LEGISLATIVE COUNCIL

Tuesday 29 August 2006

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

ASSENTS

Her Excellency the Governor, by message, assented to the following bills:

City of Adelaide (Representation Review) Amendment,

Commission of Inquiry (Children in State Care) (Privileges and Immunities) Amendment,

Criminal Law Consolidation (Dangerous Driving) Amendment,

Criminal Law Consolidation (Throwing Objects at Moving Vehicles) Amendment,

Development (Panels) Amendment,

Environment, Resources and Development Court (Jurisdiction) Amendment,

Gas Pipelines Access (South Australia) (Greenfields Pipeline Incentives) Amendment,

Natural Resources Management (Transfer of Water Licences) Amendment,

River Torrens Linear Park,

Statutes Amendment (Disposal of Human Remains),

Statutes Amendment (New Rules of Civil Procedure),

Statutes Amendment (Road Transport Compliance and Enforcement),

Superannuation (Administered Schemes) Amendment,

Tobacco Products Regulation (Prohibited Tobacco Products) Amendment,

Water Efficiency Labelling and Standards.

McRAE, Hon. T.M., DEATH

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

That the Legislative Council expresses its deep regret at the recent death of Terry McRae, former member and speaker of the House of Assembly, and places on record its appreciation of his distinguished and meritorious public service and that, as a mark of respect to his memory, the sitting of the council be suspended until the ringing of the bells.

I am sure all honourable members were saddened to hear the news recently of the passing of former Labor MP and speaker of the House of Assembly, Terry McRae. Terry, who was 65, suffered a heart attack on 5 August. He is survived by his wife, Doreen, and his children, Jeremy, Sarah and Rebecca.

Greg Kelton's obituary for Terry in the *Advertiser* of 19 August states that Terry was watching his beloved Crows when he suffered the heart attack. Indeed, football was an important part of Terry's life, but it is through his service as a member of parliament and speaker of the House of Assembly that he will be best remembered in this place.

On 30 May 1970, at the age of 29, Terence Michael McRae was elected as the Labor member for Playford. He was educated at St Ignatius College, studied law, and was admitted to the bar in 1963. He became a partner in the law firm Stanley and McRae, with Terry specialising in industrial law before turning his attention towards a political career. An article in *The Australian* in 1974 suggests that Terry's first term in state parliament was stormy. The article states:

As a declared moderate within the ALP, Mr McRae may have hoped his low profile would escape the extremists. Nevertheless, during his brief political career he has been copping it from many sides within the party and the tempo has been quickening in recent months. At the age of 32, he has had a stormy three years in state parliament. Partly because of his fire and brimstone stand against abortion and industrial law practice which has drawn him into many internal union brawls, he has never had trouble making enemies.

One of those internal union brawls almost cost Terry his membership of the party when, in 1973, a number of unions complained that he had refused to stop acting as a legal adviser to the Australian Government Workers Union in what was described as a high-profile court case. Perhaps this was an indication of Terry's great passion for the issues that he championed throughout his life as a lawyer and as a politician. It seems that Terry also had the House of Assembly in uproar in August 1981 as reported at the time by our former afternoon daily, *The News*. The article states:

State parliament was in uproar early today when an angry opposition member stormed across the floor and threatened the Premier, Mr Tonkin. The acting opposition whip, Mr McRae, smashed his fist on the government benches in front of the Premier and shouted at Mr Tonkin. Amid furore in the Assembly, Mr McRae was suspended after a heated hour-long debate which ended at 3 a.m. Opposition and government MPs described the scenes as unprecedented.

Apparently, all this took place during an unusually lengthy debate on a supply bill. According to other media reports at the time, Labor had indicated that it had a football team of speakers to the bill, which had angered the government, especially the then government leader in the house, Roger Goldsworthy. The government claimed that it was an opposition tactic to delay industrial legislation which was due to be debated after the Supply Bill. The media reports suggest that Mr Goldsworthy and Mr McRae got together for a chat. It was agreed that Labor would reduce its number of speakers to four, and then Terry went off for a jog.

When he returned the agreement had fallen apart, and what turned out to be a marathon debate had begun. Terry later apologised saying that he was not proud of what had taken place. It should be noted that Terry was out jogging because in 1975 he was absent from parliament for some time due to the need for major heart surgery. I understand that he took up jogging soon after the surgery for health reasons. I am sure that many members would be interested to learn that Terry dedicated a solid proportion of his maiden speech to the House of Assembly to the need (or otherwise) for upper houses in state parliaments; and, of course, that debate continues today.

In his maiden speech delivered on 22 July 1970, Terry said:

. . . [he] was never so influenced towards the Labor Party than by its policy of the abolition of the upper house.

While seemingly a supporter of the function of the federal Senate at the time, Terry describes the bicameral system of parliament at a state level in his maiden speech as a 'crisis'. The House of Assembly *Hansard* records Terry as saying:

There must be the opportunity to criticise and be heard. This is why I see a great necessity for real power in the hands of the state at fundamental levels on issues affecting everyone. However, I cannot see any use at state level for a second house.

He said further:

I am well aware that all kinds of theories can be advanced based on terms of office and different forms of representation to prove the need for some form of house of review. However, in South Australia in the 1970s the upper house is, in my view, an expensive luxury at

its very best. As it now stands, it is an expensive luxury at its very worst.

Of course, it needs to be understood that Terry's comments about the necessity of state upper houses came at a time when the issue of full adult franchise and compulsory voting for the South Australian Legislative Council were being vigorously debated. As those of us who are interested in South Australian political history would be aware, the Legislative Council had stood firm against reforming the property franchise for around 120 years. Indeed, South Australia was the last state to reform its upper house in 1973. Terry became the Speaker of the House of Assembly in 1982, and he served in that position until 1986.

As Greg Kelton noted in *The Advertiser*, Terry was responsible for a number of reforms, including the admission of radio and TV reporters and cameras to cover proceedings at the House of Assembly. He also made an attempt to change standing orders, which drew criticism from the government and the opposition of the day, but the point was that at least he tried to bring about change. He lost out in a ballot for the speaker's position in December 1985. At the time he was philosophical about losing his position as speaker. Not too long after that he announced that he would not contest the 1989 state election.

Terry concluded his maiden speech in 1970 by hoping that he would be 'guided by the principles of human dignity'. He hoped that he would be guided by honesty in whatever he did, whatever the consequences. There is no doubt that Terry's honesty and passion made him a highly respected and much liked member of the House of Assembly during his 19 years as the member for Playford. He was a committed member of the Labor Party and a dedicated representative of the constituents in his electorate. On behalf of the government, I offer our sincere condolences to Doreen, Jeremy, Sarah and Rebecca on the loss of their husband and father.

The Hon. R.I. LUCAS (Leader of the Opposition): I rise on behalf of Liberal members to support the motion and the comments made by the Leader of the Government. It was my privilege, and that of my colleague the Hon. Robert Lawson, to attend the requiem mass for Terry McRae at St Ignatius Church in Norwood, where a very large body of Labor Party people, union people and members of the legal profession, together with family and friends joined in a celebration of his life and listened to a most interesting collection of eulogies about Terry's contribution to public and community life.

It was intriguing that the current Principal of St Ignatius College (Terry's old school), Greg O'Kelly, who is soon to be made the Auxiliary Bishop of the Archdiocese of Adelaide in the Catholic Church, spoke at the funeral. Evidently, they had been schoolmates at St Ignatius, and (without going into all the detail) Father O'Kelly recounted a story where their behaviour in a public place in Adelaide had been, perhaps, not acceptable to the then principal of St Ignatius College. A complaint had been addressed to the principal, and the two of them were taken into the headmaster's office to be admonished. As Father O'Kelly put it, the early examples of Terry McRae's advocacy in the legal profession were well demonstrated as he mounted a passionate legal defence of their position, which evidently somewhat surprised the then principal of St Ignatius College and, by and large, managed to prevent them getting into too much trouble.

I first met Terry McRae during the 1970s when he was elected. As the Leader of the Government has mentioned, in the early part of the 1970s there was a raging debate in South Australia about electoral reform (or electoral franchise issues) in relation to the then electoral system for both houses, and a major part of the debate related to the restricted franchise of the Legislative Council. So, I think some of the comments of Mr McRae in his 1970 maiden speech ought to be interpreted in that light. Indeed, at that time, if Mr McRae was elected at 29 to the House of Assembly as the leader has indicated, he would not have been considered old enough, wise enough or experienced enough to have been able to stand for election to the Legislative Council, because it was not until the 1975 election that anyone under the age of 30 was eligible to stand for election to the Legislative Council. I am sure that Mr McRae probably did not change his views in relation to the Legislative Council over latter years, but he might have modified or ameliorated them to some degree when the major reforms were made during the mid and late 1970s.

'Traps' is perhaps too strong a word, but when one speaks on these occasions one can gain misleading impressions from reading, as we all do, the collection of press clippings that are provided to us. There are the examples of Terry McRae storming across the chamber and thumping the desk of the then premier, and clearly stormy scenes within the Labor government when, at one stage, up to 11 unions petitioned the then state executive of the Labor Party to take action against him because of his continuing representation of a particular union at the time.

However, I think most other observers during his long period of service in the parliament looked on him as an articulate and passionate contributor to debates, particularly in relation to industrial legislation and shopping hours and anything that related to unions and workers' rights but also in relation to a range of other areas. In one of the clippings Greg Kelton said:

> Terry McRae was one of those highly credentialled Labor MPs who should have been a minister but could never quite get the support needed in his own party.

Certainly, to get a measure of his contribution to the parliament and the party, in my view one should look beyond the headlines of some of the press stories which, as we look back on them, clearly did attract headlines and notoriety at the time. I do not claim to have been a personal friend of Terry McRae. I met him and knew him enough to say hello and to have a few brief conversations within Parliament House. He was always well-considered, thoughtful and very articulate when he argued his case and his party's case and its particular view in the parliament. One can understand, as mentioned in one of the clippings that the Leader of the Government referred to, that his bulldoggish nature meant that once he formed a view he was prepared to argue strongly for it. Whilst I was not a member of the caucus, I am sure he would have not backed down in the internal discussions about these issues within the forums of the Labor Party that were open to him.

I return again to the gathering at St Ignatius Church and the discussions with a number of people, particularly members of the legal fraternity (and I am sure my colleague the Hon. Robert Lawson will speak in more informed detail about his standing in the legal profession), because it was clear that he was highly regarded by colleagues within the legal profession and the Labor movement. The fact that a number of prominent former ministers of past Labor governments were at the requiem mass is testament to the fact that he was highly regarded for his contribution to the Labor

Party. So, on behalf of Liberal members, I pass on our condolences to his family and friends and thank him for his contribution to the parliament, the public and community life.

The Hon. SANDRA KANCK: I did not know Terry McRae because he was a little before my time, although I was aware of his existence having been an employee working in this building in the 1980s. From what I have read and heard, he was clearly a very passionate man who was very committed to the things that he believed in, and obviously some sense of justice and equality for workers was an important part of his belief system. It is always sad to hear of the passing of someone who is passionate and committed to the things that they believe in, and on behalf of the Australian Democrats I indicate my party's sympathy and offer condolences to his family and friends.

The Hon. R.D. LAWSON: I would like to associate myself with the sentiments expressed by those who have spoken in response to the condolence motion for the Hon. Terence Michael McRae (Terry, as he was always known), and who died, too young, in early August. As the Hon. Rob Lucas has mentioned, I had the privilege to be at the funeral service, which was very well attended by legal, political and union figures, as well as Terry's widow and extensive family. Quite properly, on that occasion the emphasis was on Terry's family life and personal life, which was extremely important to him, but I really knew him only professionally and I want to say something about his professional achievements.

After graduating in law from the University of Adelaide in 1963, he joined the firm of Stanley and Stanley, a very well-known industrial law firm, the partners of which were then the late Laurie Stanley, a most distinguished practitioner, and his son Brian Stanley, who subsequently became President of the Industrial Commission of South Australia. Within a short time (within three years I think it must have been), the firm had changed its name from Stanley and Stanley to Stanley and McRae, and Terry had already established a strong reputation as a passionate and competent advocate.

My first person experience of him was in a defamation case in about 1972. He was appearing for the plaintiff, Ted Goldsworthy, the long-standing state secretary of the Shop Distributive and Allied Employees Association. Mr Goldsworthy was suing Channel 7, which my firm was representing, and the matter came before Justice Sangster, who was a most intriguing and severe judge of the Supreme Court. He upheld the action that Terry had passionately argued for, but he awarded Mr Goldsworthy only $1 in damages which, as members could imagine, did not greatly amuse Terry, although in later years he was always able to have a laugh about it. At the time in 1972 he was already a member of parliament, having stood for Torrens in 1968, and having been defeated, and then being elected as the member for Playford in 1970, which seat he was to hold for 19 years.

He continued to practice in the courts—not only in the Industrial Court—but that caused, as others have mentioned, great ructions within the Australian Labor Party because he frequently appeared in inter-union disputes, which inevitably brought him into conflict with others in the parliament. George Apap, who is well known to many members of this parliament, and some other Left wing unionists sought to have Terry McRae disciplined or expelled from the Labor Party. Barry Cavanagh, son of the celebrated Senator Jim Cavanagh, was secretary of the Miscellaneous Workers Union and sought to have Terry McRae disciplined. He in fact challenged McRae for preselection and defamed him on Channel Ten, which defamation action Terry pursued vigorously and won a $5 000 verdict.

Terry was controversial from the beginning. I read that when he was first elected and had a house warming party two of the big wigs to attend—Mick Young and David Coombe—walked in the front door, but on seeing Mark Posa and other members of the Democratic Labor Party they walked straight out again. Terry, however, never made any apology for that; and he made no apologies to the Left when he sought to introduce a bill restricting the laws relating to the termination of pregnancy.

It was always expected that Terry McRae would become a minister in a Labor government. He certainly had the talent and ability to do that, and certainly he had far more talent and ability than some who were preferred ahead of him. He was, as has been mentioned, speaker for three years. In fairness to his memory and to the truth of the matter, it ought be said that, like many other members of this parliament, past and present, the stresses of parliamentary life led to health issues which, from time to time, affected his performance and precipitated some of the stormy anecdotes for which he is famous.

After he retired from parliament in 1989, Terry returned to the bar and continued to practice as a legal practitioner, and in that role he was always honourable, committed, considered in his approach and an earnest man. He was also the older brother of another legal practitioner, Bob McRae, an entirely different character. Bob and Terry were very close. Bob McRae never sought political office, was a quiet practitioner with a very low profile, a lovely man, who himself died, much to the sadness of Terry, only a short time ago. I extend my condolences to the family and friends of Terry McRae.

Motion carried by members standing in their places in silence.

[Sitting suspended from 2.45 to 3.3 p.m.]

MEMBERS, TRAVEL

The PRESIDENT: I lay on the table members' travel expenditure for 2005-06 pursuant to Members of Parliament Travel Entitlement Rules 1983.

NATURAL RESOURCES COMMITTEE

The PRESIDENT: I lay on the table the report of the committee on its inquiry into natural resources management boards—levy proposals, which was authorised to be published pursuant to sections 17(7) and 17(8) of the Parliamentary Committees Act 1991.

PAPERS TABLED

The following papers were laid on the table:

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

Listening and Surveillance Devices Act 1972—Report, 2005

Public Trustee Report, 2004-05

Independent Gambling Authority—Inquiry into the Suitability of a Licensed Bookmaker—Interim Report

Ministerial Review of the AustralAsia Railway (Third Party Access) Code—Report, June 2006

Regulations under the following Acts—

Births, Deaths and Marriages Registration Act 1996—Disposal Fees
Cremation Act 2000—Cremation Permit
Electricity Act 1996—Aerial Lines
Electronic Transactions Act 2000—Excluded Transactions
Emergency Services Funding Act 1998—Amount of Remission
Fees Regulation Act 1927—Proclaimed Managers and Justices
Harbors and Navigation Act 1993—Restricted Areas
Legislation Revision and Publication Act 2002—Definition of Legislation
Motor Vehicles Act 1959—Vehicle Examination Fee
National Electricity (South Australia) Act 1996—Transmission Systems
Passenger Transport Act 1994—Taxi Fares
Public Corporations Act 1993—Captive Insurance Corporation
Road Traffic Act 1961—
Declared Hospitals
Disqualification Offence
Southern Flinders Health Incorporated
Roads (Opening and Closing) Act 1991—General
Subordinate Legislation Act 1978—Postponement of Expiry
Superannuation Funds Management Corporation of South Australia Act 1995—Investment of Funds
Rules of Court—
Supreme Court—Supreme Court Act 1935—
Appeal Book
Corporation Rules
General Civil
Land and Valuation Rules
Police Powers
Preventative Detention
Subpoenas and Contempt of Court
District Court—District Court Act 1991—
General Civil
Subpoenas and Contempt of Court
Terrorism Police Powers

By the Minister for Urban Development and Planning (Hon. P. Holloway)—

Regulations under the following Acts—
Development Act 1993—
Constitution of Statutory Committees
Review of Fees

By the Minister for Emergency Services (Hon. C. Zollo)—

Reports, 2005—
Flinders University
The University of Adelaide—
Part 1 Annual Review
Part 2 Financial Statements
Regulations under the following Acts—
Fisheries Act 1982—
Abalone Fisheries
Fish Processors
Lakes and Coorong Fishery
Marine Scalefish Fisheries
Prawn Fisheries
River Fishery
Rock Lobster Scheme of Management
Gaming Machines Act 1992—Fees and Charges
Livestock Act 1997—Identification
Education Adelaide Charter and Performance Statements, 2006-07

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

Reports, 2004-05—
Ceduna Koonibba Aboriginal health Service Inc
Local Government Grants Commission of South Australia
Optometrists Board of South Australia
Regulations under the following Acts—
Chiropractic and Osteopathy Practice Act 2005—General
Environment Protection Act 1993—Civil Penalties
Liquor Licensing Act 1997—
AAMI Stadium
Dry Zones—
Coober Pedy
Kadina
Port Pirie
National Resources Management Act 2004—Tintinara Coonalpyn Water Levies
Psychological Practices Act 1973—Fees
Public and Environmental Health Act 1987—Cervical Cancer Screening
Wilderness Protection Act 1992—General
By-laws—District Council—Barunga West—
No. 1—Permits and Penalties
No. 2—Local Government Land
No. 3—Roads
No. 4—Moveable Signs, Banners and Umbrellas
No. 5—Dogs
No. 6—Caravans and Camping
No. 7—Foreshore
No. 8—Waste Management.

SHOP TRADING HOURS

The Hon. P. HOLLOWAY (Minister for Police): I lay on the table a copy of a ministerial statement relating to shop trading hours made on Thursday 29 June 2006 in another place by my colleague the Minister for Industrial Relations.

EMPLOYEE SAFETY

The Hon. P. HOLLOWAY (Minister for Police): I lay on the table a copy of a ministerial statement relating to employee safety made on Tuesday 27 June 2006 in another place by my colleague the Minister for Industrial Relations.

AUSTRALIAN FEDERATION COUNCIL

The Hon. P. HOLLOWAY (Minister for Police): I lay on the table a copy of a ministerial statement relating to the Council of the Australian Federation made today in another place by my colleague the Premier.

GOVERNMENT REFORM COMMISSION

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I lay on the table a copy of a ministerial statement relating to the Government Reform Commission made on Wednesday 28 June 2006 in another place by my colleague the Hon. Jay Weatherill.

CONSERVATION FARMING

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I lay on the table a ministerial statement relating to conservation farming made on 29 June by the Minister for Agriculture, Food and Fisheries.

WATER SUPPLY

The Hon. G.E. GAGO (Minister for Environment and Conservation): I lay on the table a ministerial statement entitled 'Dry autumn leads to water restrictions' made by the Hon. Karlene Maywald.

COMMUNITY BUILDERS PROGRAM

The Hon. G.E. GAGO (Minister for Environment and Conservation): I lay on the table a ministerial statement relating to the community builders program made by the Hon. Karlene Maywald.

QUESTION TIME

URANIUM MINING

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Leader of the Government a question about uranium mining.

Leave granted.

The Hon. R.I. LUCAS: In today's *Advertiser*, for those who managed to make their way through the whole article, there was a detailed interview with the Leader of the Government and four or five other gentlemen in relation to the nuclear fuel cycle and particularly uranium mining. In that particular article the representative of the Australian Conservation Federation, Mr David Noonan, made the following statement:

> We have commitments from the SA government, for instance, that they will oppose the development of any new uranium mine, and we expect that to be honoured.

The interview notes that there is no rebuttal or denial of that by the Leader of the Government, the Hon. Mr Holloway, who, as I said, was a participant. There are other instances where the Hon. Mr Holloway does disagree with the views put by other contributors in that four-page interview but, as I said, on the occasion that Mr Noonan made the statement there was no denial from the Leader of the Government. My questions to the Leader of the Government are:

1. Did the Premier, Mr Rann, give the commitment to the Australian Conservation Federation that the South Australian government will oppose the development of any new uranium mine and, if it was not the Premier, is the minister aware of any other minister, or representative of the government, who gave such a commitment to the Australian Conservation Federation?

2. What was the nature of the commitment or undertaking given to the Australian Conservation Federation on behalf of the South Australian government?

3. When was that commitment given and, in particular, was it a commitment that was given on behalf of the South Australian government prior to the recent state election?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I assume that when Mr David Noonan made that comment he was referring to the current platform of the Australian Labor Party which, as everybody knows, has a no new mines clause in it. It used to be three mines and it became no new mines. That was, I am sure, the position as Mr Noonan understood it when this government was first elected in 2002. However, I think everybody knows that it is the view of the Premier, myself and other members of the Labor Party that that policy should be reassessed at the next ALP Federal Convention to be held early next year, and that is when the policy will be changed, but the platform of the Labor Party remains until that time of change. We have made it quite clear that we believe that policy ought to be reviewed at the convention next year. I believe that is what Mr Noonan was referring to in the interview.

The Hon. R.I. LUCAS: I have a supplementary question, Mr President. To clarify the minister's answer, is he indicating that neither he nor the Premier—or any other representative of the South Australian government—gave any additional commitment to the Australian Conservation Federation in relation to this particular issue?

The Hon. P. HOLLOWAY: I certainly have not given any commitments to Mr Noonan. I assumed he was just talking about the platform of the party. Whether there was some commitment and whether it was back in 2002, or subsequent to that, I am certainly not aware of it. It is a question for Mr Noonan as to what his understanding is and what he said. He is responsible for what he said in the newspaper. My view, and the view of the Premier, has been quite clear: we will seek a change to the federal policy of the Labor Party. Mr Noonan might well have been referring to federal policy rather than state policy. All I can say is that, as far as I am aware, I have not given any undertaking to Mr Noonan. I repeat: I assume he was referring to the current platform.

SPEED LIMITS

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Road Safety a question about reduced speed limits.

Leave granted.

The Hon. D.W. RIDGWAY: Recently, the minister made some announcements about potentially lowering all speed limits in South Australia to 100 km/h and, in particular, I draw members' attention to a stretch of road east of Bordertown which was a particularly badly maintained section of the national highway network and was reduced to 100 km/h before it was rebuilt. It has been repaired and is now probably one of the best bits of road between Adelaide and Melbourne, but the speed limit is still 100 km/h.

It is interesting to note that South Australia Police have been very active on that piece of road, as well, in the past few months, despite its being one of the best pieces of road in the state, and probably the nation, at 100 km/h. My questions are:

1. Do the statistics the minister quotes include that stretch of road in order to arrive at the belief that 100 km/h is a much safer limit?

2. Why is that piece of road still flagged at 100 km/h given that it has a world-class surface?

3. Will the minister provide the council with the amount of revenue collected by South Australia Police on that stretch of road since it was prepared?

The Hon. CARMEL ZOLLO (Minister for Road Safety): I will have to take on notice the question about the amount of revenue collected on that stretch of road. As the honourable member mentioned, early last week I announced the results of an independent study undertaken by the Centre for Automotive Safety Research (CASR). Obviously, CASR is connected with the University of Adelaide, and it undertook a study into the reduction of speed on some 73 sections of rural roads in South Australia. I am not 100 per cent certain whether the stretch of road to which the honourable member refers was included in the 1 100 kilometres surveyed, but we can look at that.

The centre found that, over the past three years (from July 2003), there had been a 20 per cent reduction; and I am certain that the honourable member has seen the accompanying media release. That tells us that the 10 km/h reduction in speed from 110 km/h to 100 km/h made a significant

difference of some 20 per cent. It also tells us that not only do we see fewer casualties but also—

The Hon. D.W. Ridgway interjecting:

The Hon. CARMEL ZOLLO: At different times roads play a part, but that is not all of it. The correlation of excessive speeding and casualties on our roads now, not only in South Australia but worldwide, is something about which everyone agrees; and it is not just CASR telling us that. That particular report and research was very important, because it does tell us that we are heading in the right direction. It does validate the fact that we are heading in the right direction by seeing that reduction on rural roads. Obviously, the issue of speed is very important to me as the Minister for Road Safety.

The honourable member is probably aware that the high level Road Safety Advisory Council (chaired by Sir Eric Neal) has made other recommendations. I am now waiting for some further expert evidence advice in relation to crash statistics. There are many variables in relation to roads—in particular rural roads—as to whether they are dual or single carriageway. Once that advice is collated and received it will give me a basis on which to make further recommendations. In relation to that particular stretch of road at Bordertown, I am not certain how much revenue was collected, so I will come back with a response to that question.

CORRECTIONAL SERVICES, PRISON FACILITIES

The Hon. J.M.A. LENSINK: I seek leave to make an explanation before asking the Minister for Correctional Services a question about overcrowding in prisons.

Leave granted.

The Hon. J.M.A. LENSINK: Members would be aware of the current tensions at Yatala in particular in relation to staff shortages. The Public Service Association has stated that, over time, budget restrictions have limited the back-filling of staff who have been ill. We have had a number of other incidents within the past few weeks. There was an incident at the Adelaide women's prison. The PSA has also highlighted the shuffling of approximately 30 prisoners per night between facilities. Rick Sarre stated that the high remand rate is having a very significant impact on the imprisonment rate. We also had the incident a couple of weeks ago where contraband was detected by prisons, and the PSA again expressed concerns that falling numbers of staff in prisons will increase workloads and limit the ability to conduct random searches. My questions to the minister are:

1. Have all the positions been filled today, or is Yatala in lock down?

2. Is the PSA correct when it says that the overtime budget has been cut?

3. What strategies has the government implemented to manage our prison population?

The Hon. CARMEL ZOLLO (Minister for Correctional Services): I first need to place on the record that the department has not cut or reduced budgets for prisons in this state. All budgets are allocated in accordance with a fair and equitable budget model, based on approved rosters and operational requirements. I also should place on the record that the Yatala prison is running at over its approved staff establishment. In July 2006, the department employed an additional eight staff at Yatala Labour Prison. Any claim by the PSA that staffing levels have decreased are simply wrong. Security is not just about staffing and, at the same time as staffing levels have been increased, security systems and intelligence efforts have also been improved.

In relation to the lock down yesterday by the PSA at Yatala Labour Prison, I am advised that the matter was discussed at a meeting this morning. Following that meeting, the prisoners at Yatala Labour Prison were unlocked from their cells, and full operational services have resumed. I am further advised that consultation will now continue and that the focus will be on identifying and implementing appropriate and sensible measures that enable the most effective management of our prison at Yatala.

The PSA sought an urgent meeting with me and the matter was raised. As I said, I always try to ensure that I am available, and I was. I accommodated the request of the PSA and we met on, I think, 4 August. I indicated to the PSA representatives at that meeting that I expected my prison managers to manage and considered their actions to be both responsible and appropriate. I have full faith in my chief executive and the executive of our prisons in South Australia, and I reiterate that point to the PSA and correctional officers. I think it is critical for the effective management of our prison system that we continue to explore opportunities and be responsive and flexible in meeting operational needs and the management of risk.

The honourable member also knows (and I am sure that nearly everyone in South Australia would be aware) that the department is assessing the infrastructure needs of the state's prisons system. This assessment will be taken into account when determining any future investments. The government will also seek to improve services, and it is looking at a solution that will take us well into the future. I can appreciate that, with this cycle, if you like, in terms of funding—a delayed state budget because of the election—there would be—

The Hon. J.S.L. Dawkins interjecting:

The Hon. CARMEL ZOLLO: Sorry?

The Hon. J.S.L. Dawkins: Because of the election?

The Hon. CARMEL ZOLLO: Yes.

The PRESIDENT: The minister may not respond to interjections. They are out of order.

The Hon. CARMEL ZOLLO: I appreciate that the PSA would have some issues. It is a very active union, and any action it takes is a healthy part of our democracy.

The Hon. J.M.A. LENSINK: Sir, I have a supplementary question. Is the minister saying that the PSA is playing games with this activity?

The Hon. CARMEL ZOLLO: No, Mr President.

PROMINENT HILL MINE

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about a recently announced mining project in South Australia.

Leave granted.

The Hon. B.V. FINNIGAN: Mining company Oxiana Ltd last Friday gave the green light to build its $775 million copper and gold mine at Prominent Hill near Woomera. I understand that yesterday the minister accompanied the Premier on a visit to the mine site. Can the minister provide some details to honourable members about the Prominent Hill mine and the significant benefits it will generate for South Australia?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I thank the honourable member for his important question about what is one of the most significant mining projects in South Australia's history. As mentioned by the honourable member, last Friday Oxiana Ltd's board gave final approval to the development of its copper and gold project at Prominent Hill. The announcement followed the sign-off of all the necessary state and federal government approvals, including the Rann government's granting of a minerals lease and approval for the company's mining and rehabilitation plan.

For the uninitiated (and it sounds as if members opposite are uninitiated in this matter), Prominent Hill is approximately 130 kilometres north-west of BHP Billiton's Olympic Dam mine. Located within the Gawler Craton, the Prominent Hill copper-gold deposit was first discovered in 2001 by Adelaide-based Minotaur Resources. Oxiana entered an agreement with Minotaur in 2003, and in 2005, following ongoing exploration of the site, the company moved to 100 per cent ownership of the project by acquiring Minotaur's interest.

In a sign of Oxiana's confidence in the commercial success of the deposit, the company has spent around $54 million in studies and pre-commitments to last month. In fact, the company believes the copper-gold resource at Prominent Hill has an estimated value of anything up to $15 billion at today's prices. The company's announcement last Friday of the go-ahead for Prominent Hill means construction work at the site will begin straight away. Of course, yesterday the Premier made the first excavation and work will begin almost immediately on developing that open pit mine. There is also work to be done on construction of the associated processing plants, roads and powerlines, and building a permanent village to accommodate the mine's work force—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Not very much, no—all at a capital cost to the company of $775 million. The mining pit is expected to be about 480 metres deep and will extend for more than a kilometre. According to the company—and if the construction work goes to plan—the first commercial copper-gold concentrate should be produced in the third quarter of 2008, which would mean that the mine would go from discovery to producing ore within seven years, which is a remarkable achievement for all those concerned: the company and also the regulators. The company has been very complimentary of the good support that it has received from Primary Industries and Resources SA, and other departments, in helping to get those approvals through smartly.

The company is planning to use 140 tonne road trains to transport its concentrates to the nearby rail siding at Wirrida, which will be upgraded, with the material then railed to Adelaide or Darwin for shipment to smelters elsewhere in Australia and Asia.

This is a very important project for South Australia and for the mining and resources sector in the state. It will create 1 200 jobs (800 during the construction phase and 400 permanent jobs when the mine is operational), with many of the workers to be drawn from the northern and Upper Spencer Gulf regions of the state. Indeed, Oxiana has already put into place an innovative pre-employment strategy to encourage potential workers from those regions to sign on. I also add that this mine will make a significant contribution to Coober Pedy, which is of course the closest regional town, and I know the people of Coober Pedy are very excited about the positive impact this mine will have on the economy of their region.

The Rann government of course is also establishing a mining and heavy engineering skills centre in the Upper Spencer Gulf, which will provide hundreds of skilled and semi-skilled workers for projects such as Prominent Hill, and others are expected to be announced in the not-too-distant future. The government has also committed more than $1 million towards the establishment of a new centre for mineral exploration under cover at the University of Adelaide, as well as providing support for the university's new bachelor of engineering and mining course which is due to have its first intake of students next year. We also appreciate the fact that industry support of something like $1.3 million has been pledged to support that mining course, and Oxiana will provide three $10 000 bursaries a year for students in that course, which will help to ensure its success.

Along with a significant jobs boost created by the Prominent Hill mine, the state stands to benefit economically through royalties as well as through the provision of goods and services to the mine during its construction and operational phases. There is no doubt that the long-term planning undertaken by the Rann government and the mining and resources industry during the past few years has played a vital role in the success currently being experienced. When the government drew up the South Australian Strategic Plan, we ensured that it included specific targets for the mining sector. Those targets included $100 million in annual exploration spending by 2007 and increasing the annual value of minerals production and processing to a total value of $4 billion by 2020.

It is now history that the $100 million annual exploration target has already been passed more than a year ahead of schedule, and the same ABS data shows the state now has a 9.4 per cent share of Australia's exploration spending, behind the mining giant states of Western Australia and Queensland. Much of this rapid growth is due to the huge success of the government's internationally recognised Plan for Accelerating Exploration, better known as PACE. The fourth round of PACE collaborative drilling funding is now open, with applications due to close on 29 September. The successful applicants will be announced in early December. Under this program the government, through the PACE scheme, funds up to 50 per cent of approved drilling projects, and the aim is to further increase the level of mineral exploration in South Australia.

South Australians and our mining and resources sector have much to look forward to. Oxiana's Prominent Hill copper and gold mine is just one of a number of major resource projects either on the go or on the horizon in South Australia. Heading the list of those projects is BHP Billiton's proposed $7 billion expansion of Olympic Dam. Also on the state's mining agenda is Iluka's investment in the giant Jacinth/Ambrosia heavy mineral sands prospect north of Ceduna, and RMG Services' copper/gold discovery, which is currently being further drilled at Carrapateena. There is also Terramin Australia's zinc and lead mine near Strathalbyn, which recently received a minerals lease from the Rann government. When it is operational, that mine will pump close to $30 million a year into the local Strathalbyn community during the expected nine year life of the mine.

There is other good news to come, with several resource companies expected to make major project announcements in the near future. Oxiana's go ahead for this major mining project is a significant vote of confidence in the strength of

the South Australian economy and is further concrete evidence that the state's record breaking exploration growth is beginning to translate into a mining boom.

The Hon. R.I. LUCAS (Leader of the Opposition): Was the Premier correct this morning when he said, in reference to the life of the project, that it was 'going to be there for decades and decades'?

The Hon. P. HOLLOWAY: The Managing Director of Oxiana, Owen Hegarty, has pointed out that the resources in the open cut pit will last for at least 10 years, but there are significant resources—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: The pit itself contains resources for 10 years, but there are significant other resources close to the pit. As has been pointed out in public statements by Oxiana, the resource is open—the jargon geologists use—to both the east and west. In other words, the limits of the deposit are yet to be defined. They are also open at depth, which means that when they have finished there is still heavy mineralisation. Oxiana is currently drilling to try to determine the depth. There is the possibility, once the open pit is finished, that the company could excavate with underground mining to delineate a number of other known deposits in the region.

The point Oxiana has made, and what the Premier was referring to, is that a number of other highly prospective locations for exploration are now being undertaken by Oxiana, for which it has exploration licences in the region. As was pointed out by Mr Hegarty, once the infrastructure is in place it is much more economic for smaller deposits in that region to be developed. What is known now is that beyond the 10 year pit life there are already significant resources that could be pursued from underground.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Well, in fact, Mr Hegarty made it clear that Oxiana was here for the longer term and that its life would go well beyond the life of the open cut mine itself because there are already significant known resources.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: No; I am not. The honourable member should look at his statements. I can understand why the Leader of the Opposition would want to put a negative spin on this matter. He is the person about whom Mr Moriarty commented when he said that they should be more like Mr Xenophon and that Mr Xenophon was acting like the Leader of the Opposition. His statements were a direct reflection on the Leader of the Opposition and his lack of performance. When he makes comments and interjections such as that, it is little wonder what the President of the Liberal Party is referring to when he talks about the performance of the opposition in this parliament.

The Hon. M.C. PARNELL: Given the impact of the Olympic Dam mine on the ground water resources on which it relies, what assurances will the minister give that the Oxiana Prominent Hill mine will not have similar adverse impacts on the ground water resources on which it is to rely?

The Hon. P. HOLLOWAY: The ground water source that Oxiana will be using is not part of the Great Artesian Basin. It is a resource from the Arckaringa Basin. It is a saline source so it will need to be desalinated. It is a quite separate resource from the GAB. Given the scale of Prominent Hill, although it is significant and a world standard mine, it is smaller than Olympic Dam. The issue of water has been properly assessed by the Department of Water, Land and Biodiversity Conservation and Oxiana has the relevant permits to use that water in the initial phases. Further work may need to be done, but I am sure it will be properly assessed by the relevant departments.

DRUG DRIVING

The Hon. D.G.E. HOOD: I seek leave to make a brief explanation before asking the Minister for Police a question about drug driving tests for ecstasy.

Leave granted.

The Hon. D.G.E. HOOD: The Melbourne *Herald Sun* today reports that Victorian police have announced that they will be implementing permanent roadside drug tests for ecstasy or MDMA in Victoria to complement their tests for cannabis and methylamphetamine; and, further, they will be increasing their penalties for these offences to maximum penalties that far exceed those currently prescribed under South Australian law. For instance, for a first offence the maximum penalty in this state is $500 to $900, which can be expiated for $300, and there is no licence disqualification but the loss of only three demerit points. In Victoria the new and comparison penalty for a first offence is a maximum fine of $1 300 and up to six months' immediate licence disqualification. My questions are:

1. When will South Australia implement the Victorian ecstasy or MDMA roadside drug tests?

2. Will the government be increasing the drug driving penalties in line with the Victorian increases?

The Hon. CARMEL ZOLLO (Minister for Road Safety): In relation to increased penalties for some road traffic offences, it is my understanding that that matter has just been debated in the Victorian parliament. It is something that I am having compared at present with South Australia. Our new drug driving legislation commenced on 1 July this year. As the honourable member knows, it is a trial and we prescribed two drugs. Parliament agreed to prescribe two drugs—cannabis and methylamphetamine including street grade ecstasy.

The Hon. R.I. Lucas interjecting:

The Hon. CARMEL ZOLLO: Well, it was passed by the parliament.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: They were the two drugs prescribed. They were in the regulations and that is what this parliament agreed with. It is a trial, and as the Minister for Road Safety I am keen to keep track of the results of the trial. That is happening. The police put out a press release at the end of one month in relation to who had been picked up. I know they are very happy with the trial and it has been very well received.

My advice is that on 25 August 1 208 drivers had been screened. Twenty-five positive screening tests have been recorded, eight of which were analysed by forensic science: five recorded positive for methamphetamine; one recorded positive for THC; and two recorded positive for both methamphetamine and THC. We are waiting for 17 oral samples to come back from analysis. In addition, the drug testing unit detected 18 drink-driving offences.

As I said to the honourable member, I am always happy to look at the effectiveness of our drug-driving trial and any information that is provided to me. I meet with the Police

Commissioner on a fairly regular basis (every couple of weeks). I have sought and he has provided to me some information in relation to drug testing in our state and other states. I will consider this information and other matters as part of the process of reviewing our drug-driving legislation.

The Hon. T.J. STEPHENS: Given that our trial is based on the Victorian model, and given that the Victorians have obviously reviewed their policy, will we have to wait the full 12 months, or will we not act immediately and follow their stance on this issue?

The Hon. CARMEL ZOLLO: Our legislation was based on the first trial, the Victorian model, which I think went for the full 12 months. Certainly, our legislation states that ours goes for the full 12 months. After the 12 months, Victoria included MDMA as one of its prescribed drugs. As I said, we have already had one full month, and just recently the Commissioner has put out some statistics. Nobody has yet been found to have MDMA in their system; nonetheless, I am always happy to take on board information, advice and recommendations. As I said in response to the Hon. Mr Hood, I will take on board that view, which I received only last week.

The Hon. D.G.E. HOOD: As a supplementary question, the minister did not address the disparity between the penalties in Victoria and South Australia as asked in my original question.

The Hon. CARMEL ZOLLO: The legislation being looked at in Victoria involves a whole range of drug safety initiatives. As I said, I am having it looked at (I saw it only this week), and we will compare the two. Again, I think we need to remember that our drug trial only started on 1 July, so it is only two months old.

Our legislation by regulation only started last December in relation to excessive speeding and excessive drinking. You need to have a time lag before you can evaluate exactly what is happening and how it is working, and we will be doing that. We do evaluate things, but it is too early to evaluate things in terms of speeding and excessive drinking. As I said, it started last December. Clearly, we are picking up more people, as we expected. We have a lot more resources out there. I think it is important that people get the message that, if they go out there and do the wrong thing, they will be picked up.

ROADS, REGIONAL

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Road Safety a question about regional roads.

Leave granted.

The Hon. CAROLINE SCHAEFER: By way of something of a novelty, I had the privilege of being in my own home last night and able to watch the GTS regional television news. The minister was interviewed in regard to road safety measures. She said:

> I certainly do understand that some regional roads do warrant attention and some don't.

Will the minister inform me precisely which regional roads do not warrant attention and who provided her with that information?

The Hon. CARMEL ZOLLO (Minister for Road Safety): I must admit I find that question most unusual because, to me, that is commonsense. If I remember correctly, I think the interview was probably on radio.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: Was I being interviewed on TV? I do not think so. I was probably making comment, because I do not remember being on regional TV. At any rate, it came out of the CASA report, which informed us that the reduction in the speed limit from 110 to 100 km/h brought about a 20 per cent reduction in casualties and, I understand, not just casualties but the severity of casualties and, ultimately, the saving of lives.

In relation to regional roads, I think we have been quite up front. There have been further recommendations made to me as Minister for Road Safety, and obviously—

Members interjecting:

The PRESIDENT: Order! Interjections from both sides of the council will cease.

The Hon. CARMEL ZOLLO: This government, of course, puts many millions of dollars into our rural roads. It is a pity the feds do not put in enough, but we do, and a lot of road safety improvements—whether it be shoulder sealing, black spot funding, or overtaking lanes—are going into our rural roads, as indeed they should. You are not going to get an argument from anybody about that. Also, the police have a greater presence on our rural roads now. In particular, they are putting in highway patrols. I think it is commonsense that some rural roads will require more attention and some will not. The Hon. David Ridgway mentioned one that has been upgraded and has had money spent on it.

Members interjecting:

The Hon. CARMEL ZOLLO: We also upgrade rural roads. That is a nonsense; we all do.

The Hon. Caroline Schaefer interjecting:

The Hon. CARMEL ZOLLO: Don't be silly! If you are having a go at me because I am saying some need more attention than others, I just do not understand your logic, quite frankly. What is your logic?

The Hon. Caroline Schaefer: You don't prioritise.

The Hon. CARMEL ZOLLO: We do prioritise. The funding for which I am responsible—black spot funding in particular; whether it is the $3.5 million of federal funding or whether it is our $7 million (although we quarantine $600 000 for cycling)—is assessed at the same time and prioritised by a committee which is chaired by one of your federal senators, so there is no political interference at all.

COUNTRY FIRE SERVICE, VOLUNTEER SUMMIT

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the Country Fire Service Volunteer Summit. Leave granted.

The Hon. R.P. WORTLEY: I believe that the CFS recently held a volunteer summit. Will the minister please provide the council with some information regarding the summit?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his important question. The inaugural CFS Volunteer Summit at the Fort Largs Police Academy was attended by 120 volunteers over the weekend of 1 and 2 July. I was delighted to be asked to open this important forum on the Saturday morning.

The CFS has in excess of 15 000 volunteers, and it is

obviously logistically impossible to establish a forum for all of them. So, it was decided to invite a representative sample of participants from across the CFS to the first summit. A small committee established to organise this important event worked with representatives from the South Australian Volunteer Fire Brigade Association, the State Volunteer Management Committee, the SAFECOM Volunteer Management Branch, and CFS staff.

The summit objective was to gain first-hand knowledge of the major issues which confront volunteers today and which could compromise their ability to continue to provide emergency response services to our communities. With this information we can better support volunteers in the key role they play in the safety of their communities. During the summit, delegates were able to network and interact with each other and to identify, discuss and propose recommendations about the way in which the CFS goes about its business. The summit program included sessions presented by invited speakers who are experts in the field of emergency management and volunteering. Also, it included a series of special workshops designed to elicit practical ideas for change.

Issues identified and prioritised from the workshops included organisational systems, technology and equipment and leadership and community engagement. One important recommendation to come out of the summit (and one which all members in this place can assist to implement) is the need to promote to the community that CFS volunteers are true volunteers—they are not paid but undertake this job as a true community service often with very considerable support from their employers. I ask all members to assist me in promoting this message throughout the state.

My colleague the Hon. Jennifer Rankine, Minister for Volunteers (and a CFS volunteer herself), accepted an invitation to receive the recommendations on behalf of the summit participants and to hand them over formally to the Chief Officer of the CFS. The recommendations from the summit will be factored into CFS planning processes and will form part of the overall strategic direction of the South Australian Fire and Emergency Services Commission (SAFECOM). It is intended that similar volunteer summits will become a regular mechanism for volunteer consultation in the future. I would like to thank those volunteers who, again, gave up their time and left their homes and families to participate in the volunteer summit. I would also like to thank all those involved in organising the summit.

The Hon. J.S.L. DAWKINS: As a supplementary question, will the minister indicate how many volunteer support officers are employed by SAFECOM and how many of those attended the summit?

The Hon. CARMEL ZOLLO: I will come back with that advice. I did not count them on the day, I must admit. I will come back with that advice, as well as how many are employed in the actual section.

DRUGS, SCHOOL STUDENTS

The Hon. A.M. BRESSINGTON: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about the referral of students in schools known to be using drugs.

Leave granted.

The Hon. A.M. BRESSINGTON: The National Household Survey reported that 25 per cent of kids aged between 13 and 17 (that is, approximately 27 200 in South Australia) have used or are using drugs such as cannabis and amphetamines; 17 per cent (or 4 624 in South Australia) have admitted to using drugs such as heroin and ecstasy; and 59 per cent of young people between the ages of 14 and 24 have used or are still using the illicit drugs already mentioned. On or around 17 August this year, in an interview relating to the school drug-testing debate, the minister stated that a referral process is already in place for students who are known to the school to be using drugs. My questions are:

1. Will the minister provide statistics on the number of students who have been referred to counselling by schools as an intervention measure?

2. Will the minister provide the outcomes for students of those referrals, that is, how many resumed attendance at school and showed an improvement in performance and behaviour?

3. Will the minister provide statistics of the number of students suspended for substance abuse and how many of those suspensions resulted in permanent disengagement from education?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): Recently, I was very pleased to see a national report (the title of which escapes me) which demonstrated that drug use amongst school-age children (that is, those students aged between 12 and 17) has significantly decreased over a range of different substances. I wish I had that table before me, but I am quite happy to bring it back to the chamber. The table showed that in the area of alcohol, if I remember correctly, there was a significant reduction in use.

With respect to cannabis use, I believe the most recent data showed a significant reduction, and also a slight decrease in amphetamine use. I was very pleased to see that the intensive programs we conduct here in South Australia are having an impact on young people in this state. It is a real credit to DASSA (Drug and Alcohol Services of South Australia), which does a tremendous job. It faces very difficult and complex issues, and it is very pleasing to see that its hard work has been paying off and that there has been a significant decline in some substance abuse amongst young people.

In relation to referrals by schools, I understand that, in cases where schoolchildren are assessed by their teachers to be involved in substance abuse of any sort, there is a mechanism where those students can be referred to DASSA. I also understand that those referrals are prioritised by the service. It considers substance abuse by students to be of high importance, and it tries to respond in a very timely way to those referrals.

In relation to the numbers, I would need to obtain them from the Minister for Education and Children's Services in another place and bring back that information, and I am happy to do so. In relation to the outcomes of those referrals, I am happy to contact DASSA and obtain that data and refer it back. In terms of suspensions, again, I would need to obtain those exact figures from the Minister for Education and Children's Services in another place, and I am happy to bring them back if they are available.

I stress that our schools try to have a policy of inclusion. Their highest priority and their first aim is to try to keep students engaged at school. It is most important that, wherever possible, their education is not interrupted. I have been informed that sometimes that is not possible, due to the disruptive behaviour of some students. Nevertheless, I have been informed that, wherever possible, teachers try to retain students at school. It is a policy of inclusion, given the

importance of their education, and it is quite critical that, wherever possible, the education of students is not interrupted.

I understand that, where there are problems with substance abuse, schools try to use this referral service so that the student receives support and, where necessary, appropriate treatment, at the same time as being involved in their studies. I understand that that is not always the case but, whenever possible, that is what occurs. In terms of the number of suspensions, as I said, I would need to obtain those figures from the Minister for Education and Children's Services in another place.

The Hon. A.M. BRESSINGTON: Sir, I have a supplementary question. Given the rosy picture that has just been painted, can the minister explain why school teachers and some principals have approached me and stated that, once substance abuse is brought to the attention of the principal, most drug policies will require the principal to expel the child from school, given all these referrals that are taking place?

The PRESIDENT: A supplementary question must derive from the answer. That was more an explanation than a supplementary question, but the minister can answer if she wishes.

The Hon. G.E. GAGO: I believe the answer to that question is in my original answer. I have outlined the information that I have available to me.

An honourable member interjecting:

The Hon. G.E. GAGO: Well, I am quite happy to repeat it, as requested by the member opposite. Our schools attempt, wherever possible, a policy of inclusion where teachers assess that there could be a problem with substance abuse, whether it is alcohol or other substances. Wherever possible, they are referred to Drug & Alcohol Services of South Australia, who attempt to prioritise those referrals, given the importance of early intervention. Wherever possible, the school attempts a policy of inclusion and retention of that student in classes. I stipulated that I understand that, in some instances, that is not always possible due to the disruptive nature of some of these students, unfortunately, but I have been informed that, wherever possible, the school has a policy of inclusion and tries to retain that student in classes.

In terms of the specific issues that the member might want to refer to me, I am happy to refer those to the Minister for Education in another place and draw them to her attention.

JULIA FARR SERVICES

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Disability, a question about Julia Farr Services.

Leave granted.

The Hon. SANDRA KANCK: At a meeting on 10 July 2006, staff of Julia Farr Services were informed that a cheque for $8 million had been handed to property manager Alan Johns for the Ringwood and Goss buildings in accordance with market value. I understand that both these buildings are currently under lease as student accommodation. This meeting was also told that the money was part of the $14.8 million development of Julia Farr previously announced in the media. At the CEO's July monthly forum, questions were asked about the sale of the two buildings: specifically, whether the balance of the funding of $6.8 million had been paid to the South Australian Community Housing Association to buy out its interest in the Julia Farr Housing Association.

The South Australian community has contributed financially to building up Julia Farr's Fullarton site as a home and centre of excellence for the care of disabled people. Many bequests have come from those whose relatives have been cared for at Julia Farr. Such bequests have been directed exclusively for the benefit of clients of Julia Farr. My questions to the minister are:

1. What does the Department for Families and Communities propose to do with the Ringwood and Goss buildings?

2. What is the current market value of the Highgate building?

3. What does the government intend to do with the Fisher Street site?

4. Is the Julia Farr Housing Association independent, and will it continue to operate as an accommodation provider?

5. What does the government intend to do with Julia Farr's private funds?

6. Were problems identified with the previous structure of Julia Farr Services which necessitated the dissolution of the board?

7. Will bequests (both current and future) to Julia Farr Services be used solely for the benefit of people with disabilities in residential care?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for her questions in relation to Julia Farr Services. I will refer her questions to the Minister for Disability in the other place and bring back a response.

ANANGU PITJANTJATJARA LANDS CORRECTIONAL FACILITY

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about a correctional facility on the Anangu Pitjantjatjara lands.

Leave granted.

The Hon. R.D. LAWSON: In March 2004, the State Coroner was told by the Department for Correctional Services that it supported the establishment of a correctional facility on or near the Anangu Pitjantjatjara lands. In answer to a question which I asked of the minister's predecessor in April 2005, the minister said that consultants had been engaged to prepare a report on such a facility and that report was due by September 2005.

Earlier this month, Perth magistrate Sue Gordon, Chair of the National Indigenous Council, was quoted on ABC radio as supporting the establishment of this facility, which is envisaged to have between 12 and 20 inmates. My questions are:

1. Has the minister seen the report, which was due in September of last year?

2. Does she agree that a correctional facility on the lands is desirable?

3. What is the current status of the once vaunted proposal to establish a tri-state facility in that area to house offenders from the Northern Territory, Western Australia and South Australia?

The Hon. CARMEL ZOLLO (Minister for Correctional Services): The possibility of a low security correctional facility on the APY lands has been the subject of discussion for many years now—even over the years when the honourable member's party was also in government. As

part of the consultation process, as the honourable member mentioned, a business case was produced last year. On becoming minister, that preliminary business case was forwarded to the executive of the APY lands for its comment. It is my view that further development of the business case allows us the opportunity of looking at the feasibility of doing something, and it is an important part of the consultation process. No decision has been taken at this stage. When a decision is taken I will be in a position to bring back further information, but no decision has been taken at this time.

I can tell the honourable member what the Department for Correctional Services is doing on the APY lands. We have had a physical presence on the lands since 1990 when the Community Correctional Centre was established at Marla. Prior to that a limited range of services was provided from Port Augusta. The Marla CCC (Community Correctional Centre) is one of eight offices that make up the northern country region of the Community Corrections Division of the department. The Marla CCC provides supervision to offenders on probation, parole, bail and home detention orders.

Other services include the provision of reports to courts and the Parole Board. Staff from Marla and Coober Pedy CCCs operate a regular schedule of visits to the various communities on the APY lands, including the six main communities of Amata, Ernabella, Fregon, Indulkana, Mimili and Pipalyatjara. Field visits are also made to other smaller communities and homelands. Staff of other departments attend or visit circuit courts approximately bi-monthly. Currently, there are 34 offenders on the APY lands subject to supervision. Typical issues that lead to offending on the APY lands include: substance abuse, property damage and family violence.

In addition, community corrections operates a mobile community service work team. This team, consisting of two CCOs based in Port Augusta, visits APY lands communities to supervise offenders subject to court imposed community service orders. This team travels through the APY lands for 15 days at a time, spending eight days in one APY community and seven days in another. They engage offenders in work that benefits their own community. Major communities are visited up to four times a year.

Typical projects include construction work, erecting fences, infrastructure maintenance and paving, and so on. Currently, 36 offenders living on the APY lands are subject to community service orders. In 2005, over 3 000 hours of community work was carried out by offenders supervised by departmental staff. Community corrections is currently involved in the development of the cross border project about which the honourable member asked. This initiative involves South Australia, the Northern Territory and Western Australia. Agreements are being negotiated that will simplify the supervision—

The Hon. R.D. LAWSON: I rise on a point of order, sir. This answer is not in response to any question asked by me. The minister is reading a briefing that she has received from the department.

The PRESIDENT: The minister can answer the question.

The Hon. CARMEL ZOLLO: I thought the honourable member asked a question about cross border issues in relation to the APY lands.

Members interjecting:

The PRESIDENT: Order! The minister has the floor.

The Hon. CARMEL ZOLLO: This initiative involves South Australia, the Northern Territory and Western Australia. Agreements are being negotiated to simplify the supervision, management, police activity and court services for offenders where natural borders are inconsistent with formal state borders. Recently, the department was successful in gaining approval for commonwealth funding to establish a program team that will provide rehabilitation services to offenders. The team, based in Alice Springs, will provide programs for offenders across the state jurisdiction which is part of the APY lands. It is expected that these programs will begin in January next year. It is a shame that the honourable member was not interested in the information on the APY lands but, nonetheless, I was pleased to provide it.

The Hon. R.D. LAWSON: I seek leave make a personal explanation.

Leave granted.

The Hon. R.D. LAWSON: The minister, in response to my last question, indicated to the council that I was not interested in her response and was not listening to it. Contrary to the minister's assertion, I was highly interested in any relevant response she had and I was listening.

REPLIES TO QUESTIONS

STAMP DUTY

In reply to **Hon. D.G.E. HOOD:** (10 May).

The Hon P. HOLLOWAY: The Treasurer has provided the following information:

The statement in *The Advertiser* of 10 May 2006 that, as a result of the Federal Budget, "South Australia will receive an extra $193 million in GST payments in the next financial year" is incorrect, as are the reported rises in GST revenue for the period 2007-08 to 2009-10.

In its Budget the Commonwealth revised down forecasts of national GST Revenue by $70 million in 2006-07 and $20 million in 2007-08. As a result South Australia is expected to receive approximately $8 million less in GST revenue in 2006-07 and $4 million less in 2007-08.

The $193 million quoted in the article is the comparison between GST revenue for 2006-07 and what South Australia would have, theoretically, received under the old Commonwealth-State financial relations in that year had the GST not been introduced. The estimates of South Australia's so-called 'gains from tax reform' have only changed slightly as a result of the Commonwealth Budget, and are broadly in line with the reductions in GST revenue that I have just outlined.

Despite these reductions in GST payments to our State in 2006-07 and beyond, the Government remains committed to our promise in the 2005-06 State Budget of a program of tax cuts, which includes the removal of stamp duties on mortgages, stamp duty on unquoted marketable securities, rental duty and stamp duty on non-realty property transfers.

DNA TESTING

In reply to **Hon. R.D. LAWSON** (30 May).

The Hon P. HOLLOWAY: South Australia Police (SAPOL) advises that fingerprints are destroyed in accordance with section 81(4f) of the *Summary Offences Act* after charges are dismissed or withdrawn.

Co-ordinated by the Data Management Unit, an automatic weekly report of dismissed or withdrawn matters prompts the creation of a file for each matter requiring destruction of fingerprints and photographs under Section 81 of the Act.

The file is referred to the relevant sections within SAPOL to enable destruction of fingerprints and photographs.

Officer in Charge Fingerprint Bureau ensures that SAPOL fingerprint records are destroyed as well as all references to the event from the CrimTrac National Automated Fingerprint Identification System database.

The entire process is auditable with the last audit occurring in March 2006.

LIFE JACKETS

In reply to **Hon. M.C. PARNELL** (31 May).

The Hon P. HOLLOWAY: The Minister for Transport has provided the following information:

1. The Australian Transport Council established the National Marine Safety Committee (NMSC) in 1997 to drive national reform. In March 2004 the NMSC released the findings of the "National Assessment of Boating Fatalities in Australia 1992-98.

The main risk factors identified in that report, relevant to all States, relate to:

- Alcohol and Drugs;
- Over-powered vessels;
- Vessel stability and buoyancy;
- Overloading of vessels; and
- Personal flotation devices (PFD).

This Government is addressing these contributing factors by a range of strategies aimed at reducing both the likelihood of an incident occurring and a reduction in the consequences where accidents do occur.

The strategies in place are a combination of existing legislative requirements, the ongoing review and implementation of new legislation, compliance and enforcement, education and community awareness campaigns to address human factors such as operator behaviour, and the improvement of the collection and analysis of incident data to enable identification of other risk factors and emerging trends.

2. The NMSC and all jurisdictions have recognised the need for a consistent approach to the wearing of PFDs and has placed the development of a set of guiding principles for the wearing of PFDs on the NMSC work program.

This project includes an observational study of the current PFD wearing practices in three jurisdictions, the review of the experiences of jurisdictions where this type of legislation already exists, and a review of the existing available research material specific to the wearing of PFDs and associated safety issues.

It is anticipated that this set of principles will be submitted to the next meeting of the Australian Transport Council.

ADELAIDE AIRPORT

In reply to **Hon. CAROLINE SCHAEFER** (11 May).

The Hon P. HOLLOWAY: The Minister for Infrastructure has provided the following information:

There are a number of private sector parties involved in the Adelaide Airport cold storage facility. The land is controlled by Adelaide Airport Ltd, while the building is owned by an interstate property company and the lessees/operators have always been private parties. The State Government does not have, and has never had, a commercial involvement in the facility.

In the last seven years, four different operators have been unable to run the operations profitably. As a consequence the facility is run-down and requires maintenance.

Since being advised that the last private operator, Scott's Refrigeration, was ceasing operations at the site on 11 March 2006, the State Government has worked with industry, the South Australian Freight Council and the private sector owners to facilitate an arrangement that would ensure the export component of the cold store facility would continue. The domestic component of the facility is not considered critical as there are a number of suitable alternatives. The SA Freight Council agrees the focus of our efforts should be on the export component.

Through the Office of Major Projects and Infrastructure, the Government was able to facilitate an arrangement whereby Australian air Express took over the operations of the export facility commencing 11 March 2006 for an interim six-month period.

I understand Australian air Express has done a very good job to date and that product volumes through the facility have increased significantly since it took over operations. While we hope Australian air Express remains involved in the longer term, this will ultimately be determined by the private sector. The cold store is and should remain a private sector venture and will continue to operate in a commercial manner.

As part of the interim arrangement facilitated by the State Government, the building owner has agreed to spend funds on upgrading the facility. This work is currently underway.

The State Government will continue to liaise with Australian air Express and the other key private sector stakeholders to ensure the short-term improvements to the facility eventuate and also to develop and implement a longer-term operational tenure. The long-term success of the cold store is, quite rightly, in the hands of the private sector. Nevertheless, the Government will continue to work with the private sector to achieve the desired outcome for the State.

MASLIN BEACH

In reply to **Hon. T.J. STEPHENS** (1 June).

The Hon P. HOLLOWAY: South Australia Police (SAPOL) advised that on Friday, 9 June 2006 the Maslin Beach Community Association held a public meeting in respect to the media debate that had arisen about inappropriate behaviours occurring at Maslin Beach and the retention of the unclad section of the beach. SAPOL sent two representatives to the meeting. The meeting was well attended with in excess of 75 residents attending the meeting. The residents unanimously voted that the beach remain unclad and were satisfied with the level of customer service delivery provided by the police. The meeting moved a motion that police patrol the beach with a 4WD vehicle to increase police exposure to ward off any persons behaving inappropriately. Police will introduce the use of a 4WD vehicle to patrol the beach from time to time. Police attending the meeting encouraged members of the community to report any inappropriate behaviour at Maslin Beach via telephone on 131444.

An analysis of crime and police activity in the Maslin Beach area for the past six months revealed there have been no reports of offensive or inappropriate behaviour. Aldinga Police have conducted bonafides and vehicle checks on persons/vehicles in the suburb of Maslin Beach primarily in the car parks associated with Maslin Beach. Police have not detected any offences during this time.

On 13 June 2006 the South Coast Local Service Area commenced a Problem Solving Policing Strategy to gauge whether inappropriate behaviour is occurring at Maslin Beach. The operation will be conducted for one month and reviewed at that time. Currently police statistics and activity do not demonstrate that there are behavioural issues at Maslin Beach.

RAIL, NOARLUNGA

In reply to **Hon. S.G. WADE** (10 May).

The Hon P. HOLLOWAY: The Minister for Transport has provided the following information:

1. The State Government, in the Strategic Infrastructure Plan for South Australia, initiated an investigation into the extension of the Noarlunga rail corridor to Seaford, including new stations at Seaford Meadows and Seaford.

The investigation is progressing, with the development of possible alignment options, including consideration of earlier studies carried out in 1990.

2. The investigation is not relevant to the tramline extension works.

3. The needs of the South are a priority for the Government.

If the Federal Member for Kingston is enthusiastic about the Seaford rail extension he may wish to ask the Federal Treasurer whether he will assist with its funding.

STATUTES AMENDMENT (NEW RULES OF CIVIL PROCEDURE) BILL

The House of Assembly agreed to the bill without any amendment.

MURRAY-DARLING BASIN (AMENDING AGREEMENT) AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. G.E. GAGO (Minister for Environment and Conservation): I move:

That this bill be now read a second time.

Leave granted.

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

Leave granted.

The Murray-Darling Basin Act 1993 requires amendment to reflect changes agreed to by the South Australian Government through the *Murray-Darling Basin Agreement Amending Agreement 2002* as part of corporatisation of the Snowy Mountains Hydroelectric Scheme.

The *Murray-Darling Basin Agreement 1992*, provides the process and substance for the integrated management of the Murray-Darling Basin. The purpose of this Agreement is:

> "to promote and co-ordinate effective planning and management for the equitable efficient and sustainable use of the water, land and other environmental resources of the Murray-Darling Basin". The Agreement is a schedule to the *Murray-Darling Basin Act 1993*.

The corporatisation of the Snowy Mountains Hydroelectric Authority was a component of the reform of the National Electricity Market. The Australian Government and the Governments of New South Wales and Victorian Parliaments passed the initial corporatisation legislation in 1997. South Australia was not a party to this initial corporatisation legislation.

The Snowy Scheme was corporatised on 28 June 2002 following the signing by the relevant Governments and where necessary by the corporatised entity, Snowy Hydro, of more than 30 separate agreements.

These documents were a mix of intergovernmental and commercial licencing contracts. They reflected the long standing, uncodified, arrangements which ensured minimum annual water releases to the Murray and Murrumbidgee systems. South Australia and other States depended on these arrangements for the provision of water from the Snowy Scheme.

Additional generating flexibility was granted to Snowy Hydro by reducing water release obligations in years when Murray and Murrumbidgee water requirements were already ensured. Rules were also adopted to properly account for reduced water entitlements to Victoria and NSW as a consequence of Government funded water savings which, in turn, enabled Snowy Hydro to make environmental releases to the Snowy River.

In order to provide enduring safeguards to the water entitlements of South Australia it was necessary to enshrine these new arrangements in the Murray-Darling Basin Agreement. This provides a superior form of protection, above contracts and licences, by incorporation in an Agreement endorsed by each of the Parliaments of the Australian Government and the Governments of South Australia, New South Wales and Victoria. It also ensured that whilst NSW and Victoria were making changes to their water entitlements, South Australian entitlements were afforded the highest protection.

The changes to the Murray-Darling Basin Agreement 1992, are detailed in the Murray-Darling Basin Agreement Amending Agreement 2002 and, following lengthy negotiations, that Agreement was approved by the Murray-Darling Basin Ministerial Council and later by First Ministers of the Australian Government and the Governments of New South Wales, Victoria and South Australia on 3 June 2002. South Australia did not sign the document until all necessary changes had been made to ensure an appropriate outcome for this State. The South Australian Premier signed the Amending Agreement on 14 April 2002.

Following discussions leading to South Australia signing the Murray-Darling Basin Agreement Amending Agreement 2002 a separate bilateral agreement between South Australia and Victoria was negotiated, resulting in the River Murray Environmental Flows Fund being established by Victoria and South Australia to improve the health of the River Murray in those two jurisdictions.

As part of the corporatisation process the Australian Government and the Governments of New South Wales and Victoria agreed to progressively restore up to 282 GL environmental flow; 212 for the Snowy River and 70 GL for River Murray. In the first seven years, and based on the contributions already committed by Governments, the intention is to get 140 GL of the Snowy River commitment and the full 70 GL commitment for River Murray; this latter amount being funded by the Australian Government's contribution. South Australia is not a signatory to this particular Snowy agreement and will not contribute financially to this goal. As a consequence, no specific funds are required as a direct consequence of the Murray-Darling Basin Agreement Amending Agreement 2002 although there are tangible benefits including returning flows to the river and the environment.

South Australia is however financially committed to other River Murray initiatives that include The Living Murray – The First Step, which work towards retuning 500 Gigalitres of water to the river system.

Clause 6 of the principal River Murray Agreement, the Murray-Darling Basin Agreement 1992, requires that amendments to the Agreement be submitted to their respective Parliaments for ratification. This has occurred in the New South Wales, Victorian and Commonwealth Parliaments, and is now to be done in South Australia.

The continuing health of the River Murray is vital to the well being of all South Australians and the economic health of the State. It is also significant for the protection of certain endangered flora and fauna, wetland systems and heritage sites. Satisfactory progress and resolution of basin-wide river health issues with the other jurisdictions that have representation on the Murray-Darling Basin Ministerial Council will benefit South Australia, the downstream State by ensuring that the State's water interests are protected.

South Australia continues to work with the other Governments of the Murray-Darling Basin to prevent further decline in river health that will potentially impact adversely on the River Murray and the riverine environment, and subsequently the South Australian community that either directly or indirectly, that are dependent on the river and the riverine environment for social and recreation pursuits as well as for water for domestic, industrial and agricultural purposes.

This Government is endeavouring to ensure a sustainable future for the Murray-Darling River system, a catchment that covers one seventh of Australia and includes five States or Territories. The Murray-Darling Basin Agreement and the South Australian Murray-Darling Basin Act 1993 are important examples of the cooperative arrangements that are required to progress this catchment wide issue across State borders.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Murray-Darling Basin Act 1993*

4—Amendment of section 4—Interpretation

This amendment—

(a) substitutes a new definition of ***Agreement*** so that it includes the Agreement as amended by the Amending Agreement; and

(b) inserts a definition of ***Amending Agreement***, being the agreement the text of which is to be set out in new

Schedule 2.

5—Insertion of section 5A

This clause inserts a new section 5A into the Act providing that the Amending Agreement is approved by Parliament.

6—Substitution of heading to Schedule

This is a consequential amendment.

7—Insertion of Schedule 2

This amendment inserts a new Schedule 2 into the Act. Schedule 2 contains the text of the Amending Agreement.

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

STATUTES AMENDMENT (ELECTRICITY AND GAS) BILL

Received from the House of Assembly and read a first time.

COMMISSION OF INQUIRY (CHILDREN IN STATE CARE) (PRIVILEGES AND IMMUNITIES) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

TOBACCO PRODUCTS REGULATION (PROHIBITED TOBACCO PRODUCTS) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

GROUNDWATER (BORDER AGREEMENT) (AMENDING AGREEMENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 June. Page 487.)

The Hon. D.W. RIDGWAY: I rise on behalf of the opposition to speak on this bill. The act was introduced in 1985 to recognise that both South Australia and Victoria shared the same groundwater resources and to provide a cooperative and equitable management system, if you like, between the two states to ensure that one state did not get more than its fair share. The agreement establishes a Border Agreement Groundwater Review Committee, comprising four members (two from South Australia and two from Victoria) to administer the agreement.

The agreement covers a stretch of land that is some 40 kilometres wide, being 20 kilometres on each side of the border between South Australia and Victoria. It is divided into 11 management zones from the coast below Mount Gambier to the River Murray. In this second reading contribution, I will ask two or three questions which, hopefully, the minister will be able to answer in committee.

When this agreement was brought into play, it was designed so that both states would share the resource equitably. Most members would know that I had a property on the Victorian-South Australian border and, in fact, I drew water from a bore in the border zone. Some friends wished to enter into an irrigation scheme on the Victorian side of the border and develop the underground water resource. They contacted the Victorian authorities to find out how much they could pump, how much of a licence they could get and how big a bore they should dig. The Victorian authorities told them that they should dig as big a bore as possible and put in the biggest pump possible because the South Australians were getting more than their fair share. I am not sure whether that is an equitable use of the resource. There might be equality between states, but that sort of approach is not perhaps in the best interests of the resource.

Another issue this agreement covers is the permissible annual volume of extraction, being the annual volume of groundwater to be extracted in a zone. This varies along the longer zones and is allocated through a number of water licences that are granted by the states. Of course, it does not include any stock or domestic water, just irrigation water and industrial use water. The groundwater agreement committee also looks at the permissible distance from the border so that there is not undue effect on the next-door state by any activities that might take place. It also looks at the permissible rate of potentiometric surface lowering that sets an average annual rate by which the groundwater levels may be lowered within a zone until a new equilibrium is established.

It is interesting that in some areas and in some zones we have changed our view on how this is to operate in that it is now not until a new equilibrium is established that we mine some of these resources; certainly, the opposition supports this. I know that in the Parilla-Marree wells area they are looking at using perhaps 15 per cent of the resource over the next 300 years. Currently, the bill allows management provisions to apply over a whole zone. This amendment bill allows some adjustment for sub zones within zones. In particular, in some of the areas where the resource is under pressure, there are two aquifers: a tertiary limestone aquifer and a sand aquifer. It allows interaction between the two aquifers. In particular, the permissible annual volume that is available from both aquifers can be added together to come to the current permissible annual volume.

I talked about its being a strip of land that is some 40 kilometres wide. I am aware of a landowner in the Hundred of Makin. For members who do not know where that is, it is north of Bordertown and towards Pinnaroo. A contract potato grower operated on their property, but the groundwater border agreement boundary followed the Hundred line and not the 20-kilometre line. So, the farmer on the South Australian side of the border is only 18 kilometres from the border, not 20 kilometres from the border. There is a two-kilometre discrepancy, and I would like the minister, through her department, to give us some advice on this discrepancy.

The contract potato grower was drawing water in that two-kilometre no-man's-land, if you like, in the Tintinara-Coonalpyn prescribed wells area, not in the border zone. When the potato grower left, the landowner wished to irrigate. He applied for an irrigation licence, notwithstanding the fact that the border zone was underallocated and the Tintinara-Coonalpyn wells area was over allocated.

There was a moratorium in the Tintinara-Coonalpyn proclaimed wells area, so he was unable to get a water licence. He took legal action to acquire a water licence. This action started some time ago when, I think, the former member for Unley, the Hon. Mark Brindal, was the minister for water resources. Eventually, this particular landowner was able to get a water licence. He won the court case and there was a decision in his favour to allocate him a water licence. Notwithstanding that, I remind members that if it had been within the 20 kilometre zone, he probably would have got a licence because that resource was under-allocated.

He has now been advised that the government has sought leave to appeal the decision. In seeking leave to appeal it has

also included a notice that it would also be looking to recover its costs. It seems quite bizarre that if the line had been drawn accurately on the map and the border zone was 20 kilometres wide and not 18, he would have got his water without legal action. Now, of course, it has cost him many thousands of dollars to take the government to court. He is now faced with an appeal and, of course, if he loses he will face more costs.

This man's father went to the First World War and put his life on the line for his country. This particular chap left school aged 14 and has farmed all his life in that area, and he is quite saddened by the fact that he thinks the line has been drawn on the map in the wrong place and he has had to pay the price.

Another issue that this amendment bill enshrines in the schedule is the permissible annual volumes in any particular region or area. I am concerned because I note there is a discussion paper out at the moment for a number of areas but, in particular, the NRM Board has released a discussion paper for the Mallee Wells prescribed area. There are a number of prescribed annual volumes in a schedule attached to this legislation. There is a discussion paper out that offers a whole range of alternatives to accommodate future expansion and to accommodate some of the inconsistencies (and perhaps inaccuracies) in the allocation of water licences in that Mallee prescribed wells area.

This is a much hotter, drier climate. Farmers were given an allocation of so many hectare equivalents to grow potatoes or onions—which works out to about 8.6 megalitres per hectare in a normal, perfect type of climate—but, because it is drier and hotter, and because there is more wind and therefore more evaporation, and often more sun, they find they need more than 8.6 megalitres per hectare to grow those crops. There is a slight discrepancy. So, there is a whole discussion paper being driven by the South Australian Murray-Darling Basin NRM Board. I am interested to know the interaction between the review committee and their involvement in the permissible annual volumes, any adjustment that may be made at any time in the future and, in particular, the influence that the Border Review Committee will have. I put that on notice to the minister. With those few words, I support the amendment on behalf of the opposition and look forward to the committee stage of the bill.

The Hon. NICK XENOPHON: I rise briefly to indicate my support for this bill. It seems to be quite a straightforward bill in that it simply seeks to ratify and approve an amended agreement to the border groundwater agreement that is set out in the schedule to the bill. It does, essentially, distinguish between the two aquifers and enable sub-zones to be established for more effective local management, and to allow management prescriptions for the different aquifers and sub-zones within a zone. I believe the thrust of this bill is to simplify the management of these particular aquifers.

I find myself mostly in agreement with the sentiments expressed by the Hon. Sandra Kanck with respect to this bill in that it is certainly an improvement on the current situation, and the government ought to be commended for that. It does also highlight the importance of water, the critical position in which I believe this country finds itself with respect to the use of groundwater and our water resources generally. I think the Hon. Sandra Kanck is correct when she says that, whilst it is painted as being about sustainability, about resources being used more sustainably—and I think that is true—it does not address the issue of long-term sustainability of our water resources which is, of course, something which goes beyond the scope of this bill.

Insofar as this bill is an improvement on the current situation, and insofar as this bill does highlight the importance of the sensible management of our water resources with respect to groundwater, it still begs a broader question which goes beyond the scope of this bill. That question is the issue of our water resources—and other issues included in that, of course—with respect to the health of the Murray. With those few words I indicate my support for this bill.

The Hon. R.P. WORTLEY: I rise to support the bill. The amended bill seeks to secure the longevity of the border groundwater between South Australia and Victoria. The bill established the importance of sustainable groundwater yield that is required to meet the needs of all users in the environment. Relevant legislation was passed in the Victorian parliament last year and an agreement has already been signed off by the governments of each state.

We are, as the great Australian poet, Dorothea Mackellar, wrote, 'The land of drought and flooding rain'. However, this wide, brown land is facing the greatest water shortage on record. Australia is on track for one of the driest Augusts on record and Adelaide also experienced its third driest June on record. A successive year of below-average rain across Australia has severely impacted on our state's water levels. This is reflected in the River Murray's water level being the lowest since records began, more than 100 years ago, and a reduction in vertical recharge causing groundwater levels to decline. It seems a little ironic that it has been 50 years since the most severe natural disaster in the state's history—that being, of course, the 1956 flood of the River Murray.

While the majority of South Australia's water supply comes from surface water, a large portion of residents in the areas adjacent to the Victorian and South Australian border are reliant on the supply of groundwater. The groundwater in this region is a vital resource and often the only reliable water source available to irrigators and stock farmers and for public water supply. Groundwater plays a fundamental role in generating consistency in agricultural yields with approximately 65 per cent of all irrigation water demand being supplied from groundwater resources in South Australia.

Along the South Australian and Victorian border there are two main groundwater aquifer systems comprising the tertiary confined sand aquifer and the tertiary limestone aquifer. The tertiary limestone aquifer is the most extensive aquifer in South Australia and is the prime source of water for the Mallee region. The groundwater sourced from the unconfined aquifer system comprises approximately 90 per cent of the total groundwater resources allocated to support economic activities in the South-East. In 1988-89 the annual farm gate value of the agricultural production in the South-East region (excluding forestry and aquaculture) was approximately $540 million.

According to the Blue Lake Management Committee, in 2001 the annual value of the timber and timber-processing industry was estimated to be $1.7 billion. It is evident from these figures that groundwater plays an important role in assisting and supporting a broad range of groundwater ecosystems, including the health of vegetation on river banks, coastal lakes, wetlands and near coast marine environments. The amendment to the Groundwater (Border Agreement) Act 1985 is necessary to ensure that water resources are adequately protected to meet the current and future needs of the community and the dependent ecosystems.

The Groundwater (Border Agreement) Act 1985 has served well to date. However, due to the increased demand for groundwater resources the act is no longer adequate. The need for a more targeted management approach is required so that specific aquifers within a zone, types of aquifers and water quality conditions can be managed more effectively. According to the South Australian/Victorian Border Groundwater Agreement Review Committee's 19th Annual Report (published in 2004), the agreed permissible volume of water extracted from the groundwater system was exceeded.

This demonstrates the need to adjust the current act to ensure that water allocations will not exceed permissible annual volumes. Not only will the large groundwater withdrawals on one side of the border affect the users on the other side (and possibly interfere with the long-term supply of groundwater) but also there would be an increase in groundwater salinity. The bill needs to be amended to achieve levels of acceptable and equal border groundwater use. The current definition of a permissible annual volume of extraction in the agreement specifies that an annual volume of water can be extracted from all aquifers in each zone.

However, it does not allow for water extraction to be defined for each of the aquifers within a management zone. The new definition will allow for the permissible annual volume of extraction to be set for both the tertiary limestone aquifer and the tertiary confined sand aquifer in each zone making it resource specific, clearer and transparent for resource managers and users of the resource. The importance of protecting our water supplies has increased not only as a consequence of drought but also because farms and industries have grown. Therefore, the demand for water has increased dramatically.

The increased demand and use of the tertiary confined sand aquifer groundwater and the necessity to determine limits for its allocation in the water allocation plans in the South-East will benefit from this amendment. The amendments will also allocate and allow for the establishment of sub-zones within the management zones. Sub-zones will allow allowable annual volumes of extraction to be set for a sub-zone and/or individual aquifers within the sub-zone, and allow key management parameters to be set for varying aquifer conditions within a zone.

Incorporating sub-zones will limit potential over-concentration of water extraction activity which can occur in the management zones resulting in unacceptable groundwater declines and/or increased salinity. The new term 'allowable annual volume' in the amended agreement will prevent excessive consumption of groundwater. The allowable extraction will specify the annual volume of water that can be extracted from the sub-zone or an aquifer within a sub-zone. The amendments will assist in ensuring the sustainability of both states' groundwater recourses by allowing the different aquifers and sub-zones within a zone to be individually managed by updating references to other legislation and simplifying the management of prescriptions that are unclear.

The powers of the Border Groundwater Agreement Review Committee will also be amended to include aquifers within the zones and the setting of allowable annual volumes of sub-zones or aquifers within sub-zones. The combination of amendments to the act will allow the review committee to manage and maintain vital border groundwater properly. This ongoing monitoring from the committee will assist in understanding transient groundwater consumption, which is an important element in delivering sustainable groundwater. Changes in groundwater quality and quantity could have a detrimental impact on many communities, industries and the environment.

If water resources become too salty to use for irrigation, millions of dollars in investment made by landholders and the community could be lost. Therefore, it is essential that not only the government work to ensure that we have the water we need for today and tomorrow but also landholders, community members and primary producers must take an appropriate level of responsibility to manage groundwater adequately. If the appropriate actions are taken by these groups a suitable balance between the economic, social and environmental demands on the groundwater resources will be met.

Both states have undertaken extensive research into the status and use of groundwater along the South Australian and Victorian border which has established a sound understanding of the effects of reduced groundwater and human activities on our groundwater resources and on the broader environment. Our economy, our growth and our environment need water. However, during a time when the consequences of over-exploitation of water are obvious, we have accelerated our withdrawals. The amendment to this bill will enable us to use our precious water resources more wisely and create a sustainable long-term yield from the aquifers.

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank members for their constructive debate on this bill to ratify the South Australia-Victoria amendment agreement for the effective management of the ground water resources along the South Australian-Victorian border that are common to both states. As some honourable members will know, the principal agreement entered into between the states of Victoria and South Australia in 1985 provided for the coordinated management of ground water resources in the vicinity of the Victorian and South Australian border. In most areas adjacent to the border, ground water is the only reliable water source. Over the past 20 years, the principal agreement has provided a realistic and equitable framework for intergovernmental cooperation in the development of long-term strategies for protecting and sustainably harvesting the ground water resources in the border area.

It is clear that the arrangements in the principal agreement, which was developed in the 1980s, have proved to be a sound basis for the equitable sharing of resources. Both Victoria and South Australia have undertaken considerable investigations into the status and use of the ground water along the border and have established a sound framework for the management of this important resource. The amendment agreement will provide a more targeted management approach that can be applied to specific circumstances, aquifer types, geologic and hydraulic conditions along the border. The amendment agreement will also provide improved arrangements for the management of the ground water resources based on our greater knowledge of the resources and greater flexibility under the amendment agreement to respond to changing conditions and the provision of advice to both state governments to act cooperatively with respect to those issues.

Once we as a community utilise natural resources such as ground water resources subject to the amendment agreement, there is an impact on the resource. The amendment agreement provides a more effective ability to set limits for the use of the resource in terms of acceptable ground water levels or salinity changes, whilst protecting the right of licensed users. The amendment agreement and the continuing goodwill of the contracting parties in South Australia and Victoria will

ensure that the ground water resources along our common border continue to be managed sustainably and effectively.

Bill read a second time.

ANANGU PITJANTJATJARA YANKUNYTJATJARA LAND RIGHTS (REGULATED SUBSTANCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 June. Page 479.)

The Hon. R.P. WORTLEY: Today I wish to speak about an issue that is threatening the most beautiful lands, culture and history of our country. Many movies have been screened around the world portraying Australia as a country full of culture and opportunity. However, when tourists visit the heart of our country, they are not faced with an image of a young Ernie Dingo running around saving Mick Dundee crocodile hunters or Aboriginal tribes performing ritual dances, hunting and story telling: they are faced with the effects of petrol sniffing in the remote Aboriginal communities of the APY lands of South Australia. The romanticised images that tourists expect to see have been replaced with images of young teenagers (and some probably not even teenagers) with cans up to their faces, sniffing their lives away with petrol.

Once again, we can thank the Americans for playing a part in introducing petrol sniffing into Australia. American servicemen stationed at the top end of Australia during the Second World War are thought to have first introduced petrol sniffing to the local Aboriginal people. The practice of petrol sniffing has since spread to other remote Aboriginal communities and has caused an increased incidence of sickness, death and social dysfunction. An increase in crime and social and community breakdown appears to be the result of more users sniffing over a longer period of time.

This bill aims to reduce the hardships and difficulties experienced on the APY lands as a result of substance abuse. This bill will significantly affect the low-lifes who are selling drugs and petrol to the people in the APY lands by cracking down on the trafficking of petrol and other regulated and illicit substances. I will not refrain from calling these people low-lifes because of the damage they are causing for self-gain, especially when often it is their own Aboriginal people selling the petrol and destroying Aboriginal communities.

Any person selling or supplying a regulated substance, taking part in the sale or supply of a regulated substance or having a regulated substance in their possession for the purpose of selling or supplying the regulated substance, knowing or having reason to suspect that the regulated substance will be inhaled or otherwise consumed, will receive a substantially increased penalty with the introduction of this bill. The maximum penalty for a person caught committing any of the mentioned offences is a $50 000 fine or 10 years' imprisonment. This severe penalty will now be in line with the Controlled Substances Act. The bill will also allow police officers to seize and retain a motor vehicle that the officers suspect of being used for or in connection with an offence against the clause.

This bill sends a clear message that Labor will not allow petrol runners to create a social catastrophe in any society. That is why Labor has taken action to address substance misuse by implementing such severe penalties. The communities on the AP lands need assistance, and that is what this bill will do.

Despite all this gloom and doom, there are many positive stories of Aboriginal communities having prevented and controlled petrol sniffing in their communities. The most successful programs have been coordinated with Aboriginal elders, the police, health organisations and the government, which is why I am pleased that the APY Executive board, elected representatives of Anangu and the Australian government support this bill.

I can only hope that the Hon. Nick Xenophon will not persist with his amendment to this important bill. Not everyone craves for every detail of their life to be published in the daily paper. It is a basic courtesy to obtain permission of the traditional owners before entering their land, just as it is a basic courtesy to obtain permission before entering the land of any other member of the South Australian community. Obtaining a permit is not difficult. In fact, last year, nearly 2 200 applications were handled and I believe that very few were rejected. One of them was from a journalist who did not fill out his application properly.

Furthermore, I find it quite astonishing that the Hon. Nick Xenophon came to the conclusion that the news media should not be given a permit to enter the APY lands without even bothering to discuss his amendment with the community elders. How can one individual think he can understand what is in the best interests of the APY community? There are areas in the APY lands that are sacred sites and which only Anangu may visit. Traditional ceremonies are held throughout the APY lands, and therefore it is essential that the Anangu community is aware of the business on this land, and this can be achieved only by controlling access. Labor does not support this amendment, nor does the APY Executive board, which endorses the original bill introduced in 2004.

Everyone in this chamber will have received the letter from the board of the APY lands signed by the director, Mr Rex Tjami, and Bernard Singer, the chairman. I would like to read an excerpt, because these people have sent this in the hope that we will take heed of what they believe is important in their communities. It is addressed to all members and states:

> We understand that this bill is listed before the Legislative Council on 29 August 2006. We urge members to support the bill without amendment to section 19. . .

It also goes on to explain a little bit about the permit system and states:

> The APY permit system.
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> As we work on improving opportunities for Anangu as individuals and as communities on the APY lands, more people are coming onto the lands. In our view, the permit system should not operate to keep our people isolated from opportunity or communication. Rather, the permit system ensures that we, as freehold landowners, are able to exercise discretion regarding entry onto the lands and prevent abuse of our people who are vulnerable. Additionally, it protects sacred sites as we can impose conditions to prevent inadvertent or deliberate desecration of significant Aboriginal heritage sites, objects and remains—which is an offence under the Aboriginal Heritage Act 1988.
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> APY has a full delegation under section 6(2) of the Aboriginal Heritage Act to administer the act within the APY lands and the permit system allows control of access and is a key factor in APY's being able to carry out its responsibilities in looking after Aboriginal heritage. We do not see how the proposed limitation of access to 'roads or other access routes' could overcome the Aboriginal Heritage Act since the terms are undefined in the proposed amendment and there are myriad tracks that could be loosely described as access routes and justify unwanted access.
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> For example, Mintabie sits on our doorstep and is a significant source of marijuana, grog and petrol. We use the permit system to keep those people out and confined to Mintabie. Additionally, opal miners from Mintabie regularly move outside the designated opal

field onto APY lands to look for opal. If we did not have the permit system, traffickers and opal miners would have unhindered access to the APY lands. . .

The permit system in fact functions very well, and we attach to this letter (Annexure C)—

which everyone received—

our report to the Aboriginal Lands Parliamentary Standing Committee on the operation of the permit system in the last financial year.

I think it would be an absolute disgrace if we unduly postponed this legislation for the sake of an amendment which does not have the support of the owners of the APY lands. I think we have an obligation to respect their wishes, and this council should heed the fact that further undue delay of this bill could result in the death of Aboriginal people.

It is important that this new bill is passed to ensure the health and wellbeing of the longest continuous cultural history of any group of people on earth. Sadly, at present, there is a bleak picture of life expectancy for remote Aboriginal communities. Death rates among Aboriginal children are nearly three times higher than non-indigenous infants. The damaging figures also show that approximately 70 per cent of the Aboriginal population dies before the age of 65 years, compared with 20 per cent of non-indigenous Australians.

These figures paint a concerning picture of the health of Aborigines. Substance and alcohol abuse are among the top five reasons for the increased causes of death and illness in Aboriginal communities. In fact, according to a Canadian study called '100 Centuries', the quality of life of Australian Aborigines is the second worst on the planet. Aboriginal life expectancy is around 59 years at birth. This is 10 years lower than for the indigenous peoples of the United States, Canada and New Zealand, and 18 years lower than the life expectancy of non-indigenous Australians.

I believe the increased penalties introduced by this bill will help curb the poor health of indigenous Australians. I am pleased that this Labor government is continuing the Dunstan legacy of ensuring that Aboriginal rights are voiced. It was a Dunstan Labor government, after all, that was the first to grant land rights to Aboriginal people in Australia. This Labor government has worked hard to continue that legacy by putting in place services to help sniffers and tackle the factors that contribute to petrol sniffing; funding the employment of youth workers in APY communities; and the introduction of programs to divert young people away from petrol sniffing. A mobile outreach service has also been established for counselling and drug education purposes.

A reduction of 20 per cent in petrol sniffing from 2004 is believed to be the result of government and community support. This reduction is a pleasing result. However, more still needs to be done. While we continue to talk about petrol sniffing, the peace, order and security of many indigenous communities continue to be threatened. Comments by the Australian health minister, Tony Abbott, were published in *The Sydney Morning Herald* of 21 June 2006, as follows:

A form of paternalism based on competence rather than race is really unavoidable if these places are to be well run. . . A basic problem of Aboriginal disadvantage was not a lacking of spending but the directionless culture in which Aboriginal people lived.

He suggested that Australia's sense of guilt about the past and its naive idealisation of communal life might be the biggest obstacle to the betterment of Aborigines. Lectures such as those by health minister Abbott will not help the development of Aboriginal communities. Such comments will not help people on the APY lands. His comments will not improve the delivery of vital services and stop kids from dying on the lands. The Howard government has not been able to reduce the 18-year life expectancy difference between non-indigenous and indigenous communities in its 10 years of government.

I do, however, acknowledge its recent funding of OPAL fuel along the highway to the southern tip of the outback in South Australia. Although decreasing the availability of sniffable petrol, petrol runners will still be able to smuggle petrol into these communities, hence the introduction of this bill. The previous state Liberal government is guilty of nearly a decade of shameful neglect and inaction (particularly in the area of substance abuse) toward South Australian Aboriginal communities. In fact, the former Liberal Government had so little commitment to indigenous issues that it allowed the important parliamentary committee (set up under the Pitjantjatjara Land Rights Act) to lapse. Only one site of significance was determined under the previous government; more than 25 sites have been determined under the current Labor government. For far too long not enough was done for Aboriginal communities in the state. However, this Labor government is committed to improving the living environment of the APY lands by working with members and the community.

Labor is committed to establishing an on-going and viable presence on the lands in order to ensure adequate provision of services, such as improving health and safety infrastructure, the environment, education and children's services. These services range from an increase in youth workers, establishment of a dirt bike track near Ernabella, a significant increase in police presence and provision of TAFE training to provide programs aimed at family support workers, and environmental health and substance abuse programs. Aboriginal affairs are a complex and diverse matter and governments and committees should be held accountable when their intentions are incorrect. However, this government can be proud of what it has achieved and will continue to achieve. We want to stop substance abuse and start rebuilding these communities. This bill is a great starting point.

There is an obvious and urgent need to take action now, and Labor will not walk away from this very serious and important issue. Petrol sniffing, commonly known as volatile substance misuse, is often fuelled by poverty, boredom, family and social disruption, social isolation, peer group pressure and as an act to create excitement and pleasure. Petrol sniffing may be seen as a way of escaping community problems; however, the harmful cocktail of chemicals in petrol will result in severe health complications.

The two main chemicals found in petrol—hydrocarbons and small traces of lead—can cause irreversible damage to the body. Hydrocarbons are highly volatile and are rapidly absorbed into the body and the brain, creating a feeling of being high. Although leaded petrol is no longer available, unleaded petrol still contains small traces of lead. Lead is absorbed by the bone and fat in the brain and body and can stay there for up to 10 years. Over time this lead continues to be released back into the body, even after sniffing stops. Petrol sniffing is having a devastating effect on sniffers, their families and the wider community. Death, serious and permanent disability, increased crime, the breakdown of family structure and, sadly, the loss of culture have been the result of petrol sniffing.

The effects of petrol sniffing are extremely broad. Prolonged inhalation of highly concentrated vapour may lead to violent excitement, followed by a loss of consciousness,

coma and death. A range of long-term problems can result from sniffing petrol, including seizures, mood swings, depression, a heart condition, acute and chronic inflammation of the liver and kidney, birth defects and reduced red and white cells in the bone marrow. The part of the brain that controls movement and balance may also become damaged, and the person will be unable to walk and talk properly. This is why many sniffers end up in wheelchairs with permanent brain damage. We need to find short, medium and long-term solutions to preventing petrol sniffing to ensure the next generation of Aborigines have a chance.

Although the direct impact is usually contained to the sniffer, their family and the community, this form of substance abuse also has implications for the broader community. Estimating the annual cost of health care for a sniffer with permanent disability varies considerably, depending on the type and extent of care required. However, reports from the Northern Territory suggest that maintaining a former sniffer is about $150 000 per annum. Such figures demonstrate why it is important to take action now, not only to save lives but also to prevent the potential economic health cost to this state.

Petrol sniffing is also affecting the broader community, with an increase in crime and domestic violence as sniffers search for petrol. Children and young adults are paying the ultimate price for petrol sniffing. In Australia between 1981 and 1991 there were 60 Aboriginal males and three Aboriginal females whose deaths were associated with petrol sniffing. Their ages ranged from 11 to 32 years, with most dying as a result of cardiac failure, aspiration and burns. Petrol sniffing related deaths on the APY lands have been at very concerning levels and this has caused and continues to cause devastating harm to the community, including approximately 35 deaths in the past 20 years.

In March 2004, over a two week period, four young people died of petrol sniffing in a South Australian Aboriginal community. A further eight people had attempted suicide on the APY lands. With a population of between 2 000 and 2 500 these figures are appalling. By addressing the issues of petrol sniffing we are also addressing the wider issue of the problems faced by South Australian Aboriginal communities. We cannot afford to lose Dreamtime beliefs and thousands of years of cultural practices to petrol sniffing. This bill will help give back hope to the communities and help free them from the consequences of petrol sniffing.

The Hon. R.D. LAWSON: I indicate support for the passage of this bill on behalf of the Liberal opposition. However, the speech that has just fallen from the Hon. Russell Wortley contains so many errors, omissions and distortions that a number of the points he raised ought to be answered directly now. The honourable member appears to be in profound ignorance of the law that exists in relation to this matter and, also, to what has been happening in recent times. The honourable member says—as Labor members are inclined to do—'Well, we have the Dunstan government to thank for granting Aboriginal land rights.' This legislation was the product of the Tonkin Liberal government. It was passed under that government in 1981. Members opposite seem to think that Aboriginal rights and policies are the peculiar province of the Australian Labor Party. I can assure him that is not the case.

The honourable member has outlined—if it is necessary to outline to the council—the dangers and terrible consequences of petrol sniffing. There is absolutely no doubt about that. There is no lack of understanding on this side of the council or anywhere else in the Australian community about the dangers of substance abuse. That was brought home very clearly to this government in September 2002 when the Coroner handed down his findings into four petrol sniffing deaths and laid out for this government, very clearly, a blueprint to be adopted for the addressing of that particular issue—not only this government, but governments all around the country. This government, which is now talking about the wishes and desires of the executive of the AP corporate body, actually dismissed the corporate body when the Coroner said that he was returning to the lands to report on what progress the government had made in implementing his blueprint.

Rather than face the music—because they had done nothing about it—they sacked the AP executive unceremoniously. They said that they were appointing an administrator—although there was no power to appoint an administrator. They appointed a retired police officer, and he lasted barely a week. They appointed Bob Collins, and he did not last much longer. They appointed Lowitja O'Donoghue and the Reverend Tim Costello. That relationship ended in acrimony (as Lowitja O'Donoghue has been telling everyone in the news media) because the government was not interested in the advice she was tendering to the government in relation to addressing the issues on the AP lands. It is a joke and a farce for the Hon. Russell Wortley to stand here and lecture us about Aboriginal policy.

Basically, this legislation increases the penalty for having petrol on the lands for the purposes of inhalation, whether for its use or supply. We certainly support that measure. But let there be no mistake about it: this government's standard response to every law and order issue is to say, 'We have increased the penalties. We have tripled them. We have made them 10 times tougher. We are tough.' Actually, simply increasing the penalties for any particular criminal offence makes no difference unless you are detecting, apprehending and preventing the people who are committing these crimes. People have been committing these crimes for years. The question is: what police presence do you put on the lands to actually detect and apprehend them?

The existing legislation provides that a person shall not be in possession of petrol on the lands for the purpose of inhalation. The penalty is $100. That will be increased to $50 000 or imprisonment for 10 years. I have been on the lands on a number of occasions. I have seen children around Pukatja and other settlements inhaling petrol. I have been alongside police officers when this has been happening. I have said, 'Why don't you do something? Why don't you pour the petrol on the ground?' Police officers have said, 'What's the point of that? What's the point of prosecuting them. They haven't got any money.' You might as well fine them $1 million as $100. If they have not got any money at all the threat to these kids of a fine of $50 000 or imprisonment for 10 years is an absolute nonsense. We agree that $100 is too little. We agree that the penalties should be increased. We agree that some people are running and trading substances in the lands and ought to suffer a heavier penalty if they are caught.

We do not for one moment believe that this measure will solve much at all. This measure by itself will not have much effect at all. Members opposite are saying, 'Don't you dare amend or delay this legislation because if you do people will die in the consequence of your delay because we are not increasing these penalties from a meaningless amount to another meaningless amount.' This is not the solution. No

sensible commentator or anyone who has been on the lands would ever suggest that simply increasing the penalties for having these substances on the lands is the solution.

I have been on the lands when grog has been run onto the lands. If someone runs grog into a particular settlement, there is a drunken brawl and terrible consequences because people are injured. Many people on the lands, including the community constables and the police officers, know who brought that grog onto the lands. I will not mention the name of the particular settlement, but I was there one day when we were interviewing the local councillor. The chairman and the deputy chairman of the community were there. A number of youngsters were around, and they were talking about a thing called the night patrol that they had introduced. There was a bit of tension at this meeting, but it went on with members of parliament asking questions and being given information.

The tension, we later found, was that these young kids on the night patrol had found that the runner of the grog into the community the previous night was the very chairman who was addressing the meeting. In discussions with police officers, they say, 'Yes, we know which cars bring the marijuana and bring the grog and trade the petrol on the lands.' This is a vast area, and we have no doubt at all that it is difficult to police. You simply cannot prevent people bringing substances into this area.

Of course, the real solution to this problem is to discourage people from resorting to substance abuse. That is an easy statement to make but difficult to achieve. At the moment, there is very little employment and very little opportunity for the sorts of activities and stimulation that are available in many other parts of the country, so people, driven by boredom and despair and no employment and no hope, invariably resort to substances. That is what is happening on the lands—and that is what has been happening on the lands for years.

There are rooms full of PhD theses and papers from parliamentary committees, royal commissions and coronial inquiries on the issue of substance abuse in Aboriginal communities in Australia. We have not yet found a solution to this dreadful problem, and we will not do so, it seems to me, until we have better policing in these communities (which the federal minister has been pushing and for which he has been vilified) and until we provide people in these communities with better educational and employment opportunities. They do not have those at the moment.

The climate has changed since this legislation was first introduced into this place. The revelations in respect of what has been happening at Wadeye in the Northern Territory and at Mutijulu in relation to domestic violence, paedophilia and the sexual abuse of children, as well as substance abuse, have now received far more attention in the mainstream media than they have in the past. I for one regard that as a very positive development because, finally, people in the southern and eastern states of Australia are realising, as a result of these revelations, what is happening in these places. Until there is a widespread realisation of what is happening, there will simply not be sufficient political will in this nation's parliaments to address this issue that has been around for such a long time. That is why the Liberal Party will be supporting the amendment originally proposed by the Hon. Nick Xenophon to allow media access to the South Australian Aboriginal lands.

At the moment, the legislation allows any member of parliament to go onto the lands, any public servant and anybody the minister says can go onto the lands. This notion that there is some place of freehold title and it is a great discourtesy to allow anybody else to go onto the lands is really a nonsense. The Xenophon amendments are designed (I believe, correctly) to provide for the capacity for the spotlight of this country to be focused on this issue—something that has not always happened in the past.

When this legislation was first proposed, the Premier, as is his wont, was saying, 'We're going to be seizing the vehicles of these dreaded drug runners. We'll be grabbing their vehicles and we'll be taking them.' If you look at the existing legislation, you will see that it provides for that very situation. You do not need this legislation (although it makes it more explicit) to achieve that end. Section 43 of the existing act allows Anangu Pitjantjatjara—that is, the corporate body (often called the executive)—to make by-laws providing for the confiscation of alcoholic liquor or regulated substances to which the contravention relates or other equipment in relation to that. The existing Aboriginal body in the community can pass regulations to this effect if they so choose. Subsection (7) provides:

> (7) A member of the police force may seize and impound any vehicle reasonably suspected of having been used in connection with the supply of alcoholic liquor to any person on the lands in contravention of the by-law.

We are going to extend that from alcoholic liquor to other substances, and that is entirely appropriate. That is why we are supporting this legislation.

In his contribution, the Hon. Russell Wortley was full of self-congratulation for the great achievements of his government, and that is fair enough. I think he grossly exaggerated the situation. It is true that in recent times, as a result of the coronial inquest and the spotlight that has been put onto this issue by reports of Lowitja O'Donoghue, Bob Collins and the like, this government has responded. We congratulate the government for responding, but we do not think that there is much room for self-congratulation in this area. The government has been slow, and it has been keen to manage the media by appointing eminent persons. It has not listened to people on the lands; in particular, it sacked the duly elected Aboriginal executive, and the previous minister actually encouraged an executive that had not been elected to stay in power after its term had expired.

When the full story of what has occurred in Aboriginal affairs in this state over the past four years is told, this government will not be as self-satisfied as the Hon. Russell Wortley is in relation to this matter. Notwithstanding the reservations we have, we support the amendments which are proposed in the bill. We do not believe that simply increasing penalties or increasing police powers will make much difference without a great deal more energy being exerted by the executive government. I heard on ABC Radio the other day the Hon. Jay Weatherill telling Matt Abraham and David Bevan what the government had been doing. He said, 'We have appointed eight community constables on the lands.'

It is true that there are established positions for eight community constables on the lands, but there are actually only three constables on the ground. So often you find, in relation to this, that some provision is made down here, where someone signs a docket in Adelaide stating, 'We are going to create these positions,' but nothing happens on the ground. The Hon. Russell Wortley said, 'We've appointed youth workers on the lands.' The Premier made that very same point, I think last year, when he told a conference in Adelaide that a number of youth workers had been appointed.

The Aboriginal Lands Parliamentary Standing Committee visited the lands shortly before that, and Kris Hanna—a member of that committee—pulled the Premier up, entirely correctly, and said, 'There are no youth workers there. You have told the community there are youth workers there but, in fact, only one youth worker has been appointed and he is not yet in place.' What members opposite seem to think is that, because you make a statement and pass some laws, you have actually achieved a great deal. This government ought to face up to the fact that it has to actually ensure that these services are provided on the lands themselves.

The Hon. Nick Xenophon, I am sure, will outline the basis for his other amendments in relation to programs being available for substance abusers on the lands and insist that those services be used. When this matter was last before the council the government rejected the notion that there ought to be some form of mandatory programs in relation to substance abusers. It said, 'You are going to force us to break the law,' and a number of other excuses were presented.

This parliament ought to send a clear message to the executive government that it expects these programs will be put on the ground, that the law requires them to be put on the ground, and that the law requires that they be implemented. It is one thing to pass laws and increase penalties which it is expected the general community will obey—because we know, in many cases, they will not be obeyed. One thing we do know is that members of the Public Service, if the law requires them to do something, will be doing it, and ministers will be complying with the law. That is the only way this parliament can ensure that these services in relation to substance abuse are put on the ground in the lands.

I commend the Hon. Nick Xenophon for imposing this form of discipline on the government in relation to this matter. I will be interested to hear, once again, the reason why the government will not be supporting those particular amendments. We heard the government say in another place, 'The amendments are too prescriptive, and we do not want them.' The government runs with the usual scare tactic in this situation by saying, 'We do not want to have that included in this legislation. If you include that in the legislation you will delay matters. People will die on the lands in consequence of this delay and you will have blood on your hands by causing this delay.' What nonsense. I am sick of hearing that tactic. That is typical of a bullying, arrogant government. I do hope that members of the council will not succumb to that form of bullying on this occasion.

The Hon. A.L. EVANS: I rise to support the second reading of this bill. Reports, such as the report of the Social Development Committee on Pitjantjatjara land rights, have long talked about the hopelessness and despair in our Aboriginal communities. Petrol sniffing contributes greatly to a pervading cloud of misery. This bill deals with those who profit from that misery. The bill seeks to replace regulatory penalties gazetted back in 1987 with harsher legislative penalties for the illegal selling of petrol on the APY lands. I support these measures which will see dealers face higher fines and longer periods of imprisonment. I support the provisions that allow for a dealer's car to be impounded and sold.

Petrol sniffing is not an imaginary, hypothetical problem. Even as I read this speech, there are probably some young men in Amata community breathing petrol fumes from a Coke can. They are doing themselves long-term damage. Possibly, as evening falls in Fregon tonight, there will be a young woman prostituting herself for petrol. I often hear reports of women exchanging sex for petrol. A young boy might die in a place called Yalata today, outside of the APY lands, thanks to petrol sniffing. Some Aboriginal elders say that there is a death about once a week, either directly or indirectly due to petrol sniffing. This is a real problem.

The hopelessness in one of our Aboriginal communities was described in the *Weekend Australian* as follows:

> It's a broken down place, with barred windows, decayed houses and wrecked cars strewn about the streets. At times, as many as 50 per cent of the young people smoke marijuana compulsively and sniff petrol. Once night falls they drift along the streets, zombie-like, shouting, throwing stones, staring into the black nothingness.

In the past few months our newspapers have been filled with horror stories from the lands, many of them related to petrol sniffing. *The Advertiser* of 23 June told the story of a 30-year-old Anangu woman who died sniffing petrol, with her body then being dragged around the Fregon community by a pack of dogs.

The Australian of 18 May talked about a man who severely burnt his de facto wife, apparently while he was in a petrol-fuelled rage. That story concludes with an estimate that dozens of Aboriginal people have died in 2006 alone as a result of sniffing; others become permanently disabled with brain damage. Enough is enough. This is not acceptable in South Australia and I call upon the government to take whatever steps are necessary to curb this problem.

Throughout the years, I have forged and maintained relationships with many people working and living in Aboriginal communities. I lived in an indigenous community in Papua New Guinea for three years. I was in a community with just a few Europeans amongst 15 000 New Guineans. In some ways the New Guinean communities are similar to Aboriginal communities and in other ways different. Family First is grateful for its close ties with the Aboriginal community. Our office had discussions with several indigenous leaders on this issue, including former national president, Andrea Mason, who had just been up to the APY lands.

I thank our supporters from the Aboriginal community for their insight and suggestions regarding this current bill. Today I am supporting the APY lands bill although I do not believe it goes far enough. My first concern is that the current bill is limited to the borders of the APY lands. Some people say that petrol sniffing is most serious in the APY lands, but other Aboriginal communities are also being destroyed by petrol sniffing. I have heard that petrol sniffing is a serious issue in other areas such as Yalata and areas in and around Coober Pedy and Ceduna, and it is not unknown in Oak Valley.

These places fall outside the border of APY lands and are not protected by this bill. The penalties for petrol smuggling and sale should be consistent throughout all our Aboriginal communities. If this bill is passed then we have one penalty regime in the South Australian APY lands. We have other penalty regimes for the APY lands that happen to be on the Western Australian side of the border and other penalties on the Northern Territory side of the border. There does not appear to be any effort to make this bill consistent with Western Australian or Northern Territory provisions.

In the state's west, for example, we have another penalty regime for sniffing petrol under the Yalata Reserve Regulations. We then have other communities covered by another penalty regime under section 19 of the Controlled Substances Act. The differing ways of dealing with petrol sniffing all over the state do not present a united front against the

problem. The commonwealth Senate report 'Beyond Petrol Sniffing: Renewing Hope for Indigenous Communities' released in June notes that the differing laws across Australia 'create inconsistencies in the ability to adequately control and police sniffing'.

I am supporting this bill on the basis that the minister has agreed to look into extending the boundaries covered by the new provisions, and I am thankful for the minister's letter to me today confirming that he has asked the Aboriginal Affairs and Reconciliation Division (AARD) to look into this concern. I have made some inquiries about drafting an amendment to this bill but, as we would be seeking a more unified statewide approach, a mere amendment to the current APY bill would not be sufficient. I say that other indigenous communities should have the same protections as the APY lands, and they should be consistent in the penalty regimes across South Australia. In this regard I am leaving the option open to bring a private member's bill in the future.

Another concern raised to me is that a habit called 'chroming' is on the rise and, in some places, taking the place of petrol sniffing. Chroming is the inhaling of solvents, glues and aerosols. Some reports from Queensland now say that chroming is widespread in its remote centres and at risk of becoming an epidemic. The current bill deals only with petrol directly but with a proviso that other substances can later be declared by regulation to fall under the definition of a 'regulated substance' in section 4(2). We appreciate that the minister has looked into this issue on our behalf, and I support the bill on the basis that I am told that AARD is keeping tabs on the problem.

Lastly, I hear time and again that petrol sniffing in our Aboriginal communities is symptomatic of a larger problem—a feeling of being ignored. In March 2005 Tim Costello and Professor O'Donoghue from Flinders University prepared a report on the APY lands at the request of the Premier. The report noted 'an overwhelming feeling of despair from the elders' and said that they are 'dangerously close to considering the situation quite hopeless'.

One of the main causes of despair is the feeling that no-one is doing anything about their problem. I have heard that the APY communities are sick of what they call the 'fly-ins' by officials who stay for just a few days and sometimes only hours. Report after report is then written but the recommendations do not get implemented. We must make sure that if a report says that something must be fixed that it actually gets fixed. The Costello/O'Donoghue report suggests the appointment of someone with the powers of an ombudsman on the land—perhaps an indigenous leader with such a person having direct access to the Premier's department.

There have been some suggested amendments to the bill. In particular, there has been talk of opening up the lands to the media so that journalists can come and go without the need to obtain the usual permit. I understand where the thinking is coming from on this issue—and perhaps increased media scrutiny would be a good thing—however, I am not personally inclined to support the amendment today. First, the lands belong to the Anangu people. In the same way as I should be able to keep reporters from walking through my backyard, they should have the right to say who can and cannot come onto their property.

Further, I received a letter from the APY executive asking that the bill be passed without amendment. The executive has indicated to me that it will refuse a permit to media or other visitors only in the rarest of circumstances. The figure provided to me was that only one in 1 000 applicants are refused. So, at this stage, I am persuaded to go along with the request. I trust that, in the future, we can go some way to solving some of the other problems on the land. I see that a United Nations official reported earlier this month that housing in the Aboriginal lands was 'amongst the worst in the world'.

Some weeks ago we had an Aboriginal elder on the ABC saying that children were 'starving' on the APY lands. The June Senate report notes:

> In the 21st century many indigenous people suffer in diminished and purposeless existence in a developed and wealthy country where other Australians take opportunity, education, good housing, clean water, good health and meaningful employment for granted. That this is the case is both shocking and shameful.

Although I am not completely happy with this bill, I support it at this stage. I trust that this bill will be the first of many other government initiatives to improve the lot of those living in our Aboriginal communities.

The Hon. S.G. WADE: It is almost 25 years since the Tonkin Liberal government introduced and passed the Pitjantjatjara Land Rights Act of 1981. The act granted inalienable freehold title to over 100 000 square kilometres of traditional lands in South Australia. About 2 600 people live on the APY lands in communities ranging in size up to 650 people at Pukatja. Almost one in 10 indigenous South Australians live on the lands. A key element of the act is that access to the lands is managed by Anangu, the Pitjantjatjara word for 'the people'. Mr Xenophon has placed on record an amendment to the permit regime. I propose to focus my remarks on that issue.

Under the 1981 act, access by non-traditional owners has been restricted using a permit system. Non-Anangu are required to apply to the APY body corporate for a permit before entering onto the lands, and to enter the lands without a permit is an offence. The permit system allows Anangu to manage access to their land and protect their sacred sites. A report provided to the Aboriginal Lands Parliamentary Committee by the APY body corporate shows that in 2005-06 1 858 permits were granted, with most of those permits being issued to government officials or employees and contractors on the lands. Of these 1 800 permits, only 15 were granted to the media.

The people living on the AP lands, like other indigenous South Australians, experience health outcomes significantly poorer than other South Australians. The life expectancy of indigenous South Australians is below the general level by 19 years for males and 16 years for females. Nationally, indigenous Australians are seven to 10 times more likely to be murdered or commit suicide. The indigenous infant mortality rate in South Australia is 9.4 deaths per 1 000 live births compared to four deaths per 1 000 live births for all of South Australia.

To most Australians, these statistics have become just statistics. Jackie Huggins, the co-chair of Reconciliation Australia, recently said, 'Australians have heard these numbers so many times before, they're numb to the human significance.' How can we avoid numbness to the loss and grief when conveyed by crude numbers? How can we humanise the statistics? I believe that the media is a vital link in this process. The media can give us a story and give it a human face, put it in terms that the average South Australian can readily understand and digest. We may well criticise the media for simplistic responses to complex situations, but its contribution is often vital. It is often the human interest

article, the dramatic photograph or the video stream that helps the penny drop for people or stuns the community into action. Media contributions may not always be accurate or even constructive but, in a free society, they are a vital element in the development of public opinion. To paraphrase a quote from Joseph Pulitzer:

> Journalists can put issues before the public briefly so they will read it, clearly so they will appreciate it, picturesquely so they will remember it and, above all, accurately so they will be guided by its light.

If a picture can speak a thousand words, it can shout a million statistics. As just one example, I imagine that every member of this house can visualise the image of Kim Phuc Phan Thi, a burnt nine-year-old girl escaping from the Vietnamese village of Trang Bang, which had been bombed with napalm. That one second caught in time raised world awareness of the horrors of the war. Martin Woolacott, a former Vietnam correspondent, said as follows:

> Nick Ut's photograph had an extraordinary impact upon the world. The psychological history of the war seems inconceivable without this image. Along with half a dozen other photographs, it helped at some deep level to shape the popular feelings which in turn influenced policy—it deepened the scepticism with which by mid-1972, the war was being viewed.

Tom Buerkle, another journalist, wrote:

> The picture. . . For anyone old enough to remember the Vietnam War the photograph of the naked nine-year-old girl running toward a camera screaming in agony as napalm burnt her flesh is seared into the consciousness. . . Her image has become a symbol of war that transcends debate about the rights or wrongs of US intervention in Vietnam.

The photograph is not a comfortable one to view. I am sure that the US authorities would rather that it had not been taken, but it has served to humanise the tragedy of war.

Likewise in the APY lands, media access will not always be comfortable but I believe that it will ultimately be to the benefit of the Anangu. As servants of the public we also need to acknowledge that the media play a vital role in providing accountability. When this bill was previously introduced in 2004, the then minister acknowledged the importance of the media in illustrating the conditions on the lands. In his speech he said:

> Recent press coverage of conditions on the APY lands graphically illustrates the misery of the practice of petrol sniffing.

This chamber does not need reminding that media exposure promotes action. Even the potential for facts to be aired in the media acts as a strong incentive to responsive government. I have no doubt that the media's work on petrol sniffing and the control of regulated substances—the subject of this bill—has been instrumental in making substance abuse an issue and promoting action on it. The administrators of the lands, other service providers on the lands, the government and indeed this parliament must be held accountable for actions in relation to the Anangu and their lands. The media are an integral part of this accountability process.

A recent example of apparent abuse of the permit system which undermined accountability was in Wadeye in the Northern Territory. During the outbreaks of violence in Wadeye, journalists from *The Australian* were refused entry onto the lands. *The Australian* reported that the deputy council clerk Dale Seaniger cited the arrest four years ago of former Australian journalist Paul Toohey as a justification to refuse access to another Australian journalist. Mr Sininger is reported to have said that people have long memories and if you want to write a story that in any way adversely affects our community you can guarantee that our people will react in the same light. I note that the ABC and Fairfax journalists were allowed access.

The federal indigenous affairs minister, Mr Brough, has called for a review of the permit system, a call supported by Sue Gordon, chairwoman of the National Indigenous Council. The refusal of access in Wadeye represents a dangerous precedent which will damage the accountability of officials and administrators on Aboriginal lands. The rights of Aboriginal people to have their privacy respected should not be used as a shroud so that service providers can avoid scrutiny. The public has the right to be informed, not just as a statistic tabled in a parliamentary report, but through the media sources they trust, and in a story, a picture or a video clip which they can connect with.

I return now to the report on permits granted on the lands. As I mentioned, in 2005-06 only 15 permits were issued to media personnel and in 2004-05 the number was even fewer, with only 11 permits issued to the media. Unfortunately records are not kept in relation to the number of applications for permits refused, so we do not know how often the media were turned away. Even with that data, we would not know how many would have just stopped bothering to apply. At the end of the day, only 15 people from the media were granted access over the course of the year. I am concerned that this level of openness is not sufficient to maintain public awareness or to support effective accountability.

We can pass this bill today and we can make all the laws we like, with the best intentions, to improve conditions on the land but, if we undermine scrutiny, how confident can the South Australian community be that these measures are effective and are being appropriately administered? How can the public know whether we have really made an impact if the only proof they have is lifeless statistics, untested by independent observers?

It is for this reason that we in the opposition seek to support Mr Xenophon in this bill to grant access to the lands for members of the media. While we support the intention of the bill to better restrict the regulated substances on the APY lands and to give police the powers to protect the lands from abuse, we believe these measures are so important that the public, including the Anangu, deserve to have their actions scrutinised for the full range of accountability measures, including the media.

In closing, I would like to congratulate the Anangu on the 25th anniversary of the grant of their land and wish them all the best for the next 25 years and beyond. Let us hope that, with shared commitment and energy, the Anangu, the government and this parliament can work together and enjoy greater success in addressing many of the challenges facing the Anangu communities.

The Hon. CAROLINE SCHAEFER: I rise to support this bill and congratulate the government on what is an attempt, at least, to come to terms with some of the problems on the lands. I speak because, as many members know, I, too, have been to the Pitjantjatjara lands on many occasions—several occasions, anyway—and have indeed grown up with Aboriginal people. However, this bill will do nothing to change what has become an epidemic of crime and disease on the Pitjantjatjara lands. This is a bill that is about publicising what the government thinks it would like to do rather than a bill that will have an effect on, as I say, what has become a culture of self-destruction. In bringing down his report, The Coroner stated:

Clearly, socioeconomic factors play a part in the general aetiology of petrol sniffing. Poverty, hunger, illness, low education levels, almost total unemployment, boredom and general feelings of hopelessness form the environment in which self-destructive behaviour takes place. That such conditions should exist amongst a group of people defined by race in the 21st century in a developed nation like Australia is a disgrace and should shame us all.

I thoroughly agree with those sentiments. Frankly, increasing the fine to $50 000 and increasing the term of imprisonment to 10 years will do absolutely nothing to catch the people who perpetuate this crime, because there is a culture of acceptance on the lands. Amongst other things, the minister said on 21 June when she reintroduced this bill that a residential substance misuse rehabilitation facility will also be built on the APY lands. My question is: when? We certainly have not seen that. Is it going to be in the next budget? I hardly think so, or we would have heard much more about it because it would be a headline grabber, and this government loves headlines.

Frankly, how are people going to be caught in an under-policed, large geographic area if the residents do not want them caught or if, indeed, they are one in the same—the residents and the perpetrators of the crime? How will you prove that someone who has two jerry cans of petrol in the back of their vehicle simply is not taking wise precautions because they live in isolated conditions? We have heard much about the introduction of Opal petrol, but I am reliably informed that there is a very common and readily available substance which can be added to Opal which not only makes it sniffable but also gives the users of it a better 'high' than they get from normal petrol. Who is to say that, even if we did manage to stamp out petrol being provided on the lands, these people will not then begin to sniff glue, paint and aerosols? As the Hon. Mr Evans said, there is a practice up there which is currently known as 'chroming' and, unless we can change the culture which has permeated these people and unless they want to be saved, it seems to me that we are wasting our time.

Of course I will support the bill because it is a move which purports to help these people, so no-one will object to that, but what I am saying is that this is not enough—it is not anything. It is typical of what this government does. It tells us it is tough on law and order because it increases the penalties but, unless you catch someone and stop them behaving in this way, I am very sceptical as to how many lives will be saved by this measure.

The Hon. NICK XENOPHON: I support this bill, but I believe that it ought to be the subject of substantive amendments—the amendments that I have filed that are standing in my name. I do not believe that there is any real difference between members in our desire to improve what has occurred on the lands: the awful dispossession; the misery; the issues of the awful problems of substance abuse, particularly petrol sniffing. I think that all members of this chamber are genuine in their intent to do something about this awful problem. I think it is a blight on the entire community. We stand judged as a community by the way the most vulnerable in our community are treated, or their condition. I believe that the people in the AP lands are among the most vulnerable and dispossessed in our state. That is why it is pleasing that the government acknowledges that more needs to be done, but let us look at the history of this.

What brought this debate to the forefront was, I believe, media attention: a story on the front page of *The Advertiser* of a young man sniffing petrol. If it was not for that publicity and the ensuing publicity and public outcry, I do not believe that the attention or the energy of the community, the parliament or the government would have been to the same degree as it was. As the Hon. Stephen Wade so eloquently put, the importance of shining a light on what occurs in the lands through media coverage is absolutely crucial in shifting public opinion, in jolting the community into action and into pricking the consciences of all of us so that there can be some substantial change.

The Hon. R.P. Wortley interjecting:

The Hon. NICK XENOPHON: The Hon. Russell Wortley talks about the issue of a permit. I believe that the permit system does allow in some cases for permits not to be issued in a timely manner.

The Hon. R.P. Wortley: There's no evidence for that.

The Hon. NICK XENOPHON: The Hon. Mr Wortley says there is no evidence, but if you speak to journalists privately about this—

Members interjecting:

The PRESIDENT: Order!

The Hon. NICK XENOPHON: The current permit system is cumbersome and I know of instances where a number of days lapse before there is a response and, if there is some information of something that ought to be in the public eye, what occurs is that in some cases it can be covered up. I have seen media reports recently in terms of what has occurred in the Northern Territory at Wadeye, where one journalist, Paul Toohey, was denied access and others were not because, I understand, there was an issue about Mr Toohey's reporting on some particular issues that had upset the powers that be in a particular community in the Northern Territory.

I think we all want the same thing in terms of reducing the level of petrol sniffing, of reducing the level of abuse, reducing the level of substance abuse generally, and all the terrible social problems that occur on the lands. I have referred in previous debates to Rosemary Neill's book *White Out: How Politics is Killing Black Australia*. She makes a very powerful case for the way in which we have gone backwards in the last generation in terms of mortality rates, of issues of substance abuse, and of the crimes that occur against young children on the lands. That is why I think we need to look at these amendments. What the government is proposing certainly is a step in the right direction, but let us do the job properly by having, first, media access on the lands, by shining a light on these problems.

This is something that I will refer to in more detail during the committee stage. I could not have expressed it better than the way in which the Hon. Stephen Wade has with respect to the importance of the media having a role to shift the culture, to jolt the community and to take action where action is needed. And action is certainly needed with respect to the APY lands.

The second amendment I have proposed with respect to mandatory treatment is in a form identical to that which I put up last year. I look forward to my colleague the Hon. Ann Bressington, who has been at the front line and has the expertise and authority to talk about issues of substance abuse and about treating people with such abuse, supporting that amendment. If someone has a substance abuse problem, there ought to be a treatment facility. One of the questions I need to put to the minister in relation to this is that the government says, in its second reading explanation on this matter, that this amendment is unnecessary because the referrals I am seeking will be able to occur through the drug diversion program.

What does the minister mean by that? Why is not the amendment I propose preferable in terms of guaranteeing access?

Some may question giving mandatory treatment on these lands compared with the rest of the community. My views on that I have stated publicly, and they are identical to the views held by the Hon. Ann Bressington with respect to mandatory, humane, compassionate, well funded treatment, but let us start with a community that is the most dispossessed and ravaged by substance abuse in our state and give them the support they deserve rather than what I believe are well intentioned measures, measures that mean well but do not go far enough. If you are going to do it, do it properly so that if someone is in the grip of the substance abuse of petrol sniffing, we can give them the support they need.

Last year at the people's Drugs Summit, which I co-convened with Paul Madden, we brought down representatives from the Mount Theo-Yuendumu substance misuse program and they told us about the dramatic success there of what is, in effect, mandatory treatment. The Hon. Ann Bressington was there for the entire summit and we heard a powerful presentation about how that community, through what was effectively mandatory treatment, has managed to turn around the scourge of petrol sniffing in that community, where it has been virtually wiped out. We can learn from that. This model in the bill seeks to ensure that if someone has a serious problem they must be referred to assessment and for treatment and the resources ought to be there. This is a community that deserves our support and deserves the resources because of their level of dispossession and abuse. Every member in this chamber is seriously concerned about this issue. Let us do this properly, let us shine the light on what occurs in these communities.

I will speak to my amendment in committee. It is slightly different from the amendments I put up last year as I have listened to a number of concerns put to me. Let us also ensure that, if a person is in a desperate position and has a substance abuse problem on the lands, they get the treatment they deserve. I note that the Hon. Mr Evans, in his powerful contribution about the level of despair and dispossession in these communities, and detailing the instances he referred to and his own knowledge of them, stated that it is important that we support both amendments. I also note that the Hon. Mr Evans supported my amendments, as I understand it, when this bill was being debated previously in the last parliament.

I hope he can support these amendments again, because this is about improving the bill and ensuring that the measures it proposes are even more effective so that we can see a cultural shift—a turn-around—in terms of what has occurred in these communities, so that the wider community is aware of the desperate position the people on the APY lands are in. The Hon. Mr Lawson referred to the breadth of the problem. We know, from questions he has asked previously, of coroner's inquests, recommendations with respect to petrol sniffing and deaths of young people, that these amendments, coupled with this bill, will go a long way towards reversing that trend and reducing the level of harm in these communities.

The Hon. M.C. PARNELL: The Greens are happy to be supporting this bill, and we support it for the reasons that all honourable members have spoken of in their contributions today. No-one can be in any doubt about the level of devastation that petrol sniffing is causing in our indigenous communities. Other speakers have mentioned the health impacts, including chronic disability leading right up to, tragically, the death of many sniffers. The social impacts are also well documented: violence, crime and the breakdown of community structures. The economic impacts have also been alluded to by other members, the inability of petrol sniffers to gain meaningful employment and commercial losses in communities over vandalism and theft from shops.

In our consultation with members of Aboriginal communities and health professionals, we have found that there is a great deal of frustration in the now two-year delay since this legislation first came before us. Other states have managed to move ahead, but South Australia has been somewhat deadlocked. This lack of progress is in spite of the fact that we have had more reports, recommendations and inquiries than many people have had hot dinners. It is a subject that has been studied in great detail yet we seem to have been very slow in moving forward.

However, all the reports say that we need a suite of initiatives, that there is no one single solution. We need effective police strategies and we need enabling legislation, of which this bill is one part, if we are going to properly address the damage that has been caused and prevent further damage to these communities in the future. Members would be aware that the Senate Community Affairs Committee has recently concluded its report. Again, it is a report that highlights the need for a multifaceted and integrated response to the problem of petrol sniffing. Some of the strategies that are highlighted in that Senate report include, for example, the provision of safe houses for sniffers and also the potential victims of petrol sniffing.

We need targeted multifunction police centres. We need a permanent police presence in Aboriginal communities, particularly remote communities, and community night patrols, but we also need increased recruitment of community members as Aboriginal liaison and community officers who can work alongside sworn police officers. The Greens are pleased that there appears to be some progress in putting in place many of these services. We are supportive of the various agreements, strategies and facilities which have been put in place with the support of the local communities, and that is crucial. You need to have the support of those communities if the strategies are to be effective. In particular, we are keen to hear more about the substance misuse facility at Amata, which, we understand, is intended to be operative by the middle of next year.

The need for an integrated approach was highlighted in the media very recently by the Catholic Church. Its spokesperson, Sister Joan Healy, referred to the fact that the cost of fresh, healthy food on the APY lands is so expensive that many families are doing without. Sister Healy said:

> The young adolescents don't petrol sniff if they've had a good feed, and this is a basic answer to our problems.

It is not just this legislation, and it is not just the programs; it must be a multifaceted approach.

Other members have referred to the Coroner's reports and the extensive recommendations that have been made and, again, I think that this bill goes some way, but not all the way, in meeting some of those recommendations. Even though it might seem a crass analogy when we are talking about human lives and human welfare, even a basic economic analysis such as the one conducted by Access Economics on behalf of the NPY Women's Council in March this year showed that the rollout of non-sniffable Opal fuel had

considerable economic advantages. In fact, that economic report showed that for a $26 million expenditure there could be benefits of $53 million, representing a saving of $27 million. That is not the overwhelming consideration, but when looked at in conjunction with the personal and social impacts of which other members have spoken it is an important consideration.

I want to address some of the Hon. Nick Xenophon's proposed amendments. I have been listening carefully to the contributions of other members. First, in relation to the amendment that relates to access of media to the lands, we look forward to hearing the committee debate. At this stage we are not inclined to support that amendment. We are very sympathetic to the aims. The Hon. Stephen Wade put it quite well when he talked about the importance and power of the media in delivering political action. We recognise that sometimes public policy does dictate that extraordinary measures are required and that we have to invade people's private spaces. One only needs to think of domestic violence or sexual abuse where there is a justified call for infringing what would otherwise be human rights.

What the Greens are looking for is some solution where the community still has a say, rather than just overriding its wishes. We have to emphasise the point that these are not public lands. We are conscious of the fact that, if a case is made out for legitimate reporting being denied, it may be that a reform of the permit system is required. We would be loathe to infringe on the rights of self-determination of the people on the lands in relation to the current permit system. We are also conscious of the fact that the proposed amendment is controversial. If that is the reason the bill was delayed for two years, we do not want it delayed for another two years.

In relation to the compulsory treatment amendments, we are still considering our position, but we are more inclined to support these amendments. We have some questions that need answering. As a result of consulting with some of the women's groups on the lands, we understand they are not necessarily opposing these amendments; and I think we have to take the views of the local women very seriously in our consideration. The amendment calls for mandatory referral and assessment. The government's report on the bill talks about mobile outreach services that have recently been established; and we are told that has some further expansion. The conclusion is that the amendments sought by the Hon. Nick Xenophon will be unnecessary because the referrals he is seeking will be able to occur through the drug diversion program, which is a police program.

I am not certain whether that is correct. As I understand it, that program is centred around the Controlled Substances Act, and I am not sure of the status of petrol as a controlled substance under that act. I have not looked into it fully, but I do note that the Controlled Substances (Volatile Solvents) Regulations 1996 in the schedule of volatile solvents does have the word 'petrol'. It may be that the regime under the Controlled Substances Act is sufficient, but, interestingly, as we get the rollout of non-sniffable Opal petrol, that could be caught by the regulations; so there could be an amendment there. I guess that is a question on notice to the government. It has been said that the Hon. Nick Xenophon's amendments are unnecessary, but I need further convincing of that. Finally, I reiterate that the Greens are strongly supportive of the bill and look forward to the committee stage and some good debate in relation to the amendments.

The Hon. A.M. BRESSINGTON: I have heard both sides of the council speak today about the problems on the APY lands, and I agree with the Hon. Mr Xenophon and with every other speaker here that at the heart of this is the well-being of our Aboriginal people and our Aboriginal community and our ability to make a difference to their lives and the lives of their children and grandchildren.

I have spoken with an Aboriginal elder (because of this legislation) who spent some 15 years in the Parklands as a substance abuser and who currently works in the area of treatment and rehabilitation of indigenous people. It may be interesting for members of the council to hear that this elder supports the amendment to have media on the lands and also supports the introduction of mandatory treatment. This gentleman has given me permission to name him in parliament, but I will not do so unless members insist on it.

He has a very interesting analogy about what is happening with the Aboriginal people—and who better to take notice of that than someone who has been a substance abuser himself, who has lived homeless in the Parklands, and who has rehabilitated himself? He believes that the Aboriginal people have lost sight of their traditions (as we all know) and believes that the addictive culture is now their tradition. He fully supports the project for Mount Theo, where Aboriginal elders have the opportunity and authority to intervene on the substance abuse and petrol-sniffing of their youth, to take them out to teach them about dreamtime and about what their culture is, where it has come from and what it means, and be able to heal their lack of belonging and connectedness.

Something that has astounded me over the past 11 years is the reluctance of whatever government is in power to acknowledge that government departments and government bureaucrats actually do not have all the answers. The Aboriginal community has a program that works well for them, and other communities have asked for that particular program to be implemented for them so that the Aboriginal elders can take control of this themselves and work culturally with their own children and grandchildren. These programs are not funded or acknowledged and the results are not documented, so it is never a part of research and is never able to be referred to as a successful pilot or program.

Regardless of what government is in power, we actually need to start looking beyond the academics of this. The point of mandatory treatment and rehabilitation on the APY lands is that it is not brain surgery to understand that people who are under the influence of illicit drugs—or petrol-sniffing, or glue, or whatever else it is—are not able to make a decision to get themselves into treatment or get themselves the help they need. As I said, this Aboriginal elder has pleaded with me to put this case in parliament, that monitored and mandatory treatment will be part of this legislation in an effort to try to save his people.

I thought I would bring that to light in the parliament, have it put on the public record, that this is the wish of an elder who, as I said, has been through the rough himself and who has survived. He has now been clean for, I think, 17 years and he has done it his way. He is now assisting other Aboriginal people with co-morbid problems and substance abuse issues, and they are being led through their recovery the same way he worked through his own—and it is working for them.

So there is that program and there is the program at Mount Theo that could contribute to the mandatory treatment because it is culturally specific and culturally appropriate. This is also, I guess, to disagree with not allowing media on the APY lands and exposing the reality of the problems. The

media attention that we saw with the Hon. Mr Brough, federal Minister for Family and Children Services, snapped people into action and shocked the entire country regarding what is going on up there. The worst thing we can do is to put a blanket over this and try to sweep it under the carpet, as we do with so many other substance abuse issues. That is all I have to add. I look forward to the committee stage.

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): The Anangu Pitjantjatjara Yankunytjatjara Land Rights (Regulated Substances) Amendment Bill is a commendable piece of legislation. I believe that it will go some way to making a difference to people living on the APY lands and to young people in particular. I do not think there is anyone in this chamber who wants to sweep these issues under the carpet or who does not recognise their longstanding complexity. The problems associated with petrol sniffing across the APY lands are clearly a matter of great concern to all of us. As we know, petrol sniffing is an insidious and devastating problem.

The Rann government recognises that petrol sniffing is a symptom of the broader social, economic and health issues faced by Anangu. It is well documented that inhalant abuse not only affects the sniffer but also has demoralising and overwhelming effects on their families and communities. Many older Anangu choose to move away from their communities due to the fear generated by rampaging young men and women intoxicated by the fumes from unleaded petrol. It is well documented in literature that petrol sniffing is in part responsible for things such as loss of culture, increasing crime and violence, community dilapidation (including increased property damage), serious and permanent mental and physical disability, the breakdown of family and community structures and, in some cases, even death.

In 2004, Peter Dabbs and Maggie Brady reviewed the policy responses of Australian governments to petrol sniffing in indigenous communities from the 1980s to 2004. They recommended the following approaches to improve the situation:

- a whole of government approach, including coordination between levels of government;
- improving the evidence-based practices relevant to petrol sniffing;
- replacing the current pattern of short-term pilot and project funding with longer-term evidence based interventions (and that is glamorous language for saying what is tried and true); and
- replacing the insistence that communities take ownership, and the Hon. Anne Bressington made this point as well.

Communities must take ownership of the problem by a genuine commitment to partnerships involving governments, non-government and community sectors. This government is following the recommendations of the Dabbs and Brady report and has provided ongoing funding for services to help sniffers and to tackle the factors that contribute to petrol sniffing. These include:

- the employment of youth workers in APY communities;
- activity programs to divert young people from petrol sniffing;
- the introduction of the countering risky behaviours curriculum in Anangu schools;
- counselling and drug education; and
- funding for the Nganampa Health Council.

A substance misuse rehabilitation facility is being established on the APY lands at Amata to assist Anangu with substance misuse problems as part of a comprehensive approach to address petrol sniffing and other problems on the lands. Drug and Alcohol Services will operate the facility, including a mobile outreach service. This has been mentioned before, but I think it is worth mentioning again. The outreach service, which has already commenced, will visit communities and provide, for example:

- assessments, counselling and support for individuals and families affected by substance misuse;
- referral to hospital or a clinical primary health care, if needed;
- assistance in case management and individually designed care plans;
- support for diversionary programs, particularly the police drug diversion initiative; and
- further community drug and alcohol education.

Whilst these new and existing state government-funded programs that provide healthy activities for Anangu are vitally important, a particular priority for the government is to stem the supply of petrol and other harmful substances on the APY lands. To that end, the purpose of this bill is to crack down on the trafficking of petrol and other regulated and illicit substances on the Anangu lands. The APY executive, elected representatives of Anangu and the Australian government support these new sanctions. The sanctions introduced by this bill are a further and essential step in the process of recovery. I emphasise that it is a process of recovery. There is not going to be a magic wand or a one-size-fits-all solution to this—it is an ongoing process of recovery for communities in the APY lands for individuals and their families. I commend the bill to members.

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

ADJOURNMENT

At 6.22 p.m. the council adjourned until Wednesday 30 August at 2.15 p.m.