendment as well.

Amendment carried; clause as amended passed.

Clauses 7 to 13 passed.

Clause 14.

Ms CHAPMAN: I move:

Page 11—
After line 7—Insert:
(ga) to examine whether there are opportunities for enhanced competition, in the public interest, in the provision of psychological services, or any unnecessary impediments to such competition, and provide advice to the minister.
Line 8—After 'minister' insert:
on any other matter

I indicate that these amendments relate to the question of competition enhancement. They propose to amend the clause to facilitate the strengthening of the general powers and functions of competition. Although this has not been sought to be included in other similar bills, the Psychologists Association brought to our attention the importance of recognising this issue. If the government is serious about this, it ought to be part of the responsibility within the general functions of the board to be alert to and examine whether there are opportunities for enhanced competition. Whilst it does not have precedent in the other bills, this professional organisation has brought it to our attention and the opposition considers it to be of some merit.

The Hon. J.D. HILL: I appreciate the idea the deputy leader is suggesting, namely, that the board should be responsible for competition. However, that would put its members in a terrible position of conflict because the board is made up, primarily, of people from the profession. Its role is to ensure that the profession of psychology is conducted appropriately and that its members stick within whatever are the general rules. It is really not there to say what are the other ways of providing these kinds of services. I am not disputing that there may well be a need for other bodies to do that, but to put it within this legislation I think would be inconsistent with its aims. It would also be the only one of the nine boards in the nine pieces of legislation with this kind of provision. So, we do not think that it would be workable, nor do we think that it is the role of the board to do this.

Amendments negatived; clause passed.

Clauses 15 to 26 passed.

Clause 27.

Mr HANNA: I move:

Page 18, lines 19 to 24—Delete subclause (1) and substitute:
(1) A person is not entitled to provide psychological services as part of a postgraduate course of study related to psychology (including such a course being undertaken by the person outside the state) unless the person is registered under this section as a student psychologist.

This amendment relates to the requirement for registration in relation to psychology students. I note that the Liberal opposition also has a similar amendment on file. The facts as related to me are that there are something in the order of 1 800 psychology students in South Australia (with slightly more at the University of Adelaide than at the other two universities), of which a very small number (perhaps 30 or so) go on to become registered psychologists. So, there is a

real question about why registration would need to apply to all those students. As I understand it, they are not working with patients in the same way as medical students and, of course, the cost of registration is substantial, especially for students.

I do not think that we should do anything to discourage the study of psychology at university, whether or not people go on to practise psychology. In fact, South Australia could probably do with more psychologists because we obviously have a serious and perhaps growing problem in our society with mental illness, including such matters as depression. I believe that psychologists can be enormously helpful and healing in relation to such problems.

Incidentally, I am very pleased to note the federal government decision to allow psychologists to claim on Medicare in the same way as psychiatrists. For far too long psychiatrists have had a privileged position and, when it comes to many of the problems of mental illness, or even just coping with life, I believe that psychologists are in a better position than psychiatrists to offer practical help. In summary, I cannot see the need for registration of all those student psychologists; in fact, we ought to be encouraging the study of psychology, not discouraging it, unless there is a very good reason.

Ms CHAPMAN: I indicate that the opposition supports the thrust of this amendment. As indicated, the opposition has a foreshadowed amendment which we will be moving. In light of the member for Mitchell's comment as to costs, I will perhaps seek confirmation in *Hansard* that my understanding, on advice from departmental officers on this matter, is that no fee would be charged for students in this area. Perhaps in light of the concern raised by the member for Mitchell, that will be clarified by the minister so that we can have that on the record. Of course, frankly, they should not have to be charged; it is an extra cost. I think we are looking at an extra cost of $200 or $300 which they should not have to bear, especially if they never go near a patient. However, if we are talking of well over 1 000 students at any one time having to be registered, surely that is a completely unnecessary paperwork drain. Again, we support the thrust of what has been put by the member for Mitchell.

The Hon. J.D. HILL: The government does not support the amendment, which tries to remedy a problem that does not exist within the bill. The bill provides for a scheme whereby under clause 26(1)(a) a student must be undertaking a course which is either approved or recognised by the board and which provides qualifications for the purpose of registration on the register of psychologists. I am told that there are roughly 150 or so students in that category. I think that the member for Mitchell indicated some 1 500 students would be captured by this clause. However, 1 350 of those students have no intention of going on to become psychologists and, in fact, once they completed their study, they would not be able to register as psychologists. Therefore, we would be requiring them to register as students but not as professionals, and that is an absurdity.

The aim of the amendment is to limit the registration only to those persons undertaking a postgraduate course of study that will result in a qualification as a psychologist. All current courses of study that are approved or recognised as leading to qualifications for registration as a psychologist are postgraduate courses. By removing the requirement, the person must be undertaking a course of study that provides 'qualifications for registration on the register of psychologists'. The amendment will require the registration of other students, even though their postgraduate course does not lead to a qualification for registration as a psychologist. The issue arising from the amendment can be potentially significant for the board. I point out the following. The deputy leader asked: do they have to pay? No; but if the board had to register and look after 1 500 extra people every year (whatever the number), that would be quite a cost burden on the board.

Once again, it would affect the fees of the profession. I am not too sure whether the profession has really thought this through, if this is what they are advocating, because they would be the ones who would have to carry that burden. On the one hand, there are many postgraduate courses in universities which relate to psychology but do not lead to registration as a psychologist, and if this amendment is passed, a person could and might need to insist on being registered as a student psychologist if he or she is required to provide psychological services as part of a postgraduate course, even if the course is not approved or recognised by the board and clearly does not lead to qualification as a psychologist, as I have already said.

On the other hand, a university could consider establishing a six-year undergraduate course that could lead to a qualification for registration as a psychologist. This amendment would rule out any future consideration, recognition or approval of such courses by the board. We do not accept this amendment. I am more than happy between the houses, if members would like further information, to go through that with them.

Mr HANNA: I am encouraged by the attitude expressed by the minister because I think we are trying to get at the same objective; that is, we do not want to see a requirement that 1 800 students studying psychology in South Australia need to be registered. No-one wants that. The concern arises from clause 27 in its present wording. For the benefit of later readers of *Hansard*, subclause (1) provides:

> A person is not entitled to—
> (a) provide psychological services as part of a course of study that provides qualifications for registration on the register of psychologists; or
> (b) provide psychological services as part of a course of study related to psychology being undertaken by the person in a place outside the state,
> unless the person is registered under this section as a student psychologist.

This had been interpreted as a requirement that people who were students studying psychology would need to register if they were providing psychological services. The concern was that that might be widespread. In practice, as I understand it, the only people who will provide psychological services in the relevant sense are people who are undertaking a postgraduate course of study. It is not likely to happen in first-year psychology at one of the universities when people are watching rats running around in mazes, but members on this side of the house who are supporting this amendment and the government seem to be agreed that the point of the clause is to protect the public in relation to people practising psychology when they are also students, thus registration is required. If the minister is right in his interpretation of the clause, then it has a very narrow scope and concerns only those people who are actually going to practise psychology in the course of their studies. The amendment is moved out of caution to specify more clearly that that would be the case.

The Hon. J.D. HILL: I am glad we all agree with what we are trying to achieve: that is a good thing. The advice I have from parliamentary counsel and departmental advisers is that the amendments the honourable member is moving

would have the reverse effect of what he wants. We will not accept the amendment now, but I encourage members, if they wish, to seek further advice from parliamentary counsel and my officers. I will take further advice, too, and, if it turns out that the honourable member is right and I am wrong, I will happily pick up whatever amendment is required between houses.

Amendment negatived.

Mr HANNA: I move:

Page 18, lines 28 to 34—Delete paragraph (a) and substitute:

(a) genuinely requires registration on that register to enable the person to provide psychological services as part of a postgraduate course of study related to psychology (including such a course being undertaken by the person outside the state); and

I have moved this amendment just to keep it on the record, but I do appreciate the minister's comments in relation to the issue.

Amendment negatived; clause passed.

Clauses 28 to 35 passed.

New clause 35A.

The CHAIR: Member for Mitchell, are you withdrawing your amendment No. 5?

Mr HANNA: I will not be proceeding with my amendment.

The CHAIR: In that case, I now call on the deputy leader to move her amendment.

Ms CHAPMAN: I seek leave to move my amendment in an amended form; that is, I will not be moving proposed new clause 35A, but will be moving proposed new clause 35B, as follows:

Page 23, after line 2—Insert:

35A—Restriction on provision of certain psychological tests

(1) A person must not provide prescribed psychological services without the approval of the board unless—

(a) the person is a psychologist acting in the ordinary course of his or her profession and the person provides the services personally; or

(b) the person provides the services personally under the direct supervision of a psychologist; or

(c) the person provides the services through the instrumentality of a psychologist.

Maximum penalty: $75 000.

(2) An applicant for approval under this section must, if the board so requires, provide the board with specified information to enable the board to determine the application.

(3) The board may, before giving its approval under this section, require the applicant to obtain qualifications or experience specified by the board and for that purpose may require the applicant to undertake a specified course of instruction or training.

(4) An approval under this section may be subject to such conditions as the board thinks fit.

(5) A person must not contravene, or fail to comply with, a condition of the person's approval under this section.

Maximum penalty: $75 000.

(6) If a person contravenes, or fails to comply with, a condition of the person's approval under this section, the board may, by written notice to the person, revoke the approval.

(7) In this section—

prescribed psychological service means a psychological service consisting of the administration of—

(a) a test involving a Wechsler scale of intelligence; or

(b) a psychological test prescribed by the regulations

I indicate that, having addressed the importance of retaining restrictions on the provision of certain psychological tests in my second reading contribution, I will rely on that and I will be seeking the support of the government.

Leave granted; amendment amended.

The Hon. J.D. HILL: I thank both members for not moving their amendments in relation to hypnotherapy, and I give an undertaking to the committee in relation to hypnotherapy. In relation to the second part (that is, the reference to psychological tests), I have already spoken at length about why I will not be supporting that amendment. However, I indicate that I will seek advice between here and the other place in relation to the matters I raised before. I will get advice from the psychology board and from the department about two issues. First, whether or not there is another way the psychology board may be able to keep an eye on psychometric testing by allowing particular classes or types of people to do certain things; and, secondly, what the cost implications might be for those who pay fees to the board if the board were to undertake the level of scrutiny that would be required to keep up to date with the tests. As I have said, I will try to do that between here and the other place. I indicate that the government does not support the amendment.

New clause negatived.

Clauses 36 and 37 passed.

Clause 38.

Ms CHAPMAN: I move:

Page 25, after line 9—Insert:

(3a) An inspector must not exercise the power conferred by subsection (2)(d) except on the authority of a warrant issued by a magistrate.

This is an amendment to restrict warrant and subpoena powers. There are certain powers of inspectors for investigating in these matters which are entirely appropriate and proper. However, the bill purports to give inspectors a power to attend at premises, conduct searches, confiscate material, require assistance, etc., and generally they are not to be interfered with or hindered in their task. In the five years that I have been here in the parliament there have been a number of occasions when different inspectors and persons who are given the authority to carry out investigations in matters have sought to have access to property and vehicles and places of work and the like.

What concerns the opposition about this aspect is that there is power to inspect without a warrant or subpoena by a magistrate—not all these powers—but it is the opposition's view that there ought to be that requirement. It, of course, prevents fishing expeditions. It also means that, when people are carrying out the sensitive area of psychological practice, the information on these records is not subject or exposed to breach of privacy. Inspectors have an important role to ensure that people are carrying out and conducting their practices in a proper manner. On the other hand, it is important that we not only protect the privacy of clients but also that we do not have fishing expeditions with these new-found inspector roles without warrant or subpoena. We say they should have the same obligations, as do police officers with that restriction.

Mr HANNA: There is a range of amendments being moved by the member for Bragg on behalf of the Liberal opposition in relation to the division of the bill dealing with investigations; in other words, disciplinary proceedings, offences and ancillary matters. I will be supporting the government view in relation to these various amendments. I did receive similar submissions from psychologists in relation to the matters which are the subject of the amendments. This amendment in particular I think goes too far in pursuit of a worthy goal of protecting patient privacy. I think it is extremely important that clients have full confidence in their psychologist that their records will not be readily bandied about, and even delivered unto law enforcement agencies or psychology board inspectors.

Let us look at this particular amendment. It requires the authority of a warrant issued by a magistrate for an inspector to seek the production of documents from a psychologist. I think it goes too far because, for example, if there is an allegation of overcharging and the inspector comes to the psychology practice to ask to have a look at a particular account, then a warrant would need to be issued by a magistrate. I think that is going too far. There is, of course, the requirement of a warrant being issued by a magistrate when a premises are to be searched, and I think that is an important safeguard to maintain in the bill. In relation to these various amendments, I note that the disciplinary procedure system, the powers of investigators, etc. are comparable to those in other legislation for other professions, and on that basis I will be voting with the government in relation to them.

The Hon. J.D. HILL: The government does not support any of these amendments but, in relation to this one in particular, can I say that under the bill an inspector can only obtain the documents relevant to an investigation; they cannot go on fishing expeditions. An inspector acts on the advice of the board. The board is made up primarily of psychologists, so the peers of the psychologists being investigated determine what goes on and they know what is appropriate. If an inspector acts inappropriately they will be subject to discipline under the Public Sector Management Act. A warrant creates an unnecessary procedural delay without adding procedural fairness, as would be expected by such a process. In fact, I think this parliament through its various standing committees has the power to do similar things when it wants to get documents. I recall the member for Stuart, when he was chairing a committee I was on, sending the parliamentary officer down to a particular office to take some documents—I think it was one of the water committees—

Mr Hanna: Should be more of it.

The Hon. J.D. HILL: There was no warrant process there, I assure you. The other thing—and this is the telling point, I think, which kills the argument made by the opposition—this clause in the bill is the same as that in all the other health practitioner registration acts already passed and agreed to pretty well on a unanimous basis by this parliament. This provision has been accepted by all other health practitioners and by the parliament, and there are no clear grounds for why psychologists and psychological service providers should be treated any differently from medical practitioners, for example, and other health practitioners in respect to this provision. In fact, I understand that the psychologists are the only ones who objected to this provision. If it is good enough for the doctors and all the others, it is good enough for the psychologists as well. If it were passed, this amendment would, therefore, create an consistency with all the other health practitioner registration acts. The government does not support the amendment.

Amendment negatived; clause passed.

Clause 39 passed.

Clause 40.

Ms CHAPMAN: I move:

Page 26, lines 9 and 10—Delete paragraph (b).

This is another aspect that is covered by amendments Nos 7, 8, 9, 10, 11 and 17. These amendments, if passed, would have the effect of removing the obligation of mandatory reporting on non-psychologists, essentially, to tighten up the medically fit clause and allow a treating practitioner—that is, a psychologist—the discretion not to report when they are treating another practitioner. It also makes provision for the inclusion of a good faith caveat that applies with respect to the obligation of reporting, as is the case in other jurisdictions. For all those reasons, whilst the government has indicated that it will oppose these amendments, we feel that this matter should be dealt with.

The minister made the point in the preceding clause that there is an apparent need to keep some uniformity with other legislation, but we do not subscribe to that view. The opposition recognises that the sensitivity of material that is held in psychologists' files is somewhat different and may be quite different from a number of others. It has been raised by the professional body that is concerned about this matter, and it merits further investigation. On that basis, the opposition does not support uniformity for the sake of uniformity. This issue has been raised as a concern by the professional representative body, and the opposition considers that it has merit. I hear what the government's position is and, no doubt, it will get its way.

The Hon. J.D. HILL: As the deputy leader said, the government does not support this measure. It is inconsistent with the other provisions that have gone through. I accept that there would be some sensitivity about what a psychologist might have on their files. However, I would think that there would be even more sensitivity about what a psychiatrist might have on their files—and we do not have this provision in relation to psychiatry—through the Medical Board. That profession did not raise this issue as a matter of concern.

It is absolutely important, for the confidence of the public, to ensure that those who are delivering psychological services are reported if they are unfit or if they engage in unprofessional conduct. It is the duty of everyone who becomes aware of a situation such as that, surely, to report it. Under this bill, this obligation is placed on psychological service providers, because they are more likely to be in a position to ascertain whether a psychologist or a student psychologist is medically unfit. The bill has been drafted to ensure that psychological services providers, like other corporate or small businesses that provide health services to the public, ensure competent and safe service provision by having a clear responsibility and a legal duty to report a psychologist who is medically unfit.

It would be terrible, I would have thought, for a psychologist not to do that when they were aware of one of their own who was unfit to deliver services. When one is talking about psychology, one is really talking about matters to do with the mind and, if someone who is medically unfit is dealing with another person's mind, it is a scary thought that that person may continue to do that work and be medically unfit or incapable of providing that service in a competent way. I think this is a very critical and important provision in the legislation, and it is one which we strongly support.

Amendment negatived.

Ms CHAPMAN: I move:

Page 26, line 14—After 'opinion' insert ', formed on reasonable grounds,'

This amendment relates to the same issue.

Amendment negatived.

Ms CHAPMAN: I move:

Page 26, line 14—Delete 'or may be'

I just ask that the amendment be put to the committee.

Amendment negatived.

Ms CHAPMAN: I move:

Page 26, line 15—Delete 'must' and substitute 'may'

I ask that the amendment be put.

Amendment negatived.

Ms CHAPMAN: I move:

Page 26, line 18—Delete the penalty provision

Amendment negatived; clause passed.

Clause 41.

Ms CHAPMAN: I move:

Page 26, line 37—Delete subparagraph (ii)

This is to limit the ministerial powers. It is the opposition's view that the bill is too broad in this area. The government is a major employer of psychologists and the opposition feels that it is very important to ensure that the minister's independence is not compromised in the administration of the ministerial powers.

The Hon. J.D. HILL: I indicate that the government does not accept this amendment. The minister, as the person responsible for the act, should be able to apply to the board concerning medical fitness of a psychologist or student. For example, the minister may receive a complaint from the public, and it is appropriate that the minister be able to apply to the board for investigation of that complaint if it relates to medical fitness. These clauses in the bill are the same as those in all the other health practitioner registration acts already passed. These same provisions have been accepted by all other health practitioner legislation, by the parliament and by those other health practitioners. There are no clear grounds, once again, why a psychologist should be treated any differently. If a member of the public writes to me and says psychologist A or B is somehow incompetent and I cannot write to the board asking it to investigate that, what would the deputy leader or the individual psychologist have me do? I just say to the committee that this is a very sensible provision and we reject the amendment.

Amendment negatived; clause passed.

Clause 42.

Ms CHAPMAN: I move:

Page 27, line 18—Delete paragraph (b)

Amendment negatived; clause passed.

Clauses 43 to 45 passed.

Clause 46.

Ms CHAPMAN: I move:

Page 29—
Line 26—Delete '3' and substitute '4'.
Line 28—Delete paragraph (b) and substitute:
(b) 2 will be members who are psychologists.

In this area the opposition supports the Psychologists Association request that two members on the disciplinary panel be psychologists, which is part of the disciplinary structure that is established under this bill, in lieu of one. I understand the government is opposing this but we consider that this is a really important part of the board's responsibility and the disciplinary panel should have two psychologists on it, and that that be specified, as distinct from the one.

The Hon. J.D. HILL: I understand the issue that the deputy leader has raised, but the practice is not as the association may think. As I understand it, this is a provision which is constant, once again, with all the other boards. None of the other professions, once again, have had a problem with this, as I understand it. Under the arrangements that currently apply, and would continue to apply, three persons would be on the body which conducted the investigation, one of whom has to be a psychologist, one has to be a lawyer and provide procedural fairness, and the third person is to be determined.

If it is a matter to do with professional competence then as a matter of practice another psychologist joins the panel so that it is a majority. If it is a matter about something else, for example, it could be financial fraud which has got nothing to do with psychological matters, then they would bring in somebody who had competency in that area. I think this is a sensible provision which allows the board to conduct its proceedings in an appropriate way.

Amendments negatived; clause passed.

Clauses 47 to 50 passed.

Clause 51.

The Hon. J.D. HILL: I move:

Page 31, after line 29—Insert:
'domestic partner' means a person who is a domestic partner within the meaning of the Family Relationship Acts 1975, whether declared as such under that act or not
Page 32—
Line 8—After 'spouse', insert 'domestic partner'
Lines 10 to 17—Delete the definitions of 'putative spouse' and 'spouse' and substitute:
'spouse'—a person is the spouse of another if they are legally married

These amendments are consequential on the passing by the parliament of the Family Relationships Act 1975 and they are consistent with other amendments that I have previously made.

Amendments carried; clause as amended passed.

Clauses 52 to 59 passed.

Clause 60.

Mr HANNA: I move:

Page 34, lines 33 and 34—Delete 'a course of study at that institution providing qualifications for registration on the register of psychologists' and substitute:
a postgraduate course of study at that institution related to psychology

The debate has already taken place in relation to clause 27.

Amendment negatived; clause passed.

Clauses 61 and 62 passed.

Clause 63.

Ms CHAPMAN: This has really been dealt with previously, so I will not proceed with my amendment.

The CHAIR: Not proceeded with. Thank you.

Mr HANNA: I may have missed something earlier, and I am just looking at the point that the amendment was going to make. Looking at clause 63, what is the safeguard where a client of a psychologist scurrilously makes their life difficult with a vexatious complaint and the psychologist says that they will sue them for their fees or something of that nature, some detriment which could be construed as victimisation? What is the protection for a psychologist who has in fact behaved perfectly properly in that situation?

The Hon. J.D. HILL: There is no particular provision but, as I understand it, the protection is the same protection that any member of any professional body (including a member of parliament) has if they have been slandered by someone, that is, you go through the courts to seek redress and to stop somebody causing you to continue to be slandered or defamed in any way. I think that is correct. There is no particular provision in here, nor is there in any other pieces of legislation that deal with these matters.

Mr HANNA: I am not familiar with this victimisation provision. I understand from the minister's answer that it does appear in the other professional regulation legislation, but it still seems strange to me. If, for example, somebody has a go at a member of parliament, and we speak about the person adversely because we feel that their complaint about us is unjustified, the person cannot complain that they are being subjected to victimisation, not in a legal sense anyway.

I am just not sure what it adds to the general law if in fact a person wants to complain about improper or unprofessional behaviour, if a person wants to complain about being overcharged, or if a person suspects that a person is not a psychologist at all when they claim to be. There are obviously remedies for all of those things, so I am not sure why there needs to be this additional level of protection for the person.

The Hon. J.D. HILL: I am advised that this clause prohibits a person from victimising another person (the victim) on the ground, or substantially on the ground, that the victim has disclosed or intends to disclose information, or has made, or intends to make, an allegation that has given rise, or could give rise, to proceedings against the person under this measure. Victimisation is defined as:

> The causing of detriment, including injury, damage, loss, intimidation or harassment, threats of reprisals or discrimination, disadvantage or adverse treatment in relation to the victim's employment or business. An act of victimisation may be dealt with as a tort or as if it were an act of victimisation under the Equal Opportunity Act of 1984.

I do not know whether that helps in any substantial way. I cannot provide further information at this stage, but I am happy to provide for the member somebody who may be able to go through it in more detail if he so wishes.

Clause passed.

Remaining clauses (64 to 73), schedule and title passed.

Bill reported with amendments.

The Hon. J.D. HILL (Minister for Health): I move:

That this bill be now read a third time.

I would like to thank members who participated in the debate. There were not a lot of us, but it was a very cooperative set of arrangements, and I thank everyone for their cooperation. I thank the opposition and other members for their general support of the government's direction.

Mr HANNA (Mitchell): I thank the minister for his approach to this debate and I also compliment the efficient chairing of the debate. I want to comment on the decision by the member for Bragg and myself not to move amendments effectively in relation to hypnotherapy. The amendments I had drafted originally were as a result of lobbying by psychologists. It is understandable that they wanted to keep a degree of control over that particular form of therapy. We come from a tradition where the professions of dentistry, psychiatry, psychology, and like professions, have enjoyed status higher than some of the therapies which are, even now, regarded as alternative therapies.

The legislation we have had has no doubt reflected that conservatism and preference towards regulatory functions being carried out by the more longstanding traditional professions in the world of health. There were many hypnotherapists and psychotherapists who contacted my office once it became known that I intended to move amendments to vest the regulation of hypnotherapy in more traditional healing professions. I saw a lot of force in their submissions, especially when learning the extensive training and education which is undertaken by many hypnotherapists and psychotherapists.

Although I have come to the view that it is not appropriate to give one or other profession the right to regulate this particular form of therapy, I believe there is a need for regulation of standards in relation to newer therapies or at least those which do not have the pedigree of psychiatry, psychology, dentistry, and so on. It seems to me that the appropriate remedy for this would be for health ministers around the nation to get together and consider appropriate standards for therapies such as hypnotherapy, perhaps counselling in general terms, and other sorts of relatively new or sometimes called 'new age' therapies to which the minister has referred during debate. It is a little disturbing to me that anyone can set up a shop down the road and say that they are a counsellor or perhaps a therapist and deal with people's intimate problems. In those circumstances, one can imagine situations where much more harm than good could be done. So, I think that there is a need to review that situation. I am pleased to see that the South Australian parliament will have a committee looking at just this issue. I would be encouraged if the Minister for Health would take these comments on board.

Bill read a third time and passed.

TOBACCO PRODUCTS REGULATION (MISCELLANEOUS OFFENCES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 5.55 p.m. the house adjourned until Tuesday 27 March at 2 p.m.