LEGISLATIVE COUNCIL

Wednesday 30 August 2006

The PRESIDENT (Hon. R.K. Sneath) took the chair at 2.20 p.m. and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the 8th report of the committee for 2006.

Report received.

The Hon. J. GAZZOLA: I bring up the 9th report of the committee.

Report received and ordered to be read.

SUICIDE

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

Leave granted.

The Hon. G.E. GAGO: As Minister for Mental Health I am extremely concerned to hear today that an honourable member in this place intends to outline in parliament the means of committing suicide. I want to use this opportunity to bring to the chamber's attention advice that I have received from South Australia's chief adviser in psychiatry that is relevant to this issue. I understand that the Hon. Sandra Kanck has flagged that she intends to publicise, for people's information, methods of suicide so it can be available in *Hansard*.

Today I have been advised by both the Chief Adviser in Psychiatry, Dr John Brayley, and an internationally recognised suicide prevention expert, Professor Robert Goldney, that the ramifications of this action could be devastating. Both of these pre-eminent psychiatrists have advised that publicising details on the methods of suicide can affect vulnerable people who may not have otherwise accessed this information. Some of the most vulnerable people in our community have a mental illness, and they can be at particular risk of self harm or suicide. People who are depressed or despairing are sometimes unable to find solutions to their problems and are susceptible to the suggestion that there may be an easy or efficient way to kill themselves.

The suicide prevention literature makes it clear that there is a correlation between media reporting of suicide and the actual suicide rate in Australia. The National Media and Mental Health Group, which includes SANE Australia, the Federal government's National Advisory Council for Suicide Prevention and the Australian Press Council, has published a report that makes it very clear that reporting which includes detailed descriptions or images of method and/or locations of a suicide has been linked in some cases to further suicides using the same method or location.

Whatever your view of medically assisted euthanasia, there is no excuse for behaviour that could see people vulnerable to suicide die. This is about saving the lives of people for whom there is hope and a future. Both I and the chief adviser in psychiatry have personally appealed to the honourable member not to do this rash and irresponsible thing. I am now appealing again publicly to the honourable member not to proceed to outline details of methods of suicide in her speech today. If the honourable member chooses to do this unconscionable thing, then I would implore the media to do the responsible thing and not report either the details relating to suicide methods or how this information can be accessed.

QUESTION TIME

CRIME STATISTICS

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

Leave granted.

The Hon. R.I. LUCAS: Earlier this year on 25 May, the minister released a press statement entitled 'Crime rates continue to fall in South Australia'. I quote from part of that release as follows:

> Police minister, Paul Holloway, says these reductions—

he refers to reductions in crime figures—

> are no accident. Rather, they are the product of a well-resourced police force. We now have 3 993 police on the beat and more are coming, says Mr Holloway. The Minister says, the significant falls recorded in some major offences is evidence the Rann Government's focus on being tough on crime and increasing Police numbers is delivering results.

The minister was claiming that crime rates were falling as a result of increased police numbers. In the past week, there has been some media publicity in relation to the issue of some crime rates actually increasing, contrary to the national figures.

The Hon. P. Holloway: You were the source of that, weren't you?

The Hon. R.I. LUCAS: The source was actually the Office of Crime Statistics, not me. In particular, I refer to sexual offences, driving offences and offences against good order which, in some cases, had increased significantly. I noted—and other commentators have noted—the minister's and the government's response for the increased crime levels of sexual offences, driving offences and offences against good order. *The Advertiser* quotes the minister as follows:

> A spokesman for police minister Holloway said some crime categories had increased due to higher levels of detection attributed to the record police numbers.

When crime goes down, it is because of increased police numbers but, evidently, when crime goes up, it is also because of increased police numbers. As one commentator has noted to me, Mr Rann's magic police numbers can do whatever you want them to do at any particular time. My question is: how does the minister justify his claim that increases in police numbers at the same time both increase crime rates and reduce crime rates?

The Hon. P. HOLLOWAY (Minister for Police): The statistics that the government is using are victim-reported crime statistics. One would expect that, if victim-reported crime statistics are declining, the level of crime within the community is declining. If one looks at statistics such as the number of motor vehicles detected for speeding, that will obviously depend, to a very large extent, on the level of police detection. In relation to those sorts of statistics, the more police you have on the roads, the more people you are likely to detect speeding. However, if one is looking at victim-reported crime—and they are the statistics I was referring to earlier this year—one can say that there has been a drop over each of the past two years of about 6 or 7 per cent. It does not necessarily follow that every category will fall. For example—and I have conceded this in the past—

driving causing death rose in percentage terms quite significantly because the absolute numbers rose from 11 incidents in 2004 to 15 in 2005.

In that particular category, four-elevenths is probably 30 or 40 per cent, but obviously the number of incidents is very small. What is important is that, if one looks at overall victim reported crime, clearly there has been a downward trend in a vast majority of categories, including a drop in murder, which is down 48.6 per cent (although I do not want to place too much attention on that because, again, if you are talking about very small numbers, obviously you can get large percentage changes); attempted murder is down by 5.8 per cent; sexual assault down 7.7 per cent; kidnapping/abduction down 8.3 per cent; unarmed robbery down 10.6 per cent; blackmail/extortion down 6.8 per cent; unlawful entry involving the taking of property down 19.3 per cent; motor vehicle theft down 14.1 per cent; and other theft down 8.2 per cent. There were very significant falls in all those categories.

As I have conceded previously, there was a slight increase in some categories, apart from driving causing death, which, in percentage terms, rose significantly, but on those very small numbers. Assaults were up 3.5 per cent and armed robbery up 2 per cent. I do not believe that there is any inconsistency. The police force in this state now numbers over 4 000 officers. During the course of the previous government, at its lowest point it decreased to somewhere around the 3 400 mark. No doubt that increased police effort is having an impact on the actual rates of crime and they will generally be reflected in victim reported crime.

One would expect that the increased police activity would result in more apprehensions. So, when courts, magistrates and others make comments, as they have in recent days, that reductions in victim reported crime appears to conflict with their knowledge, that is hardly surprising since they are dealing with the effect of the increased police effort: that is, more people going through the legal system. What is important is the crime that victims report and that, as I said, in the vast majority of categories is in decline.

The Hon. R.I. LUCAS: I have a supplementary question. Will the minister clarify his answer? Is the minister arguing that the category of sexual offences is or is not a victim reported crime?

The Hon. P. HOLLOWAY: The other thing that needs to be considered in crime statistics is that, when there are changes of law as well, one needs to take that into account. If new offences are created, then however one measures the crime rate—whether it is victim reported or measured through convictions—it will increase because a new category applies. As I said, the figure that I have in relation to sexual assault is down 7.7 per cent. I know that, in recent days, the Leader of the Opposition has trolled through these statistics. I guess it shows that statistics always have something for everyone. Even if the economy is in an absolute boom, I guess you will find that, if you are dealing with someone who is a debt collector, they are probably going to be falling on harder times. You will always find a statistic which will suit you somewhere along the line.

The Hon. R.I. Lucas: Are you saying that there are victim reported statistics or not? What are you saying?

The Hon. P. HOLLOWAY: There are statistics that are victim reported. There are a number of categories. If the leader wishes he can ask a specific question about statistics. The ABS report of 2005 records victim reported crimes. The figure for sexual assault (which I have here) is down 7.7 per cent. No doubt within that category there are other sorts of sub-categories.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: You can collect statistics in whatever way you like. You can ask victims what they do. There will be a statistic called 'victim reported crime' in the sexual assault area, yes, but there will also be other statistics available which may be recorded in a different way and which may not be victim reported. They might reflect what the courts report, the number of people arrested and so on. There are different statistics. There are different ways you can keep crime statistics. You can keep statistics on victim reported crime or you can keep the statistics in terms of the people charged or convicted with offences and other grounds. If the leader is asking me whether there are statistics in relation to sexual assault that are victim reported, then, yes, such statistics are in existence. Other statistics are also available for that offence.

PARK RANGERS

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about park rangers.

Leave granted.

The Hon. D.W. RIDGWAY: I have been recently notified that park rangers employed by the Department for Environment and Heritage have been ordered to go out on patrol alone due to budget cuts. Whilst on patrol alone two officers were physically assaulted. One incident occurred recently at Para Wirra and another incident occurred last year at the Innes National Park. One incident involved a female park warden who approached a vehicle and asked the occupants to leave as they had not paid the park permit. The occupants then tried to run her down, and she was clipped by the vehicle. In the other incident, a female park warden was physically assaulted—in fact, punched—by someone visiting the park. My questions to the minister are:

1. Will she confirm that park wardens have been ordered to patrol parks alone?

2. Will she guarantee the safety of all park wardens by ensuring that they will not be sent on patrol alone?

3. Will she assure this council that park wardens will not have their physical safety compromised by cuts to the department's funding?

4. Will she assure the public of South Australia that their safety will not be compromised by having park rangers operating alone?

The Hon. G.E. GAGO (Minister for Environment and Conservation): It is very good news for park rangers and for South Australia, because part of our election commitments this year is to increase our park rangers by 20. There will be 20 additional park rangers. The South Australian government has committed to create 20 additional full-time (FTE) employee ranger positions over four years. The additional 20 ranger positions will assist with the management of the Department for Environment and Heritage's expanded park system. The 20 ranger positions will significantly increase the department's capacity for on-ground management, advice to the public and response to emergency issues.

It is good news that we have committed to increase our number of rangers by 20. I am happy to take on notice the information the honourable member has provided today. Clearly, the honourable member was not concerned enough to impart that information to me earlier. It is interesting—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! The honourable member might want to listen to the minister's answer.

The Hon. G.E. GAGO: —to see how concerned about their welfare the honourable member really is when he waits until question time to bring my attention to these most important issues. Of course, I will act on it immediately, unlike the member opposite who, obviously, was very happy to sit and wait until question time to bring my attention to these most important issues. Of course, I will act extremely promptly. The safety of all our rangers and other staff is paramount. I will investigate the matter thoroughly.

The Hon. T.J. STEPHENS: As a supplementary question, is the minister acknowledging that two female staff members have been assaulted and she was not even aware of it?

The Hon. G.E. GAGO: I am not aware of the assaults. As I said in the first part of my answer, this is the first time my attention has been drawn to this matter. As I said, I will act extremely promptly on it. Clearly, neither member—neither the honourable member who asked the question nor the honourable member who asked the supplementary question—was concerned enough about this issue to bring it to my attention any earlier than today. One must wonder how safety conscious they really are!

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: As a supplementary question, will the minister guarantee the safety of the South Australian public, as I asked in my question? For the minister's information, I learnt of this issue today.

The Hon. G.E. GAGO: As I said, the Rann Labor government has announced the implementation of 20 new rangers, which will go a long way towards improving services and safety issues for the staff and also the general public.

MENTAL HEALTH

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

Leave granted.

The Hon. J.M.A. LENSINK: On 8 May I asked the minister a question in relation to COAG and what information she had available to advise us of activities for South Australia. In her reply she said:

> I have written to the commonwealth asking for specific details about how these programs will be allocated in South Australia and exactly how much funding will be coming to our state.

An implementation plan was published in July as a result of discussions with COAG and in that plan South Australia provided a response, which amounts to some $50 million. However, I have a document from the commonwealth which states that the commonwealth would have expected $144 million, and the programs which have been listed under the South Australian response. My questions to the minister are:

1. Has she received a reply from the commonwealth to her letter seeking an outline of the programs that will be funded?

2. Can she confirm whether any of the programs that are in the implementation plan from South Australia are new, rather than reannouncements of previous funding?

3. Why are there no programs that come into the state priorities of corrections or supported accommodation in that list?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): By way of background, in July the Prime Minister, the premiers and the chief ministers released a national action plan for mental health. The plan provides for a strategic framework that emphasises the coordination and collaboration between government and private and non-government providers in order to deliver a more seamless and connected care system so that people with mental illness are able to participate in the community. The national action plan outlines a series of initiatives that will be implemented over a five-year period, comprising a significant investment from all governments.

The aims of the plan are to have a greater focus on promotion, prevention and early intervention; to improve access to mental health services, including indigenous and rural communities; to provide more stable accommodation and support; to increase participation in recreational, social, employment and other activities in the community; and to focus on better coordinated care and building of work force capacity. The commonwealth has agreed to spend $1.9 billion over five years as part of the COAG package.

The areas that it wishes to focus on are expanding suicide prevention programs; new early intervention services for parents, children and young people; community-based programs to help families coping with mental illness; better access to psychiatrists, psychologists and general practitioners through the Medical Benefits Schedule; and new funding for mental health nurses and mental health services in rural and remote areas. There is quite a long list of other areas.

South Australia will spend about $116.2 million over four years, and it comprises $50.1 million in new additional recurrent funding commencing in the 2006-07 financial year. This funding will support programs such as shared care with general practitioners and healthy young minds. The remainder includes new recurrent and one-off funds that previously have been announced. Funding was provided for initiatives such as beyondblue; psycho-social support packages; additional nurse practitioners for metropolitan and country regions; additional mental health liaison nurses in emergency departments; and child and adolescent workers.

To ensure the full effectiveness of the plan a COAG mental health group has been formed for South Australia, and that is the group that is now liaising with the federal government. This group will meet at the end of September and it will involve commonwealth and state representatives, who will then engage with non-government organisations and private sector, consumer and carer representatives.

In order to meet the needs of low-income earners and people living in the country, we need also to be careful that when services are integrated—particularly when the commonwealth funds psychologists through Medicare (I have raised this issue before)—it does not lead to a situation where professionals leave our public system and provide services in more wealthy areas. Clearly, we will monitor that and ensure that it does not occur. The South Australian government has also made it clear that it has an agenda to improve mental health services in our state, and I will certainly be working with the commonwealth to achieve this.

The Hon. J.M.A. LENSINK: I have a supplementary question. Will the minister outline for the council which of the $50.1 million recurrent to which she refers are not re-

announcements of previous programs? What about the corrections and supported accommodation programs for which the commonwealth is insisting the states need to front up?

The Hon. G.E. GAGO: All the programs outlined in our plan are significantly required in this state. They are really important services, and they are critical to this state. There is nothing in those programs that is not a high priority in terms of services required in this state.

PLAN FOR ACCELERATING EXPLORATION

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the fourth round of collaborative drilling funding under the Rann government's PACE initiative.

Leave granted.

The Hon. J. GAZZOLA: The Plan for Accelerating Exploration has been a huge success since its introduction in 2004, with many local, national and even international companies benefiting from the grants available through the $22.5 million PACE scheme. Will the minister provide details of the recently called fourth round of PACE collaborative drilling funding?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I thank the honourable member for his question and his interest. The Plan for Accelerating Exploration has played a key role in the mineral and resources exploration boom that is currently under way in South Australia, with more than 100 drilling projects already benefiting from PACE funding. This five-year initiative was launched by the Rann Labor government in 2004 with the aim of generating $100 million worth of exploration activity in this state every year by 2007. As I have pointed out previously, the phenomenal success of PACE has seen that target reached more than a year ahead of schedule, with ABS data showing exploration expenditure in South Australia during the four quarters ending in March this year totalling $110.1 million.

The initiative also has a significant multiplier effect on investment dollars in South Australia. As an example, in October last year a joint venture was announced between one of the recipients of PACE funding, RMG Services (discoverer of the exciting Carrapateena iron oxide, copper and gold prospect), and Teck Cominco Australia. The initial PACE funding of $100 000 led Teck Cominco to commit $16 million worth of further expenditure at the Carrapateena prospect by the end of 2008.

Another example is the further success that followed in April this year when Iluka, the largest zircon producer in the world, announced the discovery of Gulliver's Prospect near Ceduna and publicly acknowledged the role of the state government in its discovery through the PACE plan. I also acknowledge that the PACE drilling success has built on the success of high-quality geoscientific data generated through past government initiatives (both Labor and Liberal) such as the SA Exploration Initiative and TEISA. Recent successes have been built on long-term investment by governments of both persuasions.

As mentioned by the honourable member, the fourth round of collaborative drilling funding under the PACE scheme is now open. Under PACE, the state government will co-fund up to 50 per cent of approved drilling projects to enhance the level of mineral exploration in the state. The deadline for these proposals is 29 September. An expert panel, comprising PIRSA geoscientists and independent industry representatives will collectively assess all proposals and successful bids will be announced in early December. Companies wishing to lodge a proposal will find details on the PIRSA web site.

The success of the PACE scheme was recently recognised with a nomination for a major award at one of the world's most important resource gatherings. At the recent Diggers and Dealers event in Kalgoorlie, PACE was nominated for the prestigious Digger of the Year Award, which is a rare achievement by a government initiative.

For those who are not aware, Diggers and Dealers is considered one of the most important events on the international resources calender, with thousands of people attending during a week of conferences, meetings and exhibitions. The major Australian and international mining and resources companies are all represented at the event, including BHP Billiton, Newmont and Teck Cominco. Oxiana Ltd, which is developing the big copper and gold mine at Prominent Hill, in the mid-north of South Australia, won the award, and I congratulate the company on its success.

The fact that PACE was nominated is a significant acknowledgment of the role of the scheme in this state's exploration boom, as well as the hard work behind the scenes of the PACE team in the Department of Primary Industry and Resources, and they also deserve our congratulations. Mineral and resource exploration in South Australia has never been so strong and the continued success of the Rann government's PACE initiative will help to drive this sector further.

HONEYMOON URANIUM MINE

The Hon. M.C. PARNELL: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about the Honeymoon uranium mine.

Leave granted.

The Hon. M.C. PARNELL: Today, in Toronto, Canada, the owners of the Honeymoon uranium mine announced that its board of directors had approved the mine's go-ahead following a detailed feasibility study. This announcement goes on to confidently predict that they look forward to commissioning Australia's fourth uranium mine in 2008.

The Honeymoon mine proposes to use the highly controversial acid in situ leaching method, which involves pumping sulphuric acid into the groundwater to dissolve the uranium present in aquifers. In 2003, a Senate environment committee inquiry reported that this in situ leaching method should not be permitted until more conclusive evidence can be presented on its safety and environmental impacts. At the very least, regulation should include prohibition of discharge of radioactive liquid mine waste to groundwater. Given the seriousness of potential risks to the environment, the committee recommends that mining operations at Honeymoon not proceed unless and until conclusive evidence can be presented demonstrating that the relevant aquifer is isolated.

Despite claims to the contrary, the Honeymoon proposal has always lacked a key state government licence approval (the Commercial Uranium Mining and Milling Licence) under the Radiation Protection and Control Act, which is granted by the Minister for Environment and Conservation. The most recent EPA annual report of September 2005 states that the care and maintenance licence for the Honeymoon project site does not permit recovery of uranium from the ore

zone. In fact, the proponent is not permitted under South Australian law to conduct any commercial operations at the Honeymoon site and there are no mining facilities on the site. So, clearly, Honeymoon is not an approved or an existing uranium mine and will not be until the Minister for Environment and Conservation grants the necessary licence. My questions to the minister are:

1. As the relevant minister, and in light of the claims made by the mine proponents today, will she reassure the South Australian people that her government will honour its express election commitment (made prior to the March 2006 election) that Labor will continue to oppose any new uranium mine in South Australia and, as a result, will she refuse to grant the necessary licence for the commencement of the Honeymoon mine?

2. If the minister intends to defy the ALP national platform's binding commitment to prevent the development of any new uranium mine, will she give an assurance that the Honeymoon mine will not be allowed to have any negative long-term impact on the state's vital groundwater resources by requiring the mine's owners to rehabilitate the groundwater after the mine's operations conclude?

The Hon. G.E. GAGO (Minister for Environment and Conservation): Clearly, this area overlaps with the minister for mining's portfolio but, in relation to aspects that pertain to my portfolio, by way of background, the Honeymoon operation has been granted most licences and leases, including a commonwealth export licence, as has been reported previously. Under the previous Liberal government, in early 2002, the Honeymoon operation was granted a 21-year lease to mine uranium at the site. Environmental impact assessment occurred in the granting of that mining lease. At that time, all appropriate environmental impacts and assessments were completed and were within appropriate standards.

There are still some additional state government requirements that obviously need to be satisfied. The company has applied for a licence to mine or mill, as the honourable member just stated, radioactive ores, and that was placed before us on 20 May 2006. As part of the process, the EPA has published the application on its web site, and it has invited the public's submissions, so it is being very open and transparent about its application.

With the advice of the Independent Statutory Radiation Protection Committee, the EPA is assessing the application according to the relevant legislation. The assessment process for this licence considers things like the requirements of the code of practice for radiation protection and radioactive waste management in mining and mineral processing 2005; whether plant and processes meet the requirement for best practicable technology; whether the proposed radioactive waste management plan adequately protects the environment from radiological hazards; and whether the proposed radiation management plan adequately protects workers and the public from radiological hazards.

Clearly, I am not going to speculate or judge the outcome of any licence application that is in the process of currently being assessed. Permits from the Department of Water, Land, Biodiversity and Conservation for drilling water bores will also be required. Again, certain requirements and standards will need to be met before that licence is granted. The EPA will independently consider a licence under the Environment Protection Act. This licence is for undertaking activities of environmental significance under schedule 1(A) of the Environment Protection Act 1993. These activities will include, but not necessarily be limited to, chemical works, inorganic and fuel burning, and the rate of heat release exceeding particular standards. In granting a licence, the EPA ensures that the company complies with the act and associated environmental protection policies.

EMERGENCY SERVICES, SOUTH-EAST

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about improvements to emergency service provisions in the South-East.

Leave granted.

The Hon. B.V. FINNIGAN: I understand the selection process for the day staffing positions at the Mount Gambier Metropolitan Fire Service Station has been completed. Can the minister provide the council with more information about this initiative?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his important question. I know that he is particularly interested, given that he was born and raised in the South-East.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: He is a local. In February this year, the government announced annual funding of $460 000 to allow day staffing of the Mount Gambier Metropolitan Fire Service Station. The Mount Gambier fire station is the busiest outside the Adelaide metropolitan area. The Mount Gambier area has significant fire risks with forestry, a large hospital, several large shopping and industrial complexes and a concentrated urban population. The high workload is unsustainable in the long term for retained crews.

Following approaches by the local mayor and the local member (Hon. Rory McEwen), as well as other community members, it was determined that the day staffing of the station would ease the pressure on retained firefighters and ensure improved fire and emergency cover for the city of Mount Gambier. Approval was granted for six personnel—five firefighters (all senior firefighters) and one station officer—to staff the station on a 40-hour a week basis from Monday to Friday. Out of business hours, retained crews will continue to respond as per current arrangements. This will ease the disruption that day response was having on the normal employment of retained firefighters.

To ensure some continuity at the station, and to provide career options for local firefighters who have been filling the retained positions, recruitment took place from within the existing station crew. An open merit-based selection process from within the existing staff, using the MFS recruitment criteria, has now been completed. Recruitment followed the usual selection process. As I said, that process is now complete with the selection last week of five applicants to fill the five higher positions. The position of station officer will be filled following a call for applications from within the MFS from experienced substantive station officers to better support the new firefighters and to provide leadership. I congratulate the successful candidates who will be taking part in the next training course in Adelaide next week. After successfully completing the course, they will commence days at Mount Gambier on 2 January 2007. I wish them, and all participants in the upcoming training course, the very best.

The Hon. D.W. RIDGWAY: I have a supplementary question. How many local firefighters missed out on full-time positions?

The Hon. CARMEL ZOLLO: My advice is that 10 retained firefighters applied for the day staffing positions, so five were recruited and five must have missed out.

PARK RANGERS

The Hon. G.E. GAGO (Minister for Environment and Conservation): I seek leave to make a ministerial statement about worker safety.

Leave granted.

The Hon. G.E. GAGO: I understand that park rangers have patrolled alone for many years. This was the case under the previous Liberal government, and it has not been caused by budget cuts under this government as alleged by the Hon. Mr Ridgway; again, he has his facts wrong. I am advised that the agency has always had working alone policies to cover the occupational health and work safety of rangers.

I have just been advised that three rangers have received minor assaults in the past 12 months, one of whom was female. None of these park rangers were seriously injured. These assaults occurred when park rangers were questioning people for infringements of the National Parks and Wildlife Act. The Department for Environment and Heritage takes occupational health and safety very seriously; consequently, on 13 July 2006, the Director of Regional Conservation issued a directive that single patrols were no longer to occur. The decision will further protect our park rangers.

DRUGS, RECREATIONAL

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse questions about the term 'recreational drugs'.

Leave granted.

The Hon. S.G. WADE: In June the minister indicated her support for the removal of terms such as 'recreational drugs' from government statements as such terms tend to sanitise the severity and harm of such drugs. The minister also undertook to ensure that literature using the term is reviewed by her department and cross-agencies to bring the terminology up-to-date. My questions are:

1. Given that three months have elapsed since the minister undertook to have the material reviewed, can the minister advise what steps she has taken to ensure that misleading language, such as the term 'recreational drugs', is not used?

2. As a result of her inquiries, can she advise the council of the time frame for implementation of these changes?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for his questions. I have raised the issue of language in this chamber many times, and it is an issue that is very dear to my heart. Sanitising illicit drug behaviour through the use of inappropriate language such as 'recreational drugs' is something about which I have spoken in this chamber previously and I have made a commitment to do something. I have asked for our web site to be reviewed in terms of its use of inappropriate language and also to adjust and amend any policies in relation to their use of inappropriate language.

I have written to the chief executive of the department and the Executive Director of Drug & Alcohol Services asking that they review their web sites and all publications and brochures and remove any references to recreational and party drugs that may sanitise, glamorise or suggest that these substances are in some way legitimate. I have also contacted each minister requesting that they also check their web sites for any references. I can confirm that all references to these terms on the Drug & Alcohol Services of South Australia web site have now been removed, with the exception of previously published research documents which have referred to this terminology. Any future documents produced by DASSA will comply with these instructions.

In addition, I will write to members of the Ministerial Council on Drug Strategy requesting that a national approach be considered. In fact, I believe that I have already signed that letter, if my memory serves me correctly. If I have not, I will get back to the council on that. I have asked them to review the use of terminology such as 'party drugs' and 'recreational drugs'. This is an area about which we have increasingly become more aware and more sensitive. In light of that increased awareness, it is important that we try to adjust our terminology accordingly, and I believe I have taken quite extensive steps to do that within my own department and across other departments.

The Hon. P. Holloway interjecting:

The Hon. G.E. GAGO: My colleague informs me that the police have already responded. Not only has my department been very responsive but so too have others. I am very pleased to report a very positive and responsive action to this particular issue.

DISABILITY SERVICES

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Families and Communities, a question about the funding of an Options Coordination client.

Leave granted.

The Hon. A.L. EVANS: I have recently been contacted by the Disability Advocacy and Complaints Service of South Australia on behalf of an Options Coordination client who has multiple sclerosis. This particular client has been on the unmet needs list with Options for a number of years. Currently, she receives assistance from a support worker for four hours per day for personal care and two extra hours on Sundays for the preparation of meals. She is left alone in her bed from 8 p.m. in the evening until 11 a.m. the following day. As two two-hour visits from a support worker each day are not sufficient to have her personal needs seen to, the client will usually have her breakfast and medication while receiving bowel care in the morning and will perform stretching exercises while on the toilet chair in the evening.

Although she has retained private health cover, essentially it has proven to be a waste of money. Without funding for more assistance from a support worker she is unable to access the chiropractor, dentist or doctor on a regular basis. The Disability Advocacy Complaints Service has been lobbying the state government for years for funding to eliminate such clients from the Options Coordination unmet needs list without success. I understand that the Premier himself has also been made aware of this specific case. My questions to the minister are:

1. Will he ensure that funding is provided for an immediate increase of at least 14 hours per week of support for Options Coordination for this particular client?

2. Will he increase funding for Options Coordination in the next budget to eliminate all clients from Options Coordination's unmet needs list?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his important questions on behalf of an Options Coordination client. I will refer his questions to the Minister for Disability in the other place and bring back a response.

DIALYSIS FACILITIES

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister Assisting the Minister for Health a question about dialysis facilities.

Leave granted.

The Hon. T.J. STEPHENS: Recently I met with a constituent from Whyalla who is a founding member of the Whyalla Dialysis Association (WDA), an association that has been formed with the purpose of ensuring adequate dialysis treatment for patients located in Whyalla and surrounding regions. This constituent is regularly travelling to Port Augusta to receive dialysis treatment as there are no facilities in Whyalla, which means a round trip of about 150 kilometres. The same constituent has informed me that, due to a three-year waiting period for dialysis treatment in Port Augusta, one gentleman from Port Augusta travels to Adelaide three times a week every week for treatment.

In my estimation that is an approximately 600 kilometre round trip three times a week. Currently, four people are travelling to Port Augusta from Whyalla each week for treatment, with another 12 locals needing treatment over the next 12 months. I also understand that the member for Finniss in the other place has been contacted by constituents in his electorate who are facing similar difficulties due to the lack of local facilities in Victor Harbor. Dialysis treatment is already difficult enough without the added burden of travel.

The WDA, with the support of the local community, is confident of raising enough money to purchase six dialysis machines and chairs over the next three years and has formulated a business plan to map out how the funds can be raised. The WDA has asked the government for support in providing the necessary staff to administer the treatment and for ongoing maintenance of the machines. To date, the member for Giles has informed the group that the government will not assist. My question to the minister is: will the government assist this community which has demonstrated a need for these facilities in Whyalla whilst also doing its part to make the task easier for the government by raising funds to get the project started?

The Hon. G.E. GAGO (Minister Assisting the Minister for Health): I will refer that question to the minister in another place and bring back a response.

INDEPENDENT GAMBLING AUTHORITY

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Gambling, questions about a report of the Independent Gambling Authority.

Leave granted.

The Hon. NICK XENOPHON: Today the Independent Gambling Authority released a report entitled 'Evaluation of the 2004 legislative amendments to reduce EGMs'. This report was required as a result of an amendment moved by the Hon. Mr Lucas to report on the reduction in poker machine numbers in terms of their effectiveness in reducing problem gambling in the community. The analysis and reporting was undertaken by Harrison Health Research SA and the University of Adelaide and evaluated the effects that the cut in the number of machines had on the impacts of gambling behaviour, expenditure on poker machines and problem gambling in the state.

The results of this evaluation suggest that, unfortunately, the removal of a little over 2 000 machines during 2005 had very little impact on problem gambling in the state. The key findings of the report commissioned by the IGA include that, while there has been a substantial reduction in the rate of poker machine revenue growth (which may at least be partially attributable to the legislation), the 2004 amendments have not reduced overall net poker machine losses in the state. Further, the report finds that the removal of machines and subsequent trading rounds have led to only a 3 per cent decrease in the number of venues, which is attributed in part by the authority to a cap of $50 000 being placed on the trading value of machines.

The removal of machines has not had a substantial impact on the behaviour of gamblers because of the number of venues and the number of machines. Also, the point is made that older machines (often 1¢ machines) have been removed often to be replaced with $1 machines on which gamblers have the potential to spend even larger amounts of money in a shorter period of time.

It also makes the point that the results of the survey included research with respect to 400 poker machine gamblers from venues that have lost machines. Those findings (amongst other things) highlighted that very few gamblers believe that the removal of the machines had influenced the amount of time and money spent gambling on poker machines or their ability to control their gambling. It further indicated that 88 per cent of respondents were aware of the changes in the legislation to remove machines, but the overwhelming response was to reduce the number of venues rather than the number of machines. To put this in context, independent research indicates that there are over 23 000 problem gamblers with respect to poker machines in this state. My questions to the minister are:

1. Will the government outline the measures it intends to introduce to reduce the harm caused by problem gambling in light of the findings outlined in this report, given the government's commitment to significantly reduce the level of problem gambling in this state?

2. In particular, will the government consider changes in order to reduce the number of venues with poker machines?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his question in relation to a recent report of the Independent Gambling Authority. I will refer his questions to the Minister for Gambling in the other place and bring back a response.

NATURAL RESOURCES

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about the initiatives to protect and conserve the state's natural resources.

Leave granted.

The Hon. R.P. WORTLEY: South Australia's natural resources are vast and fragile. Agriculture and the effects of urbanisation have had a marked impact on our inland and marine environments. We are seeing the spread of dryland salinity, the loss of species in arable land and threats to our water resources. The time for action clearly is upon us. Our natural resources must be managed for long-term social,

economic and environmental benefits by large-scale improvements and management of the ecosystems upon which we depend. Can the minister provide an update on what this government is doing to protect and conserve our natural resources and to provide large-scale improvements in the state?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his ongoing interest in these very important policy areas. This is an extremely important issue, and I am very pleased to inform the chamber that this government has recently reached an agreement that will see $54 million in joint state and federal funding allocated to natural resources management over the next two years. This is a major investment in our state and I am very pleased to inform the chamber, on behalf of my colleague the Hon. Karlene Maywald (Minister for the River Murray), that more than $18 million will be poured into NRM initiatives in the Murray-Darling Basin region over the next financial year, with a further $10 million in 2007-08. This $28 million commitment will go towards addressing things such as salinity in the Murray, conserving biodiversity and reclaiming and rehabilitating land subject to irrigation, while improving the economic opportunity for the state's dairy and tourism industries.

We are also helping to inject more than $6.9 million into the Adelaide and Mount Lofty Ranges area for revegetation programs, education and vital works to stabilise our coastal and marine environments. In the arid lands more than $2.4 million will be put towards projects like managing feral animals, while on Eyre Peninsula more than $3.8 million will create four new NRM technical officer positions and help with revegetation, biodiversity and conservation through stock exclusion, education and water resource management. More than $3 million will go towards important works, including preserving threatened species in the Northern and Yorke NRM area. This includes the yellow-footed rock wallaby.

I was very pleased to visit the Flinders Ranges recently, where I observed the Bounce Back project and the really amazing work that has been done by officers to enhance the population of the yellow-footed rock wallaby. I visited that region and was able to see those very beautiful animals for myself.

On Kangaroo Island, they can now begin a program to conserve the glossy black cockatoo while their counterparts in the South-East implement a bold series of land, flora and fauna management strategies that will go a long way towards conserving local flora, including the orange-bellied parrot. This is a landmark agreement between state and federal governments and proof that the Rann government is able to negotiate very good outcomes for this state. In consultation throughout South Australia, we have replaced more than 70 autonomous soil, catchment and pest management boards with a single framework under the new NRM banner—quite an amazing achievement.

These eight new Natural Resources Management boards, from the arid lands to the South-East, are better equipped to address local problems and are administered by a far simpler system under the Natural Resources Management Act. The agreement will provide communities, the government and industry with the capability, commitment and connections to manage natural resources in an integrated way and will help us to meet our objectives laid out in the State Strategic Plan and the NRM plan. This is good environmental policy and a good investment in this state's future. I think that you would all agree that it is a major step forward for the management of our state's natural resources.

METROPOLITAN FIRE SERVICE

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about SAMFS promotion processes.

Leave granted.

The Hon. J.S.L. DAWKINS: It is my understanding that in recent months an SAMFS officer, who was deemed unsuccessful in his application for promotion to the position of commander, contested that determination in court. Subsequently, the court decided in the applicant's favour. Apparently, as a result, senior SAFMS management held a seminar at Victor Harbor to determine which existing commander would be demoted to make way for the previously mentioned officer. Ultimately, the decision was made to appoint an additional commander. My questions to the minister are:

1. Will she confirm that the SAMFS now has one additional commander?

2. What are the responsibilities of the additional commander's position?

3. What is the total cost per annum of the additional position of commander, given that the annual salary for a commander level 1 is more than $90 000 a year?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his question in relation to the MFS promotion process. As the Minister for Emergency Services, it is not something I am involved with on a day-to-day basis. Obviously, it is an operational issue.

The Hon. T.J. Stephens: A promotional issue.

The Hon. CARMEL ZOLLO: I said 'an operational issue'. Obviously, I will need to take advice in relation to this incident that has occurred, and I will bring back a response for the honourable member.

The Hon. J.S.L. DAWKINS: As a supplementary question, is the minister aware that there is one additional commander in the SAMFS at this time?

The Hon. CARMEL ZOLLO: I am not aware exactly whether or not there is one additional commander. It may well be that that is not the case; however, I will find out for the honourable member.

SMALL BUSINESS

The Hon. G.E. GAGO (Minister for Environment and Conservation): I table a ministerial statement on government action on small business red tape made by the Minister for Small Business, the Hon. Karlene Maywald.

CANNABIS

The Hon. D.G.E. HOOD: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question concerning the education of South Australians about the dangers of cannabis use.

Leave granted.

The Hon. D.G.E. HOOD: In a report by the Australian National Council on Drugs it was stated that one-third of Australians have used cannabis and that 300 000 people are using it on a daily basis. It is also stated that almost 1.8 million Australians have used cannabis during the past year. The report went on to state that, during any week,

80 000 teenagers, 270 000 Australians in their 20s, and 240 000 Australians in their 30s use cannabis.

New research from the Alfred Hospital in Melbourne found that patients reported symptoms from breathlessness to chest infection, which can commence as early as age 28 if they have been smoking marijuana. Medical research undertaken by the British Lung Foundation confirms that smoking cannabis leads to cancers of the tongue, larynx and lungs and that three cannabis joints a day causes the same damage to the lining of the airways as 20 tobacco cigarettes a day.

The research states further that cannabis cigarettes contain 50 per cent more cancer causing agents than tobacco cigarettes. This research shows that some of the other effects of smoking cannabis include a negative effect on the immune system, increased redness, swelling and mucous secretion in comparison to non-smokers, as well as chronic obstructive pulmonary disease, oral soft tissues and other lung diseases. My questions are:

1. Will the minister agree that smoking cannabis has such long-term health risks?

2. What is the minister doing to educate South Australians about the harmful effects of cannabis use in the long term, including the effects that I have just mentioned?

3. Does education include informing South Australians about the negative effects cannabis use can have on a person's health, including an immune deficiency syndrome, increased redness, swelling and mucous-related infections, in comparison to non-smokers?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for his important questions. I agree that the use of cannabis has significant detrimental effects on people's health and, potentially, mental health as well. This government has done a great deal to assist people through the implementation of a wide range of services and interventions to promote an awareness of the dangers in the hope that it will decrease the number of people who take up cannabis in the first place, but also to try to ensure that people who have already started using this substance are aware of the problems this can cause to their health and thus encourage them to stop.

There is also a range of services targeted at assisting people who, unfortunately, have acquired addictions. I must say I am extremely pleased (and, as I alluded to yesterday, I will be bringing more information to this chamber) that it appears that our strategies are working extremely well.

The 2005 Australian Secondary Students Alcohol and Drug Survey, which has recently become available, indicates that there has been a significant decrease in the number of young people using cannabis. For instance, according to this survey, the proportion of 12 to 17 year olds reporting lifetime use of cannabis has significantly decreased from 26.8 per cent in 2002 to 18 per cent in 2005—a significant decrease in the number of young people using cannabis, which I think is most impressive. There is also a significant decrease in the proportion of 12 to 17 year olds reporting recent use; that is, within the past week. Those figures for the period 2002-05 have reduced from 7.1 per cent to 4.7 per cent in South Australia. I am very pleased to see that some of those strategies are working.

We also have other legislative measures. The National Cannabis Strategy recommends regulation of the hydroponic industry—any regulated measure should include, obviously, liaison between the states to ensure a consistent approach—and, of course, the National Cannabis Task Force in 1994 investigated legal sanctions for cannabis use in Australia and identified that people apprehended for cannabis use in jurisdictions where penalties are severe experienced disproportionate harm in terms of loss of employment and imprisonment. This tends to support our cannabis expiation notice scheme, which has, in fact, been shown to be more effective in dealing with minor cannabis offences than a prohibition approach.

MINERAL EXPLORATION

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

MATTERS OF INTEREST

KRIX, Mr J.

The Hon. R.P. WORTLEY: As part of my responsibilities as a member of the Legislative Council I look after the seat of Chaffey as my duty electorate. To do that I—

An honourable member interjecting:

The Hon. R.P. WORTLEY: Can I have five minutes of unfettered support on this important issue, Mr President? Part of my responsibilities is to read all the papers from Chaffey. In *The Loxton News*, I came across a story detailing the many achievements of Mr John Krix, entitled 'End of an era as John moves on.' I am honoured today to have the Krix family (John, Shirley, Kingsley and Scott) in the President's Gallery. I am also honoured to be able to share a bit of their life's achievements with this chamber.

John was the proudest man in Loxton on 11 May 1957 when he and his wife Shirley became the parents of twins, Ashley and Kingsley. However, three months after the twins were born, Kingsley was diagnosed with cerebral palsy. At the time, Loxton did not provide any full-time services to the community for children with disabilities. This meant that the early years of Kingsley's development was spent travelling to the Adelaide Women's and Children's Hospital where he received intensive physiotherapy.

Prompted by the lack of care available to Kingsley in the Loxton region, John became a driving force behind the establishment of Orana Incorporated and the Loxton Novita Children's Services. Today, Orana provides a diverse range of training and support services to over 500 people with intellectual disabilities and their families throughout South Australia. Their support services play a vital role in the ongoing training required to increase employment opportunities for many people with disabilities.

John became a life member after 30 years of dedication to Orana, and he is proud to have been involved in developing Orana into the sophisticated organisation it is today. John also dedicated much of his time to the Berri/Loxton Crippled Children's Auxiliary, now known as the Novita Children's Services. Novita Children's Services is the main provider of therapy and family support services for children with physical or multiple disabilities aged up to 18 years living in South Australia.

John was appointed president of the Loxton Novita auxiliary in 1971, and he remained in this leading position

until 2004. Unfortunately, John had to relinquish that position when he retired due to the effects of Parkinson's disease. John became a life member of Novita after his 33 years of service. John volunteered much of his time to his community through his service on many committees such as the South Australian Farmers Federation and the Boy Scouts and in his work on the River Murray. John is also believed to be the last World War II ex-serviceman still working his original allotment of land in the Loxton district.

Regional communities are heavily reliant on people like John Krix. He has provided hope to many others through his simple acts of kindness, dedication and enthusiasm. I am sure that John's community work and agricultural pursuits will be remembered in the Loxton region for many years to come. Not surprisingly, John was named Loxton's Citizen of the Year in 1985. Volunteering is a core value to communities, and I believe that John's willingness to give such dedication and time to provide a service beyond his basic obligation is invaluable, and I applaud his generous service.

John is the proud father of six boys, but he says his biggest inspiration in life is his son Kingsley. He describes Kingsley as a born battler who is determined to achieve. John provided me with a book, which I have here, written by Kingsley entitled *I have done a lot but then again I haven't done much, have I?* An average paragraph took Kingsley a week to finish at an average of 30 minutes per sentence and, after three years, he produced the book. Kingsley dedicated the book to his parents, and it simply says 'for everything'.

Yes, Kingsley, your book has achieved your aim of increasing understanding and awareness of the problems faced by people with cerebral palsy. Kingsley tells a story in his book of a cerebral palsy sufferer being picked up by police when walking home one night because they thought the boy was drunk; they put him in gaol. I was deeply touched by Kingsley's life experience and encouragement. I advise other members to read his book.

A child with special needs is a child like any other and, with over 1 500 South Australians with severe core activity limitations, it is important that we understand that people with disabilities have dreams, needs and disappointments and that we recognise their aspiration to be accepted. I will leave you with the words of Kingsley Krix: 'If only they could read my mind and see that I am as human as they are and can feel what they can feel'.

Time expired.

DISABILITY, HOSPITAL WARDS

The Hon. S.G. WADE: The 20th century saw a number of dramatic developments in the international legal recognition of human rights. However, this week saw the finalisation of the draft of the first major human rights document of the 21st century. The draft UN Convention on the Rights of Persons with Disabilities was agreed last week, and it will go to the General Assembly for adoption in September. Under Article 25 of the convention, persons with disabilities have the right to the highest attainable standard of health without discrimination on the basis of disability. They are to receive the same range, quality and standard of free or affordable health services as provided other persons. This treaty reflects a worldwide trend over recent decades for people with a disability to be full participants in society and to be able to access mainstream services and not be defined by their disability or to have their options unnecessarily constrained because of their disability.

In the context of this historic agreement, I express my concern about this government exploring a proposal to withdraw people with a disability from mainstream health services. While the rest of the world has recognised the importance of social inclusion for people with disabilities, this government has established a project team to explore the feasibility of having a dedicated ward in acute hospitals for patients with a disability. As part of this work, Disability Services SA is currently seeking data from non-government organisations relating to hospital admissions, admissions per hospital, average length of stay and the number of clients who require specialling and so on. Up to this point, our health services have been expected to provide people with a disability the health services they need as part of their mainstream services. After all, disability is not a health issue. Most people with a disability do not have ongoing health issues significantly different to those of the wider community.

The health issues that arise for them are as diverse as the needs of the broader community. Our goal should be to improve the health and quality of life for people with disability by increasing the capacity of the health system to deliver evidence-based clinical care to support people with a disability to access mainstream health services. Of course, people with a disability may raise particular issues in the management of their health. A person with a disability may require additional support. I understand that hospitals currently provide and engage, as required, external specialist skills. The engagement of specialist skills often serves to support the education of staff in mainstream health services and increases the capacity of those mainstream health services to meet client needs.

A further example would be if a person with an intellectual disability does not comprehend the need to maintain a dressing, because then the healing of a wound can be compromised. It may be necessary to make special arrangements for post-hospital care in cases such as these. However, wherever possible, we should be aiming for community-based support. I understand that some people support the establishment of step-down facilities for people with a disability in this context. We need to be careful. Step-down facilities, particularly where they are collocated within an acute hospital, may well lead to the establishment of a dedicated ward by stealth. The proposal for a dedicated ward also threatens quality. If I have a health issue, I expect to be admitted to the relevant specialist ward of a hospital.

Under this proposal, apparently, if I have a disability, I would be admitted to a dedicated ward for a person with a disability. The risk is that I would get poorer access to specialist services for the management of my health issue on account of a disability that is probably not relevant. Another important aspect is accessibility. If the government is to admit people with a disability to a dedicated ward, where would it be located? People with disabilities live throughout South Australia and should be able to receive services as close as possible to their home. The proposal also raises issues for other sectors. If the government is not committed to mainstream services in health, will we see a shift away from support for people with disabilities in mainstream schools or in accessible transport? I urge the government to terminate the feasibility study and clearly affirm the aspiration of people with disabilities to receive accessible, inclusive health care through mainstream health services.

ROSTRUM VOICE OF YOUTH

The Hon. B.V. FINNIGAN: On 29 July this year, I attended the Rostrum Voice of Youth national final, as did the Hon. Sandra Kanck and the member for Goyder in another place. I rise to congratulate two South Australians on their success in that national final. The Rostrum Voice of Youth public speaking competition has been conducted by Australian Rostrum since 1975 and is aimed at developing the communication skills of young Australians. It provides the opportunity for future leaders to practise their public speaking skills and for the community to recognise those with outstanding ability. The competition is open to full-time secondary school students. There are two age-defined divisions—junior and senior—for those under 15 and those under 18 respectively as of 1 January in the year of competition.

Each of the junior and senior finalists in the national final were flown to Adelaide to participate and were put up for the weekend, I think, in order to take part in the competition. The winners and the runners-up in the junior and senior aged divisions receive cash prizes, as well as personal trophies awarded to all finalists. The state winners receive $200 in cash and the runners-up in each age division receive $100. The school of each of the winners retains a perpetual trophy to hold for 12 months. At the national level, the winners and runners-up also receive cash prizes and personal trophies. Certificates of participation are awarded to each of the competitors.

I congratulate in particular the two South Australian contestants who won the state final and were both runners-up in the national final. Sarah Dickins of Mount Gambier High School was the South Australian winner for the junior competition. She competed very well in the national final and was runner-up for the whole country. Her main topic for the prepared speech was the new frontier, and she chose to speak about nuclear power. She delivered a very well researched speech advocating the introduction or the utilisation of nuclear power in Australia.

It was a very well done effort. I would also like to congratulate Danielle Fitzpatrick of Loreto College, the winner of the senior division of the state final, who competed in the national final on the evening I was present. She was the runner-up. The topic of Danielle's speech was 'Your call is important to us'. She used that tag to develop quite an interesting speech about reform in the United Nations. She considered it important that, for it to function well, the UN should direct its activities towards looking after people and nations within the world, similar to the way in which a call centre directs people's calls. It was a very interesting use of that topic, and she did very well.

I congratulate Rostrum for its continued support and organisation of this competition. These events do not happen without support from sponsors. EIG-Ansvar Insurance was the principal sponsor, together with the Defence, Science and Technology Organisation (part of the Department of Defence) and Flinders University. Of course, the cooperation of secondary schools is very important to the success of the competition. Secondary schools appoint teachers as school coordinators who receive correspondence from the Rostrum Voice of Youth Regional Coordinator and coordinate the participation of students in schools.

Many students from across the country compete to reach the national final which, as I said, I had the good fortune to attend on 29 July. It was opened by His Honour Justice John Doyle, Chief Justice of South Australia. I congratulate everyone involved in the competition, particularly Sarah Dickins and Danielle Fitzpatrick, and I thank Rostrum for its continued support.

Finally, if I may be a little indulgent, I congratulate Miss Emily Bourne and Mr Aemon Bourke on their engagement to be married. Aemon was Labor's candidate for Goyder at the last state election, and he slashed the margin to under 10 per cent. Of course, some members would know that Emily works for my friend and colleague the Hon. Russell Wortley. I am sure that I speak for all my colleagues in the Labor movement when I wish them every blessing and felicity in their future married life.

NORTHERN ADELAIDE TECHNICAL COLLEGE

The Hon. J.S.L. DAWKINS: I rise today initially to speak about the Northern Adelaide Technical College. Australian technical colleges are aimed at giving students the opportunity to obtain their SACE whilst also learning a trade. This project, which has been developed since 2004, will provide students with the necessary tools they need to succeed in their chosen career. The Northern Adelaide Technical College (which will open in January 2007 at Elizabeth) is one of 25 colleges being established by the Australian government around the country. The Northern Adelaide Technical College will offer trade pathways for students in commercial cookery, automotive, metals and engineering, building and construction, and electrotechnology.

Apprenticeships will be undertaken at Certificate 3 level and will incorporate SACE subjects such as English and science with trade skills. Students will have the opportunity to obtain their trade training whilst also engaging in paid employment as a school-based apprentice. I am advised that 70 per cent of young Australians choose not to go directly from school to university: many choose to undertake technical education and apprenticeships. It is important that the community holds the same value for a high quality technical education as they do for a university degree.

The college is available for year 11 and 12 students, and will offer an alternative pathway to completing traditional SACE studies. It will provide students with business and life skills and allow them to join the work force sooner. By 2008, all 25 technical colleges will be complete in providing technical training and education for up to 7 500 students a year. Local industry and community representatives have worked together to ensure that the technical college is closely linked with local industry and will cater to the skills needed in the area.

Industries in Australia are currently suffering a shortage of skilled workers. Students who have learnt a trade at a technical college will then have the skills to enable them to fill these positions. Trade colleges benefit not only the individual but also the community as a whole. The federal member for Wakefield, David Fawcett, and the federal member for Makin, Trish Draper, have both worked hard towards the establishment of the college at Elizabeth. I also acknowledge the strong interest in this concept from Mr Bob Day, who is well known in the housing industry and who is also the Liberal candidate for Makin. A public information evening was conducted at the Playford Civic Centre at

Elizabeth on Monday, and a similar event will take place this evening at Golden Grove High School.

Another project servicing northern Adelaide is the BoysTown training, employment and enterprise service centre at Elizabeth, which was officially opened in June by the federal Minister for Transport and Regional Services, the Hon. Warren Truss, and Mr David Fawcett. BoysTown aims to provide real skills for real jobs for disadvantaged young people aged 15 to 25 years living in the Playford-Salisbury area. With funding from the Australian government through the sustainable regions program, the BoysTown centre will be able to provide skills and opportunities for disadvantaged youth in the area. The service centre will work with a minimum of 200 young people a year with the aim of securing our youth in ongoing employment.

The sustainable regions program assists regional communities with issues that they themselves have identified. I have previously spoken about earlier projects of the sustainable regions program in the Playford-Salisbury area which have proved successful and which will continue to impact on the region for many years to come. The BoysTown project is the last to be funded under the Playford-Salisbury Sustainable Regions program, which has seen $12 million invested in those communities from the Australian government.

COMMUNITY CHANCE

The Hon. D.G.E. HOOD: To complement their studies, a group of eight Flinders University students have formed a student group called Community Chance as an extracurricular activity. Community Chance is dedicated to creating and running educational programs and is specifically focused on programs to assist lower socioeconomic groups as well as creating opportunities for others to learn new business opportunities and skills. This allows students to take what they have learnt and give back to their community in a very practical way. Currently, these students at Flinders University are actively involved in creating, financing and, indeed, running the Community Chance programs.

The success of their programs continues to grow, especially one called Education Enterprise. Education Enterprise has impacted metropolitan and regional schools all around South Australia and has now expanded to also reach the broader Australian community, including Western Australia, and even indigenous communities in the Northern Territory, as well as international communities, such as the United Kingdom and Singapore.

This program initially started in April 2005, when Education Enterprise began with two programs. The first was its primary school program, which involved teaching basic budgeting and saving and the difference between needs and wants, with the help of its saving super hero, Captain Enterprise, for the young children at primary school. The captain has two sidekicks, Curious Courtney and Spontaneous Sam. The second part of the program was the secondary schools program, which involved teaching more sophisticated skills, such as enterprise and team building skills and also running a simulated stock market situation, which taught students about global markets and the nuances, if you like, of buying and selling stocks and shares online and through other means.

Community Chance has now expanded the Education Enterprise program into two further programs. The first is to teach teachers how to facilitate the secondary schools program and, secondly, to consult with schools about the integration of the original school programs where they may have found it difficult to continue programs that would normally be sold to schools at a higher price. This has resulted in two programs, including Education Enterprise, being incorporated into the SACE program for some year 11 students.

The group of university students who created the program at Flinders University believe in continuing to improve and develop their programs. This year they were able to set up a relationship with TEAR Australia, specifically supporting TEAR's Saahasee partnership, and they provided some $2 700 for its work in northern India. Saahasee provides education to women in low socioeconomic regions and also for the establishment of accessible microfinance. Saahasee also helps to provide (and works with) an indigenous development worker who knows the needs of that region.

One of the Community Chance students participated in the university's Green Steps program and has taken what he has learnt and created a brochure outlining simple steps for businesses to reduce their environmental impact and also, in many cases, to reduce overheads, such as printing using both sides of a piece of paper and the like.

In addition to these programs, some of the Community Chance students have become mentors in previously established programs. For example, Young Achievement Australia runs in local high schools and universities, while Australian Business Week is currently operating in high schools. These programs include helping students understand the running of a business, whether through a simulation or the actual running of their own business, which has been the case on several occasions.

Whilst creating these programs, the group of university students has submitted its program into a national competition, with most of the universities participating nationally. This year's Student in Free Enterprise competition (SIFE) saw the Flinders University Community Chance team receive the award for the Best Global Markets Program for Educational Enterprise and Best Ethics Program for the Environment saving brochure, with prize money going straight back into the continuation of setting up and running of further programs.

This is not bad for a group of students doing Community Chance as an extra-curricular activity for its university course just off their own bat. Through their programs, these eight Flinders University students have reached over 5 000 people nationally and internationally. I take this opportunity to congratulate them and thank them for their hard work.

HISTORY DEBATE

The Hon. J. GAZZOLA: There is more at stake than mere debate on the topic of what should be taught as Australian history in our schools. The Prime Minister has entered the debate and has again shown himself to be an adroit hand in the politics of deflection when public opinion starts to catch up on the direction and consequences of Liberal policies, especially when he can both manipulate public debate and use the opportunity to further cement his view of Australian history and identity.

When there is a sniff of decline in the polls, the Prime Minister lights spot fires on complex public issues and keeps them smouldering by making contentious and simplistic statements. In this case, he set up a single-day summit, acknowledged as inadequate by one of Prime Minister

Howard's supporters, Greg Melleuish (Associate Professor of History and Politics at Wollongong University).

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The audible conversation is getting too high.

The Hon. J. GAZZOLA: You then announce a working party and a competition to show that you are serious about reform and sheet the responsibility to others. Serious complex curriculum issues, problems of funding to universities and secondary schools, the pressures on schools to deliver and deliver priorities in a crowded curriculum, and the availability of qualified teachers—the real issues—are deemed irrelevant.

If the Prime Minister is serious about the integrity of the debate generally on important social issues, his track record is poor. Look at the level of debate over Iraq, David Hicks and the perennial Middle East mess. A point of view on the latter issue saw the Prime Minister awarded an honorary doctorate from Bar-Ilan University in recognition, in part, of his service to security and peace for Israel. This is not to suggest that this education issue is unimportant. It is true that the subject will benefit from debate over national consistency and its place in the curriculum, but we need to be clear on what the debate is and what should be its outcomes.

Prime Minister Howard's triumphant Australia Day speech claimed victory in 'divisive, phoney debate' about cultural and historical identity in appreciating 'enduring values of the national character'. What he actually meant was unclear—'root and branch' renaissance, where historical narrative replaces his view of contemporary teaching as 'a stew of themes and issues'. Stripped of metaphors, Prime Minister Howard wants history to be somehow stripped of political viewpoint, a quasi neutral viewpoint pushing it towards, as minister Bishop stated, 'pivotal facts and dates'.

The ACTING PRESIDENT: Order! The cameramen in the gallery may well be just sighting up, but they must not be taking shots of members other than those on their feet.

The Hon. J. GAZZOLA: In his desire to direct debate and loosen what he sees as Labor's hold on the so-called cultural war, Prime Minister Howard is either getting himself in a muddle or deliberately skewing the debate. If history is to have meaning and not be a dry collection of facts, it must be a properly structured analysis of themes, issues and facts; it can be no other. If bad history is being taught, we must not be confused by false argument.

There are New Right forces in the media who have been waging a continual cultural war, as Professor McIntyre, Professor of History at Melbourne University, pointed out in his article in *The Age*. Greg Melleuish, described as a conservative, presented the keynote paper to a selected audience—the 'sensible centre,' as minister Bishop defined the specially selected participants—as capturing middle Australia's values; in essence, Prime Minister Howard and the federal government's well documented desire to shut down dissenting voices in commanding the high moral ground.

If neither of these critics, however, satisfies one's view, one should look at the summary of events in *The Australian* by Professor Tony Taylor, of Monash University, who recognises the inconsistent approach across the states, who understands what can and cannot be achieved in the classroom, who desires to elevate the profile of history studies, and who strives to put balance in the political debate. Yes, we may need to re-appraise the teaching of Australian history, but we need to be aware of those who have other, more pressing agendas. If the states do not buy this so-called federal government push for reform, there is always blackmail over federal funding to schools.

MENTAL HEALTH

The Hon. J.M.A. LENSINK: I rise to address the issue of the state government's response, or lack thereof, to the commonwealth's COAG offer for mental health funding. The South Australian government's response has been an absolute farce. What we have seen, so far, is a demonstration that this Rann Labor government has no intention of fulfilling its obligations in the COAG agreement. The commonwealth made its unprecedented offer of $1.8 billion and has asked the states and territories to match that.

The state government's response (about which I asked the minister several questions in question time today) lists a number of services which consist of reannouncements of previous services and do not even go close to addressing new funding for services. All of the services, from my reading of it, were already announced prior to the election and, therefore, pre-date the Prime Minister's initial offer which was made on 5 April 2006, a couple of weeks after the state election result.

The commonwealth has outlined a very explicit plan for the areas and the priorities in which it will contribute funding, and it has asked the states to come to the plate, so to speak, in a separate range of areas. From a document I have received, the commonwealth states that it would have expected $144 million of commitments to new funding from the South Australian government. The funding that has already been announced should not even be included in those totals.

If we look at this document of 14 July, which is entitled 'National action plan on mental health', under the area of 'promotion, prevention and early intervention' there are some programs, such as beyondblue, which reannounces part of the $25 million for NGOs; Every Chance for Every Child—I would be surprised if that is actually mental health funding; and the Early Childhood Development Centres is the same issue—not really mental health funding. Early Intervention with Young People, Healthy Young Minds is also taken from the election announcements. The $10 million allocation in the 2005-06 budget is reannounced in the next section, 'integrating and improving care systems,' in a most dishonest way.

These are commitments that have already been made in the past. The commonwealth is looking for new commitments from this government and, given the noises that we have coming from budget leaks and so forth, I think that most departments are expecting to take a cut. So, the big question is: what is the government going to do with mental health funding?

The COAG documents outline priorities for the states as being additional resources for emergency and crisis services for hospital based services, for community based services, for corrections and also in supported accommodation. In regard to those two latter areas—corrections and supported accommodation—we have not heard boo from the government on what it intends to do, nor has any new program listed in that document come into that category at all. So, the concerns that we have are that the services that are desperately needed for South Australians who are suffering from mental health problems will not be addressed by this government and, indeed, services may even be contracted once we have the result of the budget.

HICKS, Mr D.

The Hon. M.C. PARNELL: I move:

1. That the Legislative Council calls on the Australian government to insist that citizen of South Australia, Mr David Hicks, be treated the same as citizens of the United States of America—no more, no less.
2. That this resolution be forwarded to the Minister for Foreign Affairs.

I was pleased, along with 1 000 other South Australians recently, to attend a rally in Rundle Mall that was organised by a number of people, including the GetUp organisation, a new organisation that is promoting community activism, and also the longer standing Fair Go for David Committee. I was pleased to be joined by at least one other member of parliament at that place.

An honourable member interjecting:

The Hon. M.C. PARNELL: I was asked which other member was there. I noted that Mr Kris Hanna, from the other place, was there, but I am not sure which other members. He was the one I saw.

The Hon. Sandra Kanck: I was there.

The Hon. M.C. PARNELL: And the Hon. Sandra Kanck was there, whom I also saw. The continuing incarceration of Mr David Hicks is an ongoing embarrassment for Australia. Mr Hicks is an Australian citizen and he is being held prisoner by the United States government at Guantanamo Bay. His trial before a US military commission was due to begin in November 2005, but proceedings have been delayed and he has never been put on trial. The Prime Minister's decision to effectively back David Hicks' imprisonment in Guantanamo Bay is a breach of both international law and Australian law.

The US military commission, which is to 'hear' Hicks' case, can best be described as a kangaroo court. Mr Hicks has no choice of barrister; he will not be subject to US domestic law; he has no appeal rights other than to the military; and even President Bush can override the finding of the commission. So, a military commission for David Hicks will not and cannot be a fair trial. The commission's very existence erodes the basic tenet of Australian law.

The PRESIDENT: Order! The cameraman in the gallery who is pointing the camera at members sitting down will please leave the chamber.

The Hon. M.C. PARNELL: The American people would not tolerate this level of treatment of its own citizens. In fact, US citizens will not be tried by these military commissions. For example, when American John Walker Lindh was captured in Afghanistan in 2001, where he served as a member of the Taliban controlled armed forces, he was not taken to Guantanamo, because he was a US citizen. His case was tried in US federal courts, which provided him with greater legal protection and, ultimately, made it necessary for the Bush administration to become involved in plea bargaining. Eventually, he was given a 20-year prison term rather than the death sentence.

The Australian experience is in contrast to that of governments in other Western democracies, such as the UK, who have insisted on their citizens being repatriated to their home country. The position of the Greens is that, both inside the parliaments of this country and outside in the community, we will continue to campaign for a fair go for David Hicks. To give David Hicks a fair go means bringing him back to Australia to face charges in relation to any offences he may have committed under Australian law. This motion is in fact quite simple: it calls for David Hicks to be treated in the same way as a citizen of the United States would be treated.

I conclude by referring to a speech given by a former governor general of this country, Bill Hayden, who, on David Hicks' 31st birthday, joined the campaign for a fair go for David. He said:

> I don't know Hicks personally, but he deserves justice, as all Australians do when in trouble, but our government has announced that Hicks will be left to whatever fate the US serves up to him and, presumably, for however long that may take.

I urge all honourable members to support this motion. There are a number of lawyers in this chamber, all of whom strongly support the rule of law. The treatment of David Hicks is an abrogation of the rule of law. I commend the motion to the council.

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

BAKEWELL BRIDGE

The Hon. M.C. PARNELL: I move:

That the Legislative Council calls on the state government to ensure the Bakewell Bridge redevelopment has equitable disability access and appropriate provision for pedestrians and cyclists by the inclusion of a decent off-road pathway on the northern side of the proposed underpass.

Much has been made in this place and in the other place about government transport infrastructure projects and, in particular, the budget blow-outs that have been alleged to accompany those projects. One project that I say needs more work done on it, and very likely needs its budget revised to get the project right, is the Bakewell Bridge. As members would know, the Bakewell Bridge is where Henley Beach Road crosses the railway line. It is 80 years old and most certainly in need of replacement. The chosen replacement is an underpass. What we will see is Henley Beach Road going underneath both the railway line and the James Congdon Drive/East Terrace roadway.

The current design of the underpass to replace the bridge shows two lanes of traffic going in each direction and also some on-road cycle lanes going in each direction through the underpass. However, in terms of a footpath, there is only one off-road combined cyclist and pedestrian path, and that is on the south side of the proposed underpass. The problem with this design is that having an off-road path on one side only of the underpass means that it is only easily accessible to people who are travelling out from the city and the parklands and not by those travelling into the city. If you want to travel into the city and you are a pedestrian, a vulnerable cyclist or in a wheelchair, you have a convoluted set of crossings to make, either via stairs or longer crossings via ramps, in order to access that path.

It is quite clear that, in the design of the Bakewell Bridge replacement underpass, no real thought has been given to vulnerable groups. One group in particular is pedestrians, able-bodied pedestrians. People choose to live in inner suburban areas very often because they can walk to work in the city and access places they want to get to as pedestrians, and they possibly do not even need to own a car. A number of people who attended the various protest meetings have pointed out that that is the very reason they choose to live in those suburbs. Two community protest meetings have been held so far, and I have attended both, as has the shadow minister for transport in another place (Martin Hamilton-

Smith), but no other members of parliament have seen fit to hear what residents have to say at those public meetings.

As well as pedestrians, we have wheelchairs and people who use scooters and gofers. They really deserve to have access in both directions, not just one way from the city. One group which people might think is already being properly catered for but which is not is cyclists, particularly less confident cyclists, such as children and old people. Members might have heard a breakfast interview on 891 ABC a number of weeks ago when Terry Grealy from the Thebarton Residents Association spoke to Tim Noonan. He described the on-road cycle lanes as follows:

> The cycle lanes on roads are good for the confident cyclists, but for students, for kids, it will look like a tunnel of death. We say: why not put an off-road path on both sides so that people can use it safely?

'Tunnel of death' might seem like an exaggeration but, as any honourable member would know who cycled along with a solid concrete wall on one side and fast-moving traffic on the other, it is an uncomfortable experience and not a road I would be all that happy for young children to use. So, if we are to encourage people to ride their bikes, we need to provide facilities not just for the lycra-clad commuting cyclists but also for the more vulnerable groups in the community.

The consultation process for the Bakewell Bridge replacement has been criticised by a large number of groups. That is not to say there has not been consultation—clearly, there has—but a number of groups, whether it is through the quality of the material that was presented, or the fact that they were not in the loop for consultation, have criticised the process.

One group, for example, is the medical professionals who are associated with issues of road trauma and car accidents. For example, Dr Robert Atkinson, the South Australian representative on the Pedestrian Council of Australia and also the Chairman of the Royal Australian College of Surgeons Road Trauma Committee, said in a press release just on Sunday:

> The lack of two-sided access for pedestrians in the underpass design is a serious safety and equity concern. . . and the Pedestrian Council has not been consulted on this project.

It seems almost incomprehensible that you can have a major piece of road infrastructure and not consider the whole range of users. I can bet you that the RAA was consulted, probably at great length, but certainly the Pedestrian Council of Australia was not consulted and it now finds that it is having to come out and criticise the project, with the government telling it that the consultation period has already come and gone.

As well as Dr Atkinson, Dr Bill Heddle, who is Chairman of the South Australian branch of the AMA Road Safety Committee, said:

> We seek an extension of the government's consultation process and request pedestrian and cycle paths on both sides of the underpass. To ignore this aspect and skimp on the design may prove to become a false economy.

These medical practitioners are aware of how much it costs to treat people who are maimed and injured in motor vehicle accidents, but I think probably what they were alluding to, as well, was the cost to society as a whole, where we construct our environment to discourage people from walking, cycling, skateboarding, rollerskating—or whatever it might be—to get exercise.

A lot has been said about the state of obesity in our young people, and general health issues in the community, so it would be as clear as day to the government that it needs to promote healthy activities by providing legitimate and decent facilities. I would urge all honourable members to support the motion. It is not too late. The underpass has not been built. If it results in what some might call a cost blow-out, I welcome it, because I think we need to get this design absolutely right, not just for now but for future generations.

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

EDUCATION (RANDOM DRUG TESTING) AMENDMENT BILL

The Hon. A.M. BRESSINGTON obtained leave and introduced a bill for an act to amend the Education Act 1972. Read a first time.

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

> That this bill be now read a second time.

I have been approached by many parents and community groups, since coming to this place in March of this year, asking me to develop proactive legislation that will give parents back the right to intervene in a child's early drug use. There are literally thousands of parents battling to assist their children to move past drug use in an effort to restore their ability to live well.

The most disturbing factor in all of this is that these parents have engaged with youth counsellors and have literally been told that the drug use of their child is either none of their business or that they should step back from this because drug use is normal teenage behaviour. Of course, too many simply do not grow out of drug use. I will read a statement from Ruth, as follows:

> One day you wake up and you find you have a drug problem with one of your children that affects that whole family. You are devastated. Then along comes a person who tries to help with the problem by asking for all high school students to be tested. They are under 18 and you have protected them from all other dangers all the years, why not this? Surely you have the right. Drugs are a sickness, and what happens? Educated people, who think they know it all, probably out of books and getting a good grant or salary, slam it as being intrusive, etcetera. Perhaps they have no children or have no experience of life outside of stats and their office, and work on the theory of political correctness. Drugs affect people by mental health, crime, grief, and cost all people in society. They also increase the need for police, health services, security, rehabilitation. Drugs are a modern disease, let's attack it, too. All parents did in the old days and still do try to protect their children against suffering. Let's stand and demand that we do the same. Support this call for drug testing so that there is a future generation.

The person who sent this email has three children in her family who are uncontrollably and problematically using drugs. One of them has overdosed so many times that, in fact, he now has permanent brain damage. She has put up with this merry-go-round in her life for 15 years and believes that if, in fact, these children had been detected in school, she would have had more opportunity to intervene and be proactive, but she actually did not know what she was dealing with.

I also have an email from a doctor who tells a very vivid story of his knowledge of drug use in our schools. He states:

> I am writing briefly, in support of your proposal for drug testing in schools. My son and daughter attended—

and I will not mention the name of the school—

> a rural school in the late 1990s to early 2000. While most students were (or seemed) contemptuous of the drug culture, there was an

active drug subculture within the school, and a minority of students were either pushing or consuming drugs. But more alarmingly, several of the teachers were known to be on drugs, and one art teacher openly smoked 'grass' in the school car park each morning. . .

I was a councillor on Saddleworth/Auburn Council between 1991-1995. (This council no longer exists). During this period, it was discovered that a house in Manoora had been taken over by bikies (complete with pit bull terriers) and that this house was being used as a distribution point for drugs (mainly amphetamines) which were sent to local schools. All of the High Schools in the Mid North—Clare, Riverton, Balaklava, Burra (especially Burra) Gladstone, Eudunda and Kapunda—all had an active drug subculture. Drugs were openly available at school socials and other functions, and a 'standover culture' applied; that is, anyone who 'grassed' to teachers, community reps, ministers or the like would be visited by 'heavies'. . . Indeed, I was warned by the police to be careful in raising the issue at the community level (this was after I reported seeing a drug 'drop' done one morning at the Clare cemetery); the police warning was that the drug network had wide reach, and could strike 'collateral targets'.

Since I have moved to Adelaide, I have heard strong anecdotal evidence from reliable sources of huge amounts of drugs flowing through Adelaide schools and, indeed students of a local school. . . openly talk about the kids who are 'off their faces'. During the survey I did a couple of years ago, I heard of the high incidence of drug abuse in secondary schools in the Adelaide Hills.

I spent two years of my 'drop out' years working as a grave digger (1970-72). I can remember burying kids who had 'overdosed' and thinking what a massive waste of loss of potential this represented. (Much of this was seen to be stimulated by the pop culture, and supposedly 'romantic deaths' that had afflicted such cultural icons as Hendrix and Joplin). I hate to think what the death rate would be like now. One of my classmates at Glossop High was one such victim. . .

And she died in the gutters of St Kilda. He continues:

. . . The drug culture is a scourge, and it is driven by the worst sorts of criminals imaginable—violent, exploitative and influential, and willing to trade in death and degradation. Your bill would at least allow some of the potential long-term victims to be treated at the early stage, but more than that would reveal the extent of a problem which most people seem to prefer to ignore. Many of us are behind you and support you all the way.

I also have received literally hundreds of similar emails from teachers who have quietly supported the move for drug testing in schools, and also from parents and medical professionals, such as the last one you heard, based on private and professional experience. Early detection and intervention are vital strategies to protect our teenagers against developing problematic patterns of drug use and addiction. These intervention measures must include information on the central nervous system disorder created from ongoing and regular use of drugs.

I have been alarmed by what appears to be a subculture of school-age kids who have developed a perception that they have the right to use drugs. This was accentuated when I took part in the debate on *Fresh FM* last week, where, for one hour, I heard young schoolchildren ringing me and telling me that I was a fascist because I did not want them to use drugs, and that, sure, they smoke a few cones before they go to school, but it is not doing anybody any harm. Their arguments are very subjective, as you would expect from teens, yet the justification in their belief in their right to use drugs glaringly points out what lacks in their education and what is happening in schools in respect of the reality of addiction.

This subculture of people refuses to acknowledge any harm associated with any drug use, which indicates that information in our drug education programs is not really hitting the mark. For seven years I have been attending, by invitation, a number of high schools where I have participated in interactive educational sessions with students from the years 8 to 12. The focus of these sessions is the physiology and psychology of addiction. Alongside is usually a young person who can share his or her experiences and outcomes of using drugs, and also the long journey of recovery that is required. Students, principals and teachers have been enthusiastic about the information they have received, and principals and teachers have made comments on many occasions that students have approached them, or the school council, to receive assistance, or to ask how they would support a friend who was using drugs.

As a result of those inquiries, young people have found their way to the place they previously worked, and they have managed to turn their lives around and usually go back to school and re-engage in school. At the same time, their parents have been engaged, and it has been a collaborative approach, while parents have also been supported in developing strategies for coping with this and the need to communicate in a reasonable manner on these things. What has been most alarming in the announcement of my drug testing proposal has been the fear mongering that has pursued this bill. There are many parents out there who have opposed this proposal on the understanding that it would involve supervised urine tests. At no stage have I ever suggested that—

The Hon. Nick Xenophon: It is grossly misleading.

The Hon. A.M. BRESSINGTON: It is grossly misleading, and it has come from a member of this council. At no time have I ever suggested that children should be supervised and urine tested. I refer to a high school report, the *School Post*, which states:

Athletes are required to strip naked before providing urine samples. Is this what Ms Bressington is proposing for our children?

The Hon. Sandra Kanck just made a comment that minister Gago was being mischievous in her request for her not to make comments about suicide techniques. It was that same person who made this very mischievous remark in the high school bulletin. The Hon. Ms Kanck was given every opportunity to receive a briefing on this bill, but she refused, as did a number of high school representatives and principals.

The Minister for Education was also informed that at no time would law enforcement be involved in this activity and that teachers would not be required to perform this testing, because we know that teachers have a burden already in the education system. Yet, they were the two points that the minister cared to put forward in the media—that this would be a drain on law enforcement and the police—which made this out to be a punitive approach rather than an intervention and prevention measure.

I will now speak to what my bill proposes. I hope it is very clear to members of this council that this is an intervention and prevention measure that has worked well overseas. In Indiana, 65 high schools (90.7 per cent of schools) were included in a study, and 98 per cent of principals reported a reduction in drug use. They also observed that it discouraged the uptake of illicit drug use in those schools. They acknowledged that there was a 40 per cent reduction in the number of drug-related suspensions once drug testing had started, that children who had been problematic previously, once the drug testing had started, were able to be engaged in school projects that were also anti-drug initiatives such as sports days and team sports, and that the behaviour of students dramatically improved over that period. After the study was concluded, 88 per cent of schools voted to have the drug testing implemented as an ongoing strategy.

This particular study was overseen by Dr Joseph McKinney, who is Professor of Education at Ball State University. His qualifications and research background are extensive. I take offence to the fact that, on *Stateline*, Dr David Caldicott basically slammed this research as being invalid because it was taken from what he perceived to be the Bible Belt of the United States of America. Of course, the implication from that is that, if anybody is a Christian or comes from an area where Christians may live and happens to be a researcher, that research should be completely disregarded because of the person's religious beliefs, which is absolutely ridiculous.

The Hon. Nick Xenophon: It's not a very scientific basis for it.

The Hon. A.M. BRESSINGTON: No, and Dr Caldicott is great on science and medicine.

The PRESIDENT: Order! The Hon. Mr Xenophon is out of order.

The Hon. A.M. BRESSINGTON: ADCA also made a statement that we should rely on science and medicine to determine the direction for our drug policies, and I agree with that. We need scientific and medical research to back up what we are doing, but the problem is that, with the current drug policies in this state and other states, it is virtually impossible, as I have noted, to get a trial like this up to have it evaluated—and scientifically evaluated at that.

We have seen in the past that science and medicine have not always kept up with the pace of what the community is experiencing. For years we have been told that marijuana is not an addictive drug but a soft drug. For years we were told that there was no link between marijuana and mental illness. Now science and medicine have caught up. I suggest that there is an opportunity here for science and medicine to expand their horizons and perhaps do some valuable research and evaluation of a new kind of project.

My bill is simple; it is not harsh. It was always open for debate and recommendations from all sectors to make changes if necessary, to make it more palatable and more workable within the community. However, as I said, I have been approached by very few people, and it seems that the AEU has taken over the responsibility of briefing people. As a result, the response to my offer to brief high school councils and principals has not been taken up, which is a shame.

In this bill, all I am asking for is for students to be randomly drug tested twice a year. Perhaps a team of health professionals would go to allocated schools on a fortnightly basis to randomly pick 20 to 30 students to test on that day, ensuring that over the period of 12 months each student would be tested twice for the presence of cannabis, amphetamines and Ecstasy. The test is a mouth swab—not a urine test, supervised or otherwise. Students are not required to strip down to give the mouth swab sample. If the first sample tests positive, a second sample will be taken. That information will then be passed on and parents will be notified by the school.

At no time, will this information be made available to class teachers or other students in the school. The reason that it was chosen to be across all years (years 8 to 12) is so that there could be no finger-pointing or discrimination of any child who has been tested for drugs so that there could be no marginalising of those kids. Once the children are engaged by the school, parents will be referred to treatment services that can assist them in dealing with this problem with their children in an open and honest manner. They also will be able to attend with their child, and the child can be educated on the harms of drugs.

This central nervous system disorder that is created by the ongoing use of these illicit substances—any substance that mimics the natural effect of endorphins—is addictive. It is not a matter of if; if use continues, it is a matter of when. With drugs like cannabis, addiction is an insidious thing because it sneaks up on people. I have known people who have been smoking a bag of dope a day who still insist that they are recreational users of this drug because, when they stop for maybe two or three days, they get no signs of withdrawal. If they have had 30 cones a day for the past 12 months, it stays in their system for 42 days, and it will take them about 1 000 days before they actually experience signs of withdrawal.

It is an insidious addiction. Of course, we all know now of the link between amphetamines and mental illness—and that cannot be denied. People who were previously heroin users have told me that they have used amphetamines for nine months and the damage done to them in nine months far exceeds the damage done to them in the nine years of using heroin. Can we really afford for our children to be dabbling with these drugs; for them to have the idea that they are using recreationally; and that there is no harm from these drugs at all—and that is what they believe. As I said, I spent an hour on Fresh FM and it literally blew my socks off that these kids will not even acknowledge that there is the possibility that they will become addicted to these drugs—and the same goes for Ecstasy.

This is a prevention and intervention measure: it is not a law enforcement issue. This is not a punitive approach. I have introduced this bill as a result of public demand. Over the past 11 years in my previous life, I have heard stories, people saying, 'If only we had known earlier; if only we had known it was drugs.' There was always that level of doubt or denial in the mind of parents that it was drugs. That has been reinforced. On a number of occasions, I have heard people say that they were told that this was just normal teenage behaviour. Parents get caught up in this confusion and this denial and they have nowhere to go for support. This will at least give them the opportunity to know what they are dealing with. What they do with it after that is entirely up to them.

This is not about making drug treatment or the rehabilitation of students the responsibility of the education department. This is about handing back responsibility to parents to act either in a pro-active way and obtain a positive result so that their children realise that drugs probably do not have a part in their life or they can choose to ignore it and live with the long-term consequences of taking no action in relation to their children using drugs. It is entirely up to the parents what they do. I have received advice that bringing this to the attention of the principal of a school would mean that the principal would have to act and that, as a consequence of most drug policies in schools, the principal would then be required to expel the student.

When I drew up this legislation, I was not aware that that was the case. Two changes could be made to this bill. First, schools could develop what would be a practical and workable drug policy within their school to provide support to the parents and the student undergoing counselling and whatever to be able to continue at school without being disengaged. Secondly, the results of the drug test could be brought to the attention of the school counsellor and not the principal. In that way, the counsellor can engage the family and the child, and any need for expulsion or suspension could

be diverted and done away with. In a nutshell, this is not an outrageous recommendation or proposal. This is practical; this is workable, and it meets the needs of parents in the community.

As I said, thousands of parents are battling to try to move their kids away from drug use and into a more productive lifestyle and to keep them engaged. If nothing else comes from this, if, for example, little Johnny says, 'I don't want to be drug tested', that poses a question for his parents: why don't you want to be drug tested? It is a mouth swab. It could then open up communication within the family and perhaps even expose drug use in cases where parents were not thinking that it was a possibility. Hopefully, they would then be able to seek information from the school about where to obtain some sort of intervention and counselling measures.

The main argument put forward by kids on Fresh FM was that this was an invasion of their rights. That actually concerns me a great deal, because what right are we impeding? Their right to use drugs. That is the only right that is being impinged upon. It is still an illicit act. It is still a criminal activity. I believe that, by being lax in our attitude, we are sending our kids a secondary message; that is, criminal behaviour is okay; it is acceptable. That flows over to law enforcement and the respect that our youth have for law enforcement as well. I present this bill to the chamber for debate. As I said, from the beginning I have been open to receiving recommendations from anyone in this chamber who could suggest a way of making this more workable for every sector of the community and have it more widely accepted.

I also mention the national poll. Channel 9 conducted a national poll on whether drug testing should be introduced into our schools. The community response was 86 per cent said yes. I thought that maybe there were only 10 callers—86 per cent would look pretty cool—but in actual fact it was one of the largest responses that they have ever received. They cannot give out the exact number of callers because of privacy issues, but I was told that it exceeded 20 000 calls on this one issue in South Australia. As a result of their being such a huge response nationwide, it went to ninemsn.com on the internet for a weekend. Over 75 000 people voted on this issue and, nationally, 57 per cent voted for this legislation.

This is a national debate now and there is a movement in each state. I received an email (which I will not read out for obvious reasons) from a lady on Bribie Island in Queensland who, in one week, has formed a group to lobby the Queensland government for drug testing to be introduced into Queensland schools. The same has happened in Western Australia, Victoria and New South Wales. This is a very strong argument for the bill as it is what the community wants. We cannot afford to ignore what they need because their need is being brought forward by the pain and suffering that they are experiencing as a result of their kids using drugs and literally dropping out of society.

I leave this bill with members today. I think I have said enough. My voice will not hold up for another five minutes. I ask all members to consider what I have said and debate this issue openly. I ask members to come to me with any recommendations they may have.

The Hon. T.J. STEPHENS secured the adjournment of the debate.

MINING ACT

Order of the Day, Private Business, No. 1: Hon. J.M. Gazzola to move:

That the regulations under the Mining Act 1971, concerning royalty, made on 15 December 2005 and laid on the table of this council on 2 May 2006, be disallowed.

The Hon. J. GAZZOLA: I move:

That this order of the day be discharged.

Motion carried.

CONSUMER TRANSACTIONS ACT

Order of the Day, Private Business, No. 4: Hon J.M. Gazzola to move:

That the regulations under the Consumer Transactions Act 1972, concerning Consumer Contracts, made on 16 February 2006 and laid on the table of this council on 2 May 2006, be disallowed.

The Hon. J. GAZZOLA: I move:

That this order of the day be discharged.

Motion carried.

TOBACCO PRODUCTS REGULATION (CLEAN AIR ZONES) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 31 May. Page 233.)

The Hon. M.C. PARNELL: I rise to support this private member's bill introduced by the Hon. Sandra Kanck. I do so today because I note that the Royal Show starts next week, and one of the times and places that this bill proposes to ban smoking for the protection of our young people is at the Royal Adelaide Showgrounds at Wayville for the duration of the show. It is disappointing that this bill will not achieve the status of law by the time the show comes along. However, I strongly urge all members to support the bill before the next specific event identified in the bill occurs, namely, the Christmas Pageant.

When she introduced it, the Hon. Sandra Kanck made very clear the purpose of this bill, which is to protect our young people in particular but all people from the health risks associated with passive smoking. In her second reading explanation the Hon. Sandra Kanck made the point that Australia is a signatory to the World Health Organisation Framework Convention on Tobacco Control. Members would be well aware that, as a state, we are not bound by international treaties. Those treaties are entered into by our federal government.

Members in this chamber might also recall that about 10 years ago a bill was passed through this place which basically said that South Australian officials and South Australian ministers do not have to comply with international conventions. The Administrative Decisions (Effect of International Instruments) Act is a fairly shameful piece of legislation which basically sends the message to our public officials and to our ministers that we can ignore these international treaties. Whilst we might not be legally bound as a state of the commonwealth rather than in the commonwealth's own right, I think that we should give full regard to these international conventions.

My urging of members in this place is to support this bill. The health of our children depends on it. All of us can probably recall as young people having to suffer passive

smoking. Bus stops are mentioned in this bill, and I can remember sitting at a bus stop next to a bloke smoking a pipe. It was one of the most awful things. I think that I possibly unloaded my lunch on the same fellow when we got on the bus. I did not ever travel well as a child, and I am sure that tobacco smoke did not help. I am hoping that it has not had long-lasting effects, but if we can do all that we can to protect our young people from the known health risks associated with passive smoking we will be doing the state a good service.

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

NATIONAL PARKS AND WILDLIFE PROCLAMATION

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

That this council requests Her Excellency the Governor to make a proclamation under section 28(2) of the National Parks and Wildlife Act 1972 and to make a proclamation under section 43 of that act—

1. excluding allotment 500 of approved plan No. DP 59476, out of Hundreds (Yardea), lodged in the Lands Titles Registration Office, from the Gawler Ranges National Park; and
2. adding pieces 102 and 103 of approved plan No. DP 67746, Out of Hundreds (Yardea), lodged in the Lands Titles Registration Office, to the Lake Gairdner National Park subject to existing and future rights of entry, prospecting, exploration or mining under the Mining Act 1971 or the Petroleum Act 2000.

The motion before the council seeks to excise a portion of the land from the Gawler Ranges National Park and add a separate portion of land to Lake Gairdner National Park. Parliament's approval is required to excise land from the Gawler Ranges National Park under the National Parks and Wildlife Act. Such a proclamation may only be made in pursuance of a resolution of both houses of parliament. The addition of land to Lake Gairdner National Park does not require the approval of parliament, but it is appropriate to submit the entire package to parliament for consideration to demonstrate the net conservation benefits of the proposal.

The land swap will result in the excision of 2 412 hectares (1.5 per cent) of the Gawler Ranges National Park from the area adjacent to the northern boundary of the park for inclusion into Yardea Station in exchange for approximately 5 300 hectares adjacent and to the west of Lake Gairdner National Park being excised from Yardea Station for inclusion into Lake Gairdner National Park. The land to be excised from the Gawler Ranges National Park has been identified as having relatively low biodiversity value due to past grazing impacts. The land to be added to Lake Gairdner National Park has vegetation types not found in the Gawler Ranges National Park but which are considered representative of the Gawler bioregion. The vegetation is in excellent condition, with the understorey and structural vegetation composition intact.

The proposed land swap provides a significant net biodiversity gain and also promotes good pastoral management. The addition will improve the conservation values of the Lake Gairdner National Park by ensuring that a large section of important habitat surrounding the lake bed is protected. This will enhance the protection of biodiversity within the park and surrounding areas. The proposal has no effect on mining access. All land under consideration currently provides for access, and this will continue into the future. The proposed addition to Lake Gairdner National Park will provide opportunities for low impact tourism, as the addition will provide access to a camp ground and short walking trail. I commend the motion to the council.

The Hon. CAROLINE SCHAEFER: The opposition supports this motion. It is a practical move. As members may or may not know, this part of the national park is very close to where I previously lived and is an area that I know well. I knew the McKay family who held Thurlga Station (which is part of the national park) for many years, and then the Barnes family, who sold it to the previous government, and I was very involved in the agreements that were drawn up at that time for the formation of this park. We have contacted the proprietors of Yardea Station, Sandy Morris and his wife, and they are pleased with this move—although I note that the land swap is not hectare for hectare but, rather, the government has taken some two hectares for every hectare that it has given back.

As I said, it is an area that I know particularly well. We used to picnic there for many years. While I recognise that it is an area of particular interest and biodiversity, I have been disappointed in the way in which this government has chosen to manage this national park. A number of members of parliament at the time were involved in the drawing up of that agreement. We saw it as an opportunity to implement some groundbreaking management issues, which would allow for multi-use national parks, while not interfering with any of the biodiversity. The three members who were familiar with the area and involved in the consultation were the Hon. Graham Gunn, Liz Penfold (the member for Flinders) and me. All of us knew the area, and some of us knew it particularly well.

The agreement allowed for an area to be set aside for the development of private tourism within the national park. Part of that area was to be the Thurlga homestead and the Paney shearers' quarters. That was agreed to and signed off on. However, the agreement was delayed until after the election and that has, in fact, never happened. The Thurlga homestead is now used as a residence for the park ranger when he is there. Although the Thurlga homestead, in my view, was one of the better homesteads in the whole of the Gawler Ranges—and one of the better homesteads in that region in its entirety, both farming and pastoral—some $60 000 to $80 000 was spent on it to make it suitable for the park ranger to live in, even though, as I understand it, he does not live there full time. So, that has been a disappointment to me.

One of the other parts of that agreement was that full road access would be provided, including through the park, for firefighting purposes. I offer right now to take the minister and show her the area at some time, if she is interested in doing so. What the minister may not understand is that parts of this park are adjacent to the Pinkawillinie Park and, if a fire was to start from the northern end of Pinkawillinie or the southern end of the Gawler Ranges and there was a nasty north wind, there would be no way that those fires could be fought.

One of the most distressing things I have seen was the Hambidge Reserve after there had been a lightning strike in the middle of that reserve. Again, there was no access for firefighters, so it simply burned until it was burnt out. When we talk about the preservation of biodiversity, believe me, there is not too much left at the end of a bushfire. I am disappointed that many of the things we believed had been agreed (including land swaps with adjacent land-holders) have not been honoured by this government.

However, I commend the minister if this is her idea. I think it is a commonsense idea. There will be no losers out of this particular agreement. I only wish that perhaps she had been the minister at the time that this national park was proclaimed because she may well have honoured the agreements that we believed were in place at the time. As I have said, the opposition supports the motion.

The Hon. M.C. PARNELL: When the minister wrote to me with this notice of motion, the first thing I did was consult with all the different conservation groups who have an interest in national parks and their management and nature conservation to receive their feedback. I got some quite detailed feedback. I am happy to say that I will support the motion, but I will refer to some of that feedback because I think it is informative in relation to the way these things are done.

First, I congratulate the minister on the two photographs we were shown: one of the land to be excluded and one of the land to be added to Lake Gairdner National Park. It was a little like before and after cellulite photos. We had a wonderful Lake Gairdner photo, with brilliant blue sky and lovely red rocks. The photo of the land to be excluded was taken on an overcast day and looked very tired and miserable indeed. It is a little like an architect's drawings that show wonderful open spaces, and there is never a car in them.

The Hon. Caroline Schaefer: Airbrushing.

The Hon. M.C. PARNELL: Yes. Having said that, I am also delighted to say that the location where the photo of the land to be added to Lake Gairdner National Park was taken was in fact the first place in South Australia where I went camping. I went there with the then president of the Wilderness Society, Rod McDougall, who is a keen photographer and whose photographs of Lake Gairdner National Park I have seen on ministers' walls over the years. It is a very beautiful part of the state.

I take this opportunity to acknowledge the work done by Rod McDougall when he was president of the Wilderness Society. He drew the attention of the government of the day to the fact that we had some spectacular landscapes which were coloured white on all the maps. They were unallotted crown land and really had no status other than under the Crown Lands Act. In the earlier 1990s, the Wilderness Society was instrumental in getting the government to agree to transfer all those salt lakes into reserves under the National Parks and Wildlife Act.

When I sought feedback from conservation groups about this land swap, I received one particular comment. I will not name the person who sent me this because I have not obtained their permission; I will leave it as an anonymous report. It states:

> I have looked at the land swap agreement in detail. It is a very interesting issue, as the swap is definitely politically motivated rather than environmentally motivated. This is due to the complicated politics of the region. . .

As the Hon. Caroline Schaefer pointed out, the manager of the station has some traditional use of water points on the land to be swapped. My correspondent continues:

> It is a very interesting situation as the land-holders are happyas they think they have the best of the deal. .

And DEH is also happy because it is keen to get more land for national parks. So, everyone is happy with the win-win scenario to which the Hon. Caroline Schaefer referred, but my correspondent says that it is a shame that it has all been done for the wrong reasons. I think that one thing I will have to get used to in this place is that we do not care why good decisions are made as long as good decisions are made at the end of the day.

In terms of the land involved, I am told that there is no huge gain in having the land adjacent to Lake Gairdner declared as part of the park as it was not legally able to be grazed anyway because of the native vegetation legislation. As I understand it, it would have been regarded as a form of clearance because it had not been grazed for some considerable period.

The Hon. Caroline Schaefer: It's not suitable for grazing.

The Hon. M.C. PARNELL: As the Hon. Caroline Schaefer says, it is not suitable to graze either. Having said that, getting this land for the Lake Gairdner National Park gives us an area of fairly undisturbed blue bush associations that cannot be found elsewhere in the park. We are also getting more land for the park, and that is a bonus as well. As I understand it, the main negative issue with the swap is not directly related to the motion but states the obvious: we are giving more land to National Parks to look after, but we are not giving any more staff to National Parks to look after that land.

DEH is still understaffed in this region, and that is something that should be addressed in the upcoming budget. It urged the government to apply more resources to achieve the increased park estate that is coming about through land swaps such as this. The Greens are happy to support the motion.

Motion carried.

GROUNDWATER (BORDER AGREEMENT) (AMENDING AGREEMENT) AMENDMENT BILL

In committee.

Clause 1.

The Hon. D.W. RIDGWAY: I have some questions that I raised yesterday in the second reading debate about the increased powers of the Border Agreement Committee and the interaction between the NRM boards and water allocation plans.

The Hon. G.E. GAGO: Before I deal with that, I have some responses in relation to the question of the potato grower and some other NRM issues that the honourable member raised yesterday. I will start with those while I am waiting for assistance. In relation to a potato grower in the hundred of Makin and the location of the 20-kilometre boundary, as the Hon. Mr Ridgway advised, this particular case is subject to legal action so, obviously, specific issues on this case cannot be discussed at this time.

The 20-kilometre boundary either side of the border was established in 1985 under the agreement as there were no common alignments of cadastral boundary on either side of the border in South Australia. In South Australia the hundred boundaries do not align from the south coast of the River Murray, and in Victoria areas were based on parishes that did not a have a common boundary running from the south to the River Murray. Therefore, the 20-kilometre boundary was based on a longitude on either side of the border and was not aligned with existing hundred boundaries. I hope that clarifies the issue for the honourable member.

In relation to permissible annual volumes, which the honourable member raised, the South Australian Murray-Darling Basin Natural Resources Management Board has written to the Border Ground Water Committee regarding the

volumetric conversion process in South Australia and the committee has been briefed on the matter. The Department of Water, Land and Biodiversity Conservation is currently completing new ground water modelling on the existing levels of ground water use in the Mallee, both in South Australia and in Victoria, and modelling alternate projected water use levels. South Australia will prepare a formal submission on these matters to the review committee for its consideration once this modelling work has been completed.

The Hon. D.W. RIDGWAY: On the particular issue in the hundred of Makin, my understanding is that the boundary within South Australia was only 18 kilometres from the border and not the 20 kilometres, and that was the area that was of concern to that particular land owner.

The Hon. G.E. GAGO: The boundary is 20 kilometres but, apparently, the Tintinara-Coonalpyn boundary overlaps.

The Hon. D.W. RIDGWAY: My understanding is that the Tintinara-Coonalpyn wells area, if you like, overlaps the 20 kilometre border zone by a couple of kilometres. Is that where the confusion over the 18 kilometres is coming from?

The Hon. G.E. GAGO: My understanding is that it overlaps by two kilometres, or something of that order.

The Hon. D.W. RIDGWAY: That effectively reduces the zone. I am sure your adviser can tell me: it is probably about 9A.

The Hon. G.E. GAGO: My understanding is yes.

The Hon. D.W. RIDGWAY: Yes. It effectively makes that zone only 18 kilometres wide, not 20 kilometres wide.

The Hon. G.E. GAGO: The border agreement covers the full 20 kilometres of that area. It is then a matter of how South Australia divides up the water available in the Tintinara-Coonalpyn area versus the rest of the area.

The Hon. D.W. RIDGWAY: Given it is the same aquifer, why would we then, in South Australia, trim two kilometres off the edge of that zone 9A and not—if we have drawn a boundary longitudinally—just make zone 9A the correct size?

The Hon. G.E. GAGO: I understand that, when the Tatiara area was prescribed in the 1980s, that area of land was left out.

The Hon. D.W. RIDGWAY: So, is the permissible annual volume that is allowable for zone 9A measured on the 18 kilometre wide area, or is it the 20 kilometre wide area?

The Hon. G.E. GAGO: On the 20 kilometres.

The Hon. D.W. RIDGWAY: So, it is measured on the 20 kilometres but a portion of it is in the Tintinara-Coonalpyn proclaimed area, and a portion is in the Tatiara proclaimed area.

The Hon. G.E. GAGO: I have been advised that that is correct.

The Hon. D.W. RIDGWAY: It would seem baffling that we have a border agreement with 20 kilometres either side of the border that we have all agreed on and both states operate under and, given it is the same aquifer and it is a two kilometre strip, why on earth has not the water allocation plan expanded the Tatiara region to that 20 kilometre boundary, just to make it sensible and practical that they all line up?

The Hon. G.E. GAGO: I understand that it was picked up only when they did the Tintinara-Coonalpyn prescribed wells area.

The Hon. D.W. RIDGWAY: I accept that it may have been picked up only when that area was prescribed, but surely it would make sense to line up those prescribed areas with that border agreement.

The Hon. G.E. GAGO: I understand that it is an issue that South Australia should look at at a state level. It is not a matter for the agreement. It is something the committee could address.

The Hon. D.W. RIDGWAY: It is something the ground water committee could address and recommend to the minister's department to line up the boundaries.

The Hon. G.E. GAGO: That could be done.

The Hon. D.W. RIDGWAY: It is a difficult and sensitive issue because of the legal action, but I understand the landowners have been wishing to draw water from that two kilometre zone of no man's land, and there was a moratorium in the Tintinara-Coonalpyn proclaimed area, but there would have been sufficient available water in the Tatiara wells area—is that correct?

The Hon. G.E. GAGO: I am not absolutely sure that we can discuss that level of detail, given the legal action in place.

The Hon. D.W. RIDGWAY: I accept the sensitivity of the legal action, but will the minister give the committee an undertaking that the department will look at the boundaries? If she has been advised by her adviser that it makes sense to line up the boundaries, will she give an undertaking to do that?

The Hon. G.E. GAGO: I am happy to look at recommendations that come from the committee.

Progress reported; committee to sit again.

[Sitting suspended from 6 to 7.47 p.m.]

STATUTES AMENDMENT (ELECTRICITY AND GAS) BILL

Second reading.

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

That this bill be now read a second time.

I seek leave to have the second reading speech and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

This Bill comprises various amendments to the *Electricity Act 1996* to address concerns, largely in the safety and technical areas, which have become apparent in the course of administering the legislation. It also includes amendments to the *Gas Act 1997* to mirror some of the amendments proposed to the *Electricity Act*.

The Technical Regulator, an office established by the *Electricity Act* and the *Gas Act*, is responsible for the monitoring and regulation of safety and technical standards in the electricity and gas supply industries and in relation to electrical and gas installations. The Technical Regulator is also responsible for the administration of the provisions of the *Electricity Act* that relate to the clearance of vegetation from powerlines.

Members will appreciate that the energy utilities now take a quite different role in relation to safety and technical regulation than they did in days gone past. In earlier times, safety and technical requirements in relation to utilities' infrastructure were largely self-imposed. The utilities also used to accept their role involved checking that the contractors had competently performed work on installations.

The legislation now imposes safety and technical requirements in respect of utilities' infrastructure. With respect to electrical and gas installations, the certificate of compliance scheme for installation work, established under the *Electricity Act* (and under the *Gas Act* in respect of gas fitting work), involves those licensed under the *Plumbers Gas Fitters and Electricians Act 1995*, taking greater responsibility for their work than was the case when utility personnel took a larger role in inspecting such work.

Not surprisingly, given the substantially new structure of safety and technical regulation that was effected by the legislation when it was first enacted some 9 years ago and given also the development

of the Technical Regulator's experience in the safety and technical regulation of the energy supply and contracting industries, some problems have become apparent in the course of administration which the Government would like to see addressed.

Although the problems that the Bill seeks to address are not major, the Government's view is that legislation like this that relates to essential services and to community safety should be kept under ongoing review to ensure it works as well as possible. "Housekeeping" type changes to legislation are inevitable in areas such as this where the activities of those regulated change and where an increasingly national approach, particularly with respect to promoting increased competition, is seen as desirable.

The greater commercial focus of privately owned companies in the energy supply industries, changing building practices and measures mandating competition in the provision of some metering services under the National Electricity Rules combine together with the coming to light of some minor gaps in the coverage of the legislation to make the enactment of these amendments desirable. The Government believes the measures contained in this Bill promote improved safety outcomes in a more competitive environment.

Before explaining the purpose and thrust of the main provisions in the Bill, the Government wishes to record its gratitude to the members of the technical advisory committees, established under the legislation, for their role in the development of the proposals that are now before you. These committees are established to assist the Technical Regulator and comprise representatives of the energy supply industry entities, contractor associations, unions, professional engineers associations, local government and the Office of Consumer and Business Affairs.

Most of the amendments in the Bill are amendments to the *Electricity Act* and I will deal with these first.

The primary differentiation in the safety and technical area is between "electrical installations" and "electricity infrastructure" and the distinction is fundamentally a sound one. The definitions in the Act already recognise that there is, however, necessarily some overlapping between the two categories – for example, excluding "electricity infrastructure owned or operated by an electricity entity" from what would otherwise fall within the definition of "electrical installation". We are of the view that in order to provide greater and more appropriate safety assurance and to ensure clarity, facility is needed to be able to classify particular items as either "infrastructure" or an "installation". Clauses 4(2) to 4(4) provide this power. As a practical example, our technical advice is that general power and lighting in offices and other buildings should be treated as "installations" attracting the application of the Wiring Rules (AS/NZS 3000), certification of compliance and so forth notwithstanding that the office or other building is "owned or operated" by a person that happens to be a licensed electricity entity. Consultation will occur before any regulations are made under these amendments.

Clause 4(1) provides a new definition, that of "electrical equipment"; clause 10 provides that electrical equipment that is unsafe, or that should reasonably be known to be unsafe, must not be installed. These new provisions, based on Victorian legislation, cater for the fact that some situations that give rise to safety concerns are not catered for by the current regime, which imposes requirements with respect to "installations" and to "infrastructure". For example, outdoor events have on occasion been supplied with power from extension cords, designed for internal use, plugged into power points inside shops. That does not fall within the definition of an "electrical installation", nor is it "electricity infrastructure". Another example of a gap in coverage is unsafe modifications of large plug-in appliances, such as air conditioners. Where a safety problem exists, the Technical Regulator and authorised officers should be able to give directions requiring disconnection or appropriate rectification of unsafe equipment as clauses 11 and 14 provide.

Clause 5, amending section 57 of the Act, reduces the required notice period for entry to undertake required vegetation clearance work from a minimum of 60 days to 30 days. ETSA Utilities reported that the current 60-day period is too long, especially in relation to the bushfire risk areas where aerial survey work, undertaken in July to September, identifies sites for on-site review. Where on-site review confirms the need for clearance, it is vital that clearance work can be undertaken before the fire risk becomes unacceptable, thus reducing or avoiding the need to disconnect powerlines during high bushfire risk days. A shorter notice period will facilitate that process. I am advised that other jurisdictions do not require more than 30 days notice.

Clause 7, amending section 59 of the Act, refines the obligations of a network operator with respect to connecting an electrical installation to its network. It differentiates between initial connection and reconnection that follows disconnection for safety reasons. Under the National Electricity Law, some metering provision is contestable in that it may be undertaken by metering providers accredited and registered by NEMMCO under the National Electricity Rules. The amendments to section 59 have been drafted with this in mind.

Clause 8 inserts a new section 60A requiring that a network operator must test to ensure correct polarity and phase relationship where work carried out on its behalf could affect the safety of connected installations. Creating this as an offence emphasises the importance of carrying out such testing. There have been odd incidents over the years where this has not been done with the result that installation piping has been left live following work on the network.

Clause 9(3) provides that contractors and registered electrical workers, who have allegedly breached the requirements imposed on them by section 61 of the Act, may be prosecuted in the Magistrates Court up to 2 years after the commission of the alleged offence, notwithstanding that the offence is one that is also "expiable" (within 6 months of the date of its commission) under the *Expiation of Offences Act*. Defective work or other breach may not come to the attention of the Technical Regulator within the currently applicable 6 month limitation period. Those licensed under the *Plumbers, Gas Fitters and Electricians Act* who have failed to carry out work and tests in accordance with the Wiring Rules (AS/NZS 3000) and other safety and technical requirements of the regulations, or to issue certificates of compliance as required, should not be able to avoid sanction on the basis that action against them was not taken within 6 months of the commission of the offence.

Clause 9(4) newly provides that a person, other than a contractor or registered worker, who personally carries out prescribed work on an electrical installation, must do so in compliance with the requirements imposed by the regulations. The person doing such work may or may not be in breach of the registration requirements of the *Plumbers Gas Fitters and Electricians Act* and this new offence is not intended to affect the operation of that Act. The focus of the new offence is on whether the work done and the installation are safe.

Other minor amendments to the *Electricity Act* are also included in the Bill. Clause 13 requires the reporting of electrical burns (as well as electric shocks) and clause 16 empowers the Technical Regulator (as well as an electricity entity) to approve lines extending beyond one property.

Clause 12 and clauses 18 and 19 insert new provisions into the *Electricity Act* and *Gas Act* empowering the Technical Regulator to issue public warning statements about electrical and gas equipment, components and appliances that, in the Technical Regulator's opinion, are or are likely to become unsafe in use and the persons who supply them; about the use of electrical and gas equipment or installation practices that, in the opinion of the Technical Regulator, pose a danger to persons or property; and about other dangers to persons or property associated with electrical and gas equipment, installations and appliances. These powers, and the immunity provided, are modelled on sections 91A and 91B of the *Fair Trading Act 1987*.

These powers will be useful to deal with situations where safety concerns sensibly need to be made known for the protection of the public or workers. Notwithstanding that before issuing a warning the Technical Regulator would wherever practicable consult with those whose commercial interests could be adversely affected, at the end of the day the Technical Regulator's decision needs to be guided much more by public safety considerations than by concerns about possible liability.

This power could usefully be used to warn about unsafe practices that are not necessarily unlawful. One recent example where such a power would have been useful involved the installation of backless switchboards. Although these items are suitable for installation in some types of constructions and were not prohibited by the current version of the applicable Standard, they pose a risk where the construction is such that a person could easily and unknowingly drill into the back of the switchboard. Another area where the new power would be helpful is where some consumer misuse or lack of maintenance of an appliance may be dangerous. Manufacturers' instructions routinely advise the customer to have an appliance regularly serviced, to regularly clean grilles or filters, to not use for prolonged periods and so forth. Those instructions often are

forgotten, misplaced or not provided to a subsequent purchaser. Experience has shown that manufacturers and other traders can be quick to threaten legal action against the Crown, notwithstanding that the publication of advice or information is not directed at their products but rather at their inappropriate installation or use.

In other circumstances a product recall, under the *Gas Act* or *Electrical Products Act*, may be legally available but impracticable – for example, the manufacturer or other trader that sold the defective product may have gone out of business or sold the business to another who is not legally responsible for the product and its recall. In such circumstances, a public warning may be the most practical method of dealing with the public safety concerns.

Clause 15 clarifies the exemption power in section 80 of the *Electricity Act* and clause 20 similarly clarifies the exemption power in section 77 of the *Gas Act*.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Electricity Act 1996*

4—Amendment of section 4—Interpretation

Various definitional changes are made.

A new definition of ***electrical equipment*** is added. The term is defined to mean any electrical appliance or wires, fittings, equipment or accessories beyond an electrical outlet at which fixed wiring terminates.

The meanings of the defined terms ***electrical installation*** and ***electricity infrastructure*** are adjusted so that they can be expanded or limited by regulation.

Install is defined to include place.

5—Amendment of section 57—Power to enter for vegetation clearance purposes

Provision is made in section 57 for entry onto land to carry out vegetation clearance work around powerlines to be preceded by a minimum period of notice in ordinary circumstances. The period is reduced from 60 to 30 days.

6—Amendment of section 58—Regulations in respect of vegetation clearance

A provision is added to make it clear that vegetation clearance regulations under section 58 may impose a penalty not exceeding $5 000 for a contravention of the regulations.

7—Amendment of section 59—Requirements relating to electrical installation connection and meter installation

The section is amended to make it clear that a person personally carrying out the work of connecting electricity supply from a transmission or distribution network to an electrical installation, or installing or replacing a meter must be—

- an employee or contractor acting directly or indirectly on behalf of a prescribed person; or
- authorised to carry out the work by the electricity entity that operates the network.

For the purposes of the section—

- the electricity entity that operates the transmission or distribution network concerned is a ***prescribed person***; and
- a metering provider is a ***prescribed person*** in relation to the work of installing or replacing a meter, or connecting electricity supply to an electrical installation following the replacement of a meter.

A prescribed person must ensure that any such work carried out on its behalf is carried out by a person with the appropriate knowledge and skills required for the purpose.

If, when electricity supply from a transmission or distribution network is connected to an electrical installation, other than an installation to which electricity supply from the network has previously been connected—

- the installation does not comply with technical and safety requirements under the regulations; or
- there is a failure to comply with technical and safety requirements under the regulations relating to the making of the connection,

the person personally carrying out the work of making the connection and, if the person is carrying out the work as an employee or contractor directly or indirectly on behalf of the electricity entity that operates the network, the electricity entity will each be guilty of an offence.

There will be protection from liability in relation to the compliance of the electrical installation if the electricity entity that operates the network has, before the making of the connection, been provided with a certificate of compliance issued under Part 6 of the Act in relation to the installation.

Further, if, when electricity supply from a transmission or distribution network is connected to an electrical installation following the prior disconnection from the network of electricity supply to the installation for safety reasons—

- any work that has been carried out on the installation since the disconnection has not complied with technical and safety requirements under the regulations; or
- in a case where the disconnection was by, or at the direction of, an authorised officer or the Technical Regulator—the making of the connection has not been approved by an authorised officer or the Technical Regulator; or
- in a case where the disconnection was by an electricity officer—there has not been rectification of the fault giving rise to the disconnection; or
- there is a failure to comply with technical and safety requirements under the regulations relating to the making of the connection,

the person personally carrying out the work of making the connection and, if the person is carrying out the work as an employee or contractor directly or indirectly on behalf of a prescribed person, the prescribed person will each be guilty of an offence.

There will also be protection from liability in relation to the compliance of the work carried out on the electrical installation if the prescribed person has, before the making of the connection, been provided with a certificate of compliance issued under Part 6 of the Act in relation to the work.

Provision is made that when a meter is installed or replaced, there must be compliance with requirements of the regulations as to the carrying out of the work and the carrying out of examinations and tests and with technical and safety requirements under the regulations relating to connection to a transmission or distribution network.

The maximum penalties for breaches of these provisions match the existing penalties in the Act, $50 000 for the electricity entity or metering provider and $5 000 and an expiation fee of $315 for the contractor or employee personally carrying out the work.

8—Insertion of section 60A

60A—Responsibility to ensure correct polarity and phase relationship

An electricity entity that operates a transmission or distribution network must ensure that any work carried out on behalf of the entity that could affect the safety of connected electrical installations is appropriately tested to ensure the correct polarity and phase relationship. A maximum penalty of $50 000 is fixed for a breach of this provision.

9—Amendment of section 61—Electrical installation work

The maximum period for commencing prosecutions under the section against licensed contractors or registered electrical workers is increased from 6 months to 2 years.

Amendments are made that will allow prosecutions where unsafe electrical installation work is carried out by persons other than licensed contractors or registered electrical workers under the *Plumbers, Gas Fitters and Electricians Act 1995*.

10—Insertion of section 61A

61A—Unsafe installation of electrical equipment

A new offence is created for the installation of electrical equipment that the installer knows or should be reasonably expected to know is unsafe or will be unsafe in use.

A maximum penalty of $5 000 and expiation fee of $315 are fixed for a breach of this provision.

11—Amendment of section 62—Power to require rectification etc in relation to infrastructure, installations or equipment

The power to require rectification of unsafe or non-complying electricity infrastructure or electrical installations is extended to electrical equipment.

12—Insertion of sections 62A and 62B

62A—Public warning statements

The Technical Regulator is empowered, if satisfied that it is in the public interest to do so, to make a public statement identifying and giving warnings or information about unsafe electrical equipment and practices and any other dangers to persons or property associated with electricity or electrical equipment.

The provision makes it clear that a statement may identify particular electrical equipment, services, practices and persons.

62B—Immunity from liability

Neither the Technical Regulator nor the Crown will incur any liability for a statement made by the Technical Regulator in good faith in the exercise or purported exercise of powers under proposed new section 62A. Nor will a person incur any liability for publishing such a statement in good faith or for publishing a fair report or summary of such a statement.

13—Amendment of section 63—Reporting of accidents

The requirement to report accidents involving electrical shocks is extended to electrical burns.

14—Amendment of section 72—Power to make infrastructure, installation or equipment safe

The power conferred on authorised officers to make electricity infrastructure or electrical installations safe is extended to electrical equipment.

15—Amendment of section 80—Power of exemption

Provision is made to make it clear that the power to exempt includes power to exempt a person from the application of a provision requiring the Commission to make a licence held by the person subject to a specified condition.

16—Amendment of section 85—Unlawful taking of electricity, interference with meters or positioning of lines

The section prohibits the occupier of property from installing electrical cable beyond the boundaries of the property. Certain exceptions to this are set out in the section. The clause adds a further exception in the form of an approval of the Technical Regulator.

17—Amendment of section 98—Regulations

The regulation-making power is extended so that regulations may impose a requirement for compliance with technical or safety procedures or requirements specified by an electricity entity that operates a transmission or distribution network.

Part 3—Amendment of *Gas Act 1997*

18—Insertion of sections 57B and 57C

57B—Public warning statements about unsafe gas installations, components, practices etc

57C—Immunity from liability

These proposed new sections relating to gas correspond to proposed new sections 62A and 62B relating to electrical installations.

The Technical Regulator is empowered, if satisfied that it is in the public interest to do so, to make a public statement identifying and giving warnings or information about unsafe gas components and practices and any other dangers to persons or property associated with gas installations or components.

The provision makes it clear that a statement may identify particular electrical equipment, services, practices and persons.

Neither the Technical Regulator nor the Crown will incur any liability for a statement made by the Technical Regulator in good faith in the exercise or purported exercise of such a power. Nor will a person incur any liability for publishing such a statement in good faith or for publishing a fair report or summary of such a statement.

19—Insertion of sections 61AA and 61AB

61AA—Public warning statements about unsafe gas appliances, components, practices etc

61AB—Immunity from liability

These proposed new sections relating to gas appliances and components for gas appliances correspond to proposed new sections 57B and 57C relating to gas installations and components.

20—Amendment of section 77—Power of exemption

Provision is made to make it clear that the power to exempt under the *Gas Act 1997* includes power to exempt a person from the application of a provision requiring the Commission to make a licence held by the person subject to a specified condition.

Schedule 1—Statute law revision of *Electricity Act 1996*

Schedule 2—Statute law revision of *Gas Act 1997*

Obsolete statutory references in the Acts are corrected.

The Hon. R.I. LUCAS secured the adjournment of the debate.

GROUNDWATER (BORDER AGREEMENT) (AMENDING AGREEMENT) AMENDMENT BILL

In committee.

(Resumed on motion. Continued from page 559.)

Clause 1.

The Hon. D.W. RIDGWAY: Following on from the questions I asked prior to the dinner break, I am still concerned about the 20-kilometre boundary and the Tatiara prescribed area not lining up. I am assuming that, under the minister's responsibilities with the NRM act, it could be addressed by shifting the Tatiara prescribed wells area to that alignment. Could she please give me some advice on that?

The Hon. G.E. GAGO: My advice is that the NRM act does provide for the boundaries to be realigned.

The Hon. D.W. RIDGWAY: Given that in the questions prior to the break the minister indicated that this was a problem and needed to be addressed, will she give this committee an undertaking this evening that, in her capacity as NRM minister, she will look to have that anomaly corrected?

The Hon. G.E. GAGO: I have already indicated that I would be happy to receive recommendations from the committee in relation to this matter. I am happy to consider this matter.

The Hon. D.W. RIDGWAY: It is not my understanding that it is within the committee's area of responsibility to recommend changes to a particular state's prescribed irrigation areas.

The Hon. G.E. GAGO: That is correct. However, it is able to give advice. I would be happy to receive its advice and consider the matter.

The Hon. D.W. RIDGWAY: It is not actually within its responsibilities, but is the minister saying that it could give advice and she would be happy to act upon that advice? Who directs the committee to give you that advice or an opinion in the first place?

The Hon. G.E. GAGO: I have not said that I would act on that advice, but, rather, that I would consider that advice. It could receive that direction from me as minister. I would be happy to write to the committee and request its advice on this matter.

The Hon. D.W. RIDGWAY: You are indicating that as minister you are giving an undertaking to the chamber tonight that you will write to the Border Agreement Management Committee to ask it to give you advice on the realignment of that boundary.

The Hon. G.E. GAGO: Yes; I would be happy to seek its advice on this matter, as I have said several times.

The Hon. D.W. RIDGWAY: I have a couple of questions in relation to another area. I do not think I will revisit the Tatiara prescribed area and the 18 kilometre boundary again—although you never know. My understanding is that in the Parilla area the water management plan allows for a degree of water mining or a use of the resource. The actual level does not stay the same each year: we are using it by a

certain percentage each year. Will the minister give advice as to how much per year that is and what it entails?

The Hon. G.E. GAGO: My advice is that the amount that can be extracted from that area is set by the PAV for that zone. In that area the water is taken out of storage.

The Hon. D.W. RIDGWAY: Over what period of time? There is no devilment involved in this question, but I have heard that over 300 years we will use 15 per cent of that resource. Is that somewhere in the ballpark of what we are doing?

The Hon. G.E. GAGO: Yes, the honourable member is correct. If we continued to take the same amount for that period of time, we would end up extracting 15 per cent over 300 years. However, we plan on a five year cycle and we are committed to statutory reviews periodically; so, it does not mean that we will continue to take the same amount over a period of 300 years.

The Hon. D.W. RIDGWAY: Is that rate of use the same in the corresponding zone in Victoria?

The Hon. G.E. GAGO: My advice is that, in broad terms, yes, it is.

The Hon. D.W. RIDGWAY: The minister indicated that, if we continued to use it at that rate, it would be depleted by 15 per cent over 300 years. What certainty can the minister give irrigators in that region? They have based their business models on a certain PAV and they are attempting to provide South Australia with a range of fresh vegetables. What certainty can she give them that they are going to be able to have the same water allocation beyond five years?

The Hon. G.E. GAGO: There is no open-ended guarantee as such; however, the current amounts can continue to be extracted whilst the resource is coping with that in terms of salinity levels and so on. The committee would need to negotiate with the NRM board in relation to the water allocation plan, and it would have input into that. It would liaise in relation to that water allocation plan in relation to the future allocation of the resource and according to how well the resource was coping.

The Hon. D.W. RIDGWAY: Through that water allocation plan process, I presume that the committee advises the local NRM board. Which group takes precedence and which one actually sets a water allocation plan? If we were to increase the volume being pumped, what would be the impact on the Victorian side? Would the Victorians respond by requiring increased PAVs on the Victorian side of the border?

The Hon. G.E. GAGO: I have been advised that it is the Border Review Committee that sets the PAV and that it is the NRM Board that develops the water allocation plan, subject to the PAV. If South Australia were to take more water, there would need to be an agreement by the Border of Review Committee for any increase in PAV in Victoria, but it would all be subject to the management principles in the area set by the Border Review Committee.

The Hon. D.W. RIDGWAY: But that would apply only to the zones controlled by the Border Review Committee. The minister's adviser might be aware that there is some dispute, although that is probably not quite the right word for it. Desmier, which was involved in the original allocation in the Parilla region, worked out a formula whereby to grow a hectare of potatoes you got so many megalitres of water—from memory, I think it was something like 8.66 or 8.86 megalitres per hectare to grow a hectare of potatoes.

The dispute or argument is that that is a theoretical figure which was perhaps taken from another horticultural region which is not as hot or windy and the soils are not as sandy. So, there are a whole lot of other factors that affect those growers, and they are concerned that, with volumetric conversion, they may well find they end up with less water than they have now. Is the minister aware of that, and what mechanisms can we—not necessarily the minister—put in place to ensure that those growers are able to continue to grow the same area of horticultural produce as they do today?

The Hon. G.E. GAGO: Yes, the NRM board has advised the committee of these issues. As I said earlier, DWLBC is completing new groundwater modelling on the existing levels of groundwater use in the Mallee both in South Australia and in Victoria and modelling alternate projected water use levels. The department will prepare a formal submission on these matters to the review committee for its consideration once this modelling work has been completed.

The Hon. D.W. RIDGWAY: I raise another issue—and the minister will need to obtain advice from her adviser. I am advised that, if you like, there is a saline drift below the surface of the soil heading towards the aquifer. That has happened as a result of land clearing and a whole range of agricultural practices. One view being spread around in the area is that eventually that will reach that aquifer and turn it into an unproductive aquifer. Can the minister advise whether or not that is accurate?

The Hon. G.E. GAGO: My advice is that, in the Mallee to the west of the border, the CSIRO has done an analysis of this risk and it has determined that there is the possibility of a long-term risk in relation to that saline drift. There is a confining layer in the border area and water above that layer is already fairly brackish, and therefore there is a risk. The department is modelling to take into account that issue in its review period.

The Hon. D.W. RIDGWAY: Is there a risk in the border region that, due to rainfall, irrigation practices and a whole range of factors that we have introduced as a European settlement, that resource will become unsuitable for irrigation or slightly unsuitable?

The Hon. G.E. GAGO: In relation to the risk, it will depend on a particular clay layer being able to retard the flow of that brackish water. At present, the risk is assessed as being low, and more work is being done on that. It is being monitored.

The Hon. D.W. RIDGWAY: I do not want to go on for too much longer, but is there an approximate time frame? If we are using the resource 15 per cent in 300 years, is it likely to happen in 300 years?

The Hon. G.E. GAGO: I am advised that at present a figure is not able to be put on that level of risk. However, a calculation should, or may, be able to be made at the current five-year management plan review, which is due this year.

The Hon. D.W. RIDGWAY: If it showed that that salinity was moving at a faster rate than previously expected, would that influence the rate of extraction from a resource that is still good to be used for irrigation and is potentially going to turn saline?

The Hon. G.E. GAGO: It is being assessed as a longer term risk, and the committee would need to take into account that potential longer term risk and monitor it closely. It is possible—although we have assessed it as a much longer term risk—that it could affect the levels that can be extracted in the longer term. We need to continue to monitor and assess how the system is responding.

The Hon. D.W. RIDGWAY: Could that have a positive or negative effect on the amount that you would extract?

Would you say, 'Well, we're not going to use it to slow the movement of the salt down,' so that less irrigation is happening; or would you say, 'It's going to get saline, let's use the resource to its maximum before it goes saline.'?

The Hon. G.E. GAGO: It is fundamentally a policy issue. Both state governments would need to weigh up using more of the resource for economic return versus decreasing the use of the resource to extend its life. Current National Water Initiative Principles would indicate that the aim is to preserve the water quality for as long as possible.

The Hon. D.W. RIDGWAY: I want to ask a question about the recharge of the aquifer in the Bordertown region; and, in the past, I have spoken to the minister's adviser about this. It happens through vertical recharge, that is, seeping through the soil, but a big amount of recharge also happens through runaway holes in the top of the aquifer west of Bordertown, in the Mundulla area. Unfortunately, it is nearly 20 years since we have had a decent flood down there. The Victorian Kaniva shire (which is the district council and now the Wimmera shire that is across the border) decided that, as part of its flood management approach, to alleviate some of the flooding problems in South Australia it would dig a number of drainage bores along the watercourse and put some of that water back underground into the aquifer in Victoria.

I am told that some monitoring was done of the run-off of the water of the next flood and it was decided that, as a result of some fertiliser, farm chemicals and a range of reasons, the quality of the water was not satisfactory to be put underground in Victoria. It was decided to let it run into South Australia, which means that it goes underground west of Bordertown into the area from which Bordertown draws its town supply. What monitoring does the Border Review Committee do on the quality of water that runs so easily back into the aquifer? It does not percolate through the soil to be filtered: it runs straight back in.

The Hon. G.E. GAGO: I have been advised that, currently, this issue is fundamentally the responsibility of the EPA, which is responsible for water quality monitoring programs. As the state, we rely on their advice as to whether or not water quality in that area has been contaminated.

Clause passed.

Remaining clauses (2 to 10) and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

ANANGU PITJANTJATJARA YANKUNYTJATJARA LAND RIGHTS (REGULATED SUBSTANCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 August. Page 534.)

The Hon. D.G.E. HOOD: My colleague the Hon. Andrew Evans has addressed the Family First party's general perspective concerning this bill, but I would like to add a few thoughts. Some of the members in this council are aware of the extent to which I have struggled with this bill over the past several days. I mean that sincerely: it has been a very difficult decision. I genuinely appreciate the valid concerns raised with me by both the Hon. Nick Xenophon and the minister (Hon. Jay Weatherill) in the other place. The minister has been kind enough to sit down with me on several occasions at very short notice and discuss the bill, which I genuinely appreciate.

Supporting the bill was never in doubt. I think everyone in the council would agree that it is a commonsense change to the law, and Family First is committed to doing whatever it takes to see all our Aboriginal lands free of petrol sniffing. The question I have struggled with is whether or not to support the suggested amendments to the bill which, by and large, seem to be commonsense amendments.

Two amendments are suggested by the Hon. Mr Xenophon. The first allows the press to go onto the APY lands without a permit, and the second sets up mandatory referral to the assessment service. At the outset, I want to make two things quite clear. First, I place on the record my support for the sentiments of the Hon. Mr Xenophon regarding media access and drug diversion programs on the APY lands. Secondly, in my discussions with the minister, he has indicated that the bill may be abandoned if amended in any way.

As my colleague the Hon. Mr Evans has stated, there are many good things to be said about unfettered press access to the lands. I believe that most Australians would be appalled to see the state of many in our Aboriginal communities. Allowing the press free access to the lands would go some way towards bringing that story of suffering to the community at large. Family First has strong ties with the Aboriginal communities. Our former lead Senate candidate for the first federal election in which Family First took part, our party leader, Andrea Mason, is a well known indigenous leader, particularly in South Australia.

We have received some submissions from our supporters on the lands asking us not to allow the press to come and go at will, and I have had a very passionate discussion with Andrea. She put her feelings to Andrew and me and made quite clear her strong opposition to free press access to the lands. We have to take those requests seriously with respect to people with whom we have ongoing relationships, and they obviously have a good deal of influence in our decision making.

It gives me some comfort that the press access issue might be more of a symbolic question than a practical problem. The fact is that reporters are not being turned away in droves from the APY lands. The APY executive has informed us that, in the past two reporting years, the media made 11 and 15 applications respectively to access some part of the APY lands. I understand that all the applications were approved, except for one anecdotal story (which no-one seems to be able to confirm) of a journalist who failed to complete the required documents 100 per cent correctly—although I understand that he was granted access once the documents were completed correctly. So, this is not necessarily a problem that is clamouring for a solution, and that gives me some comfort.

The second proposed amendment relates to mandatory drug referral. Again, the Hon. Mr Xenophon, quite properly, demonstrates his concern for the APY people. To paraphrase him, essentially, he said: 'Let's make sure that petrol sniffers are given the appropriate treatment so they can kick the habit.' I strongly support his sentiments. In reply, however, the government has said that the amendment is not necessary, because it has already set up exactly that sort of system. In fact, the minister's department has provided me with some assurances with respect to drug diversion and counselling. Indeed, just this afternoon I was informed that a mobile outreach service was set up earlier this year to assist with police drug diversions. As part of that service, two clinical

nurse consultants are now employed by the drug and alcohol service, DASSA.

My office has spoken to Lynette Cusack, the Director of Community Services for DASSA, who confirms that the two nurses have started employment on the lands just this week. They are both living and working on the lands, and I am told that already they are doing the kind of drug treatment and counselling that has been suggested.

In regard to the Hon. Mr Parnell's comments yesterday, I was also concerned whether or not police needed further legislative framework for diverting petrol sniffers for treatment. I am informed by the minister's staff that the current section 19 of the Controlled Substances Act already provides the necessary framework. It might even be that the police also have some other powers under the Public Intoxication Act, and I understand that it specifically mentions petrol as a prescribed substance on the APY lands which, of course, was the issue in question.

I would also like to say that I believe the Hon. Mr Xenophon is sincere in his endeavours, and I thank him for his passion on this topic. I have been impressed by his commitment to the issue at hand, and I must say that it is a passion I share. I long to see the day when we can hold up our Aboriginal communities as a beacon and genuine shining example to the world of what can be possible in indigenous communities—communities that are free from drugs and violence, and proudly embracing their heritage. The sadness I have is to say that that day is not today, because that certainly is not the case at the moment. But I have hope for the future after hearing the speeches and enthusiasm shown in this council by people such as the Hon. Mr Xenophon, as I mentioned earlier.

I can only hope that the recent negotiations and debate about the proposed amendments to this bill will serve to encourage the media to seek and obtain access to the lands so that the questions of petrol sniffing, cannabis and other substance abuse, sexual abuse, education, housing and poverty can be brought more into the spotlight. I support the second reading of this bill.

The Hon. SANDRA KANCK: I indicate that the Australian Democrats support this legislation, but I do so with some genuine doubts as to its likely efficacy. The incidence of petrol sniffing in the lands is a modern tragedy and a symptom of a profound level of despair among some of the people in the APY lands. In searching for an explanation for the alarming level of self-destruction on the lands, the former coroner, Wayne Chivell, wrote:

> Clearly, socioeconomic factors play a part in the general aetiology of petrol sniffing. Poverty, hunger, illness, low educational levels, almost total unemployment, boredom and general feelings of hopelessness form the environment in which self-destructive behaviour takes place.

Mr Chivell also noted:

> That such conditions should exist among 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 agree with Mr Chivell, but I would also add violence and sexual assault to the list of factors contributing to this plague. Having visited the lands, it is my view that, until we deal with those issues, drug abuse will continue. The drug abuse is a response to appalling trauma. When a young boy watches his father attack his mother's body with a broken bottle or observes him gouging out her eye, what is he to make of the world? When a young girl is sexually abused by an older man and no-one stops it, what is she to make of the world? For such children, this is a world without order and, until such actions are stopped, then the world will continue to spin out of control for them and petrol will be sniffed and alcohol consumed to hide the pain.

The question is: will increasing criminal penalties for trafficking in petrol contribute positively to curbing the problem? As a proponent of harm minimisation strategies for drug use, licit or illicit, I am sceptical about how effective this strategy will be. Tougher penalties often just mean higher prices and higher profits for the drug runners. Yet, in this instance, due to the isolation of the lands and the desperation of the situation, I am willing to support the measures because I think these pushers, who are preying on a captive population knowing the consequences to the APY, are absolute scum.

In addition to these tougher penalties, what I am certain of is that additional police resources will be needed to be made available for this legislation to reduce the incidence of petrol sniffing on the lands. The government has been good on the talk but very slow on the action on this issue, given that it is now four years since the coroner made his recommendations in this regard. Last year this bill was held over because of amendments made to it giving greater access to the lands for the media. I note that similar amendments have been placed on file this time, and I hope that a majority of MPs will oppose them. I will address these amendments in greater depth at the committee stage if necessary but, for those in this chamber who are still open to argument, I make some observations.

Simply allowing the media open access to the lands will be of no benefit in reducing the incidence of petrol sniffing in the lands. Petrol sniffing occurs as a result of poverty, violence and trauma. Media coverage about petrol sniffing will not prevent that. Members should recognise from the coverage of many issues in the parliament that news values rarely coincide with sound policy making. There has been no conspiracy of silence on petrol sniffing. The problem has been well documented over many years and has had regular media coverage during the past decade; it has not altered the situation one jot.

I am pleased that the government has reintroduced the bill, but it will take more than this piece of legislation. Turning the situation around will need great devotion and real courage at the ministerial level. There will not be many votes in freeing the people of the lands from the blight of petrol sniffing, yet it would be a great political feat if it could be achieved. I hope I am witnessing the beginning of that process. I indicate support for the bill.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): In summing up, I have to say that, as we have heard, the problems of the APY lands have built up over a long period. Successive governments of all persuasions have contributed to the situation and must take responsibility; we all do. This government is the first to acknowledge that more must be done, and we have committed an extra $25 million over five years to improve conditions on the lands. We have no illusions that it will be easy; it will not be.

What we hope is that the renewed attention is not just more of the same. In the past, solutions have been imposed on Anangu from outside. This government has learnt from those mistakes and is taking a different approach. We are working in partnership with the Anangu communities; if we do not, nothing will change. Solutions to the problems are not always simple. However, we know one thing—that we must

and should consult the Aboriginal communities on the lands and work with them, because that is the only way we will truly understand the problems and develop lasting solutions.

The Hon. R.D. Lawson interjecting:

The Hon. CARMEL ZOLLO: The Hon. Robert Lawson interjects.

The PRESIDENT: The Hon. Robert Lawson is out of order.

The Hon. CARMEL ZOLLO: He is out of order, but he has reminded me that the Hon. John Gazzola is disappointed that he cannot be here at the moment, but he wants me to place on record that the Hon. Robert Lawson was a member of the select committee looking at the problems on the APY lands for some four years. Even a year ago, when the Hon. Robert Lawson spoke on this bill, his position was quite different, so there has been a backflip on his part. Apparently, he is on record as saying:

> Our position is that unless suggestions of this kind come through the Anangu themselves, and especially through their elected representatives on the APY executive, it would be inappropriate for us to alter their act.

Later, he said:

> We support the government's bill because this is what was taken to the lands. That is what has been consulted upon, and that is what the duly elected representatives of Anangu have agreed to, so we oppose the amendments.

That is interesting. When we take the time to listen, things will take longer, but it is the only genuine way forward. An example of this approach is the development of Tjunjunku Kuranyukutu Palyantjaku (TKP), which means 'together towards the future'. TKP is a partnership between the Australian government, the South Australian government and Anangu community representatives and provides a round-table forum to discuss and prioritise the problems on the lands and to collaboratively develop solutions.

This initiative is strongly supported by the federal Liberal government as the best way to tackle problems in Aboriginal communities. When both a state Labor government and a federal Liberal government agree that working with communities and not imposing solutions is the way forward, I think it sends a strong message about what needs to be done. The purpose of the bill we are debating today is to stem the supply of petrol on the APY lands by substantially increasing the penalties for selling and supplying of petrol. The members of the APY executive board, who are the elected representatives of Anangu and the body responsible for governing the APY lands, support the government's bill and have written to members asking for this bill to proceed. They want it passed without amendment and without delay.

The federal government supports increased penalties for sale and supply of petrol, and other jurisdictions are also increasing their penalties for such offences. A number of honourable members have expressed a view that these amendments cannot be the only solution to the problem. This government agrees, but it is an important part of a broader package of measures to tackle substance misuse, and petrol sniffing in particular. This government has worked hard to put in place other measures to help petrol sniffers and to tackle the factors that contribute to petrol sniffing.

This has included putting additional police officers on the ground in APY communities, as we have already heard from the Hon. Denis Hood; funding extra workers for the Nganampa Health Council; the employment of youth workers in APY communities; the implementation of a range of activity programs to divert young people from sniffing; the introduction of the Countering Risky Behaviours curriculum in Anangu schools; a mobile outreach service to provide assessments, counselling and drug education; a rehabilitation facility, which is to be built at Amata; and the commonwealth-funded rollout of Opal fuel.

We have also worked hard to improve employment, education and training and to provide economic development opportunities. This has included a successful ceramics enterprise for unemployed Anangu men, which is selling most pieces that it produces. A scheme has been developed to train and then employ Anangu to construct housing on the lands. Bush food plots have been established, which have the potential to provide local employment and to help improve nutrition by reintroducing Anangu to their native foods. Independent data has shown that these strategies are having an impact. Although we are always cautious about short-term figures in areas such as these, Nganampa Health Council's 2005 survey of petrol sniffing on the lands found a 20 per cent reduction in the prevalence of sniffing compared with 2004.

The government acknowledges the fragility of these improvements but will work hard to make sure that they are sustainable. What is not in question, however, is this government's absolute commitment to tackle the problems on the APY lands and to improve conditions for Anangu. I listened carefully to the debate yesterday and today about the need to amend the bill to allow representatives of the news media to enter the APY lands without a permit. The government is not persuaded of the need for such change, as it seems to be addressing a problem that does not exist, and I think a few other members have alluded to that. There is the claim that a journalist was denied access to the APY lands, although I understand it is more likely that access was delayed rather than denied. This one unsubstantiated instance is no basis for changing the law.

The purpose of the permit system is not to prevent people from going to the APY lands but to ensure that access is controlled. And for good reason. Parts of the lands are sacred sites which are protected and which only Anangu may visit. At certain times of the year, certain areas are used for traditional ceremonies. For reasons of personal safety, such as in the event of an accident or emergency breakdown, it is important to know who is on the APY lands and their location. Over 2 000 permits are issued each year. It cannot be said that access to the APY lands is restricted. The process of obtaining a permit is simple and straightforward, and I understand that applications are processed promptly.

The government can see no good reason for amending the current system to remove the need for the media to obtain a permit to enter the APY lands. It also needs to be remembered that the APY lands belong to the Anangu and they have made clear that they do not support this change to the permit system. I am also advised that the amendments may not have the effect that is being sought. This is because APY could still exercise their ordinary, common law rights of exclusive occupation as a landholder and request media representatives to leave the lands and enforce that right by taking action through the tort of trespass. I am also informed that a media representative could be prosecuted for trespassing under the Summary Offences Act if he or she failed to leave the lands after being asked to do so by APY.

In relation to the police diversion scheme, the government will not support the police drug referral regime as suggested by the Hon. Nick Xenophon. However, we do support drug referral schemes. This government initiated the mobile

outreach service and is committed to the building of the substance misuse facility, to which sniffers can be referred. Drug & Alcohol Services SA has been working closely with SAPOL and has just commenced a police drug diversion initiative (PDDI) on the lands.

The Hon. Nick Xenophon's proposed amendments make referrals for drug assessment mandatory. This would take away any discretion from the police. For example, a young person may be apprehended for petrol sniffing for the first time and, based on the police officer's knowledge of that person, the most powerful deterrent may be to send that person straight to court where he or she can be confronted with the seriousness of their behaviour. Mandatory assessment would remove that option. It may cause delays and it might ultimately be to the detriment of that young person.

Also, if someone has been apprehended and assessed previously, is it the most efficient use of resources to assess them again? Would a different intervention be more helpful? These questions again highlight the importance of discretion and being able to apply local knowledge to tailor a response to the individual and demonstrate that a one-size-fits-all solution is not a solution in these circumstances.

Of interest to the Hon. Mark Parnell will be that, in addition to the mobile outreach service, a rehabilitation facility is to be built at Amata. It will be staffed by a multidisciplinary team. Following assessment at the facility Anangu could be referred to the outreach program, hospital, or into an eight to 12 week residential program which includes counselling, raising self-esteem, cultural programs, and activities aimed at demonstrating the positive aspects of a substance-free lifestyle.

Yesterday, I understand the Hon. Caroline Schaefer suggested that substances could be added to Opal fuel to give users a high. BP Australia was previously contacted about these statements. It has carried out detailed laboratory testing and found the claims to be entirely unfounded. BP and this government will continue to monitor this.

A particular priority for the government and Anangu is to address the scourge of petrol sniffing. By substantially increasing the penalties for selling and supplying petrol for sniffing we are going some way towards doing this. It will send a clear message to those who wish to profit from this abhorrent practice that it will not be tolerated. That is the purpose of this bill.

For the reasons I have outlined, the government cannot support the proposed amendments to this bill that have been made in this place. I urge honourable members to consider their positions and not to insist on these changes. I also remind honourable members that the new sanctions introduced by this bill have been requested by Anangu themselves, who have been waiting with increasing impatience for these laws to come into effect. They have asked us to pass this law unamended.

Bill read a second time.

In committee.

Clause 1.

The Hon. NICK XENOPHON: In terms of increased resources to deal with the proposed legislative changes in this bill, what is anticipated in addition to what is already on the lands? Is there a commitment from the government that, if there is an increase for whatever reason in substance abuse, there will be additional resources to tackle any spike in the problem? We know from communities I have spoken to elsewhere, including those involved in the Mount Theo-Yuendumu program, sometimes factors arise that cause an increase in substance abuse which requires urgent action—in the case of the Mount Theo program, by the elders. What additional resources will there be for this bill and what resources are in reserve in the event that there is an increase in the already unacceptably high level of problems on the lands?

The Hon. R.D. LAWSON: Further to the point made by the Hon. Nick Xenophon, will the minister indicate in her response precisely what is proposed at Amata in the facility she mentioned earlier? What will be the staffing level of the Amata facility and when will that facility begin operation?

The Hon. CARMEL ZOLLO: I am advised that we have already increased resources. We now have eight police and a number of community constables on the lands. The resources of staff and the outreach program and facilities are additional. It is anticipated that up to eight staff will be at the Amata facilities, and it is hoped to be running in 12 months.

The Hon. NICK XENOPHON: In terms of the eight staff, does that relate to substance abuse treatment?

The Hon. CARMEL ZOLLO: That is correct—assessment and treatment.

The Hon. NICK XENOPHON: Will the minister indicate what the staffing will be made up of? Will they be nurses, medical practitioners or counsellors? Can she give an idea of the level of training and experience required of those staff? In terms of what is proposed, is there an ability there to detain those substance abusers who are at risk to others, in particular, a risk to themselves as a result of their substance abuse?

The Hon. CARMEL ZOLLO: I am advised that it is a multidisciplinary team, made up of nurses, health workers, physiotherapists, psychologists and sessional doctors. In relation to the other question asked by the honourable member, our view is that, under the other police powers, if people commit an offence they can be detained. Also, under the Public Intoxication Act they can be detained up to 10 hours.

The Hon. NICK XENOPHON: Does the minister acknowledge that, if someone has a serious substance abuse problem, particularly with respect to petrol sniffing, a 10-hour detention would not be enough, given the symptoms and damage that can occur to a person who has a petrol sniffing problem? Has consideration been given to a longer period of detention? Are there any other mechanisms or powers that can be used, particularly where there is a concern as to the risk to that person's safety? I refer the minister, as she is well aware, to the Coroner's findings a number of years ago, and I think the Hon. Sandra Kanck referred to those findings in her contribution. To what extent are there other powers available, given that the 10-hour time frame may well be inadequate in many cases of substance abuse of this type?

The Hon. CARMEL ZOLLO: I am advised that, with petrol sniffing, people come down from the high very quickly indeed, compared with other drugs. The view would be that 10 hours would be sufficient in terms of detaining those people.

The Hon. A.M. BRESSINGTON: Minister, when you say that people come down very quickly from petrol sniffing in comparison to other drugs, everybody, I think, who is aware of substance abuse issues would know that the coming down part and the hanging out part is when a person is most at risk of relapse, especially if they have been detained, and they have been, as the term goes, hanging out for some time, and that they are at greater risk of overdose at that stage. Would you not concur that, to release them after 10 hours of

coming down and being at risk of going out and using again and using an excessive amount to what they would normally use, to maintain their level of the stone, a further detention, as Mr Xenophon said, longer than 10 hours would actually serve a better purpose for that person, so that they could be monitored and put under a treatment order?

The Hon. CARMEL ZOLLO: I can only reiterate to the honourable member that we have been told that 10 hours is sufficient for people who have been sniffing petrol, but I should also perhaps say that if a person has behavioural problems the police have other powers to detain them. If they have committed an offence and there are behavioural problems, and they are acting out of these other behavioural problems in committing an offence, obviously the police have other powers to detain them.

The Hon. A.M. BRESSINGTON: We actually have this system in place in the hospitals here where people are taken to the hospital for assessment for substance abuse or an overdose. They get to a point where they are barely conscious and then they are released. That is actually not working in the city. I am curious to know why you would think that implementing the same sort of system in the APY lands, where the substances they are abusing are far more volatile and damaging to their brain and judgment and decision-making centre, and replicating something that is not successful in the city will work for the APY people.

The Hon. CARMEL ZOLLO: My advice is that petrol sniffing is much more prevalent on the lands and we are trying to deal with it in a tailor-made way. That is my advice.

The Hon. R.D. LAWSON: I take the minister back to the information she gave in relation to the facility to be built at Amata. In her second reading explanation the minister said:

> A residential substance misuse rehabilitation facility will also be built on the APY lands.

Will the minister confirm that the facility about which she was speaking at Amata is the same as the residential substance misuse rehabilitation facility?

The Hon. CARMEL ZOLLO: Yes.

The Hon. R.D. LAWSON: That will be up and running in 12 months. Until that facility is established, is it the case that there is no substance misuse rehabilitation facility on the lands?

The Hon. CARMEL ZOLLO: I am advised that until the facility is built at Amata there is no rehabilitation facility, but we have in place in the interim an outreach program to which people can be referred.

The Hon. A.M. BRESSINGTON: Will the minister clarify whether the outreach service will operate in a way similar to the ACIS outreach centre which operates in the metropolitan area and which is flat out meeting the needs of families trying to intervene in substance abuse in the city? Is it based on the same model?

The Hon. CARMEL ZOLLO: I am advised that it is actually a mobile service. There is a free phone number. It is a 24-hour service and it goes out to the community, wherever it is needed.

The Hon. A.M. BRESSINGTON: Is the outreach service situated on the APY lands or must it travel there when it gets a call?

The Hon. CARMEL ZOLLO: It is on the APY lands.

The Hon. R.D. LAWSON: Taking the matters raised by the Hon. Ann Bressington a little further, given that the minister's own description of the mobile outreach service is that it provides assessments, counselling and drug education, it follows from that that there is no current facility for people to be put in a particular place for the purpose of drying out or rehabilitation, to use a neutral term.

The Hon. CARMEL ZOLLO: As I have already placed on record, there is no facility there at present—it needs to be built—but there is still an assessment and treatment service based on an outreach model.

The Hon. A.M. BRESSINGTON: Minister, you stated before that in about 12 months the centre will be built which will be a residential facility. Is a proposal or consideration in place that, once that facility is built and it is residential, individuals who are then picked up for petrol sniffing and detained for 10 hours could be taken to the treatment facility (residential) and then, under a treatment order, be detained for treatment and rehabilitation?

The Hon. CARMEL ZOLLO: Yes.

Clause passed.

Clauses 2 to 4 passed.

New clause 4A.

The Hon. NICK XENOPHON: I move:

Page 2, after line 18—Insert:

4A—Amendment of section 19—Unauthorised entry on the lands

(1) Section 19(8)—after paragraph (ca) insert:

(cb) a representative of the news media who enters the lands for the purpose of investigating or reporting on a matter of public interest occurring on, or having a connection with, the lands and who only enters—

(i) those parts of the lands that constitute roads or other access routes through the lands; or

(ii) other parts of the lands that the representative has been given permission to enter by Anangu Pitjantjatjara Yankunytjatjara; or

(cc) a person providing an assessment and treatment service established by the Minister in accordance with section 42CA; or

(2) Section 19(9)—delete 'or (d)' and substitute:

, (cb), (cc) or (d)

This relates to the issue of giving representatives of the news media the ability to enter the lands—those parts of the lands that constitute roads or other access routes through the lands or other parts of the lands the representative has been given permission to enter by the APY executive, presumably. Also, it allows for a person providing an assessment or treatment service established by the minister in accordance with section 42CA. In a sense, that part of it is linked to the next amendment.

We have had the benefit of honourable members giving their views on this—both for and against—with respect to media access. One of the best contributions, from my point of view, was the contribution yesterday of the Hon. Stephen Wade who advanced a very powerful argument by referring to the importance of media access and that by shining a light on a problem, you can change community attitudes. The Hon. Mr Wade gave the example of the photo of a young Vietnamese girl, burning from napalm, escaping from the Vietnamese village of Trang Bang, and that actually shifted community opinion both here and in the United States in relation to what was going on in Vietnam.

I know that the Hon. Sandra Kanck has commented on media access and that it may not make much of a difference. With respect, I beg to differ. I believe the reason that we are having this debate is because of media scrutiny, of the media shining a light on this problem and by jolting the community

and the parliament with respect to what has occurred. It is not simply about petrol sniffing. It is about other issues, including the enormous poverty on the lands to which the Hon. Sandra Kanck has referred. That is something that we, as a community and a parliament, should be deeply concerned about—the level of deprivation on the lands, the lack of opportunities, the substance abuse and all the related problems that go hand in hand with that.

Having media access and scrutiny would be a very important way of ensuring that a light is shone on this problem. I know there is an issue where permits have been given. The discussions I have had with journalists about this indicate that the concern is that at the moment there is a permit system and you have to get permission to go on the lands. There is a concern that, in some cases, there is a potential for a problem to be covered up if it is an immediate problem. One particular journalist to whom I spoke about this last year and perhaps the year before that described the frustration of getting access to the lands. As I understand it, because this person had incurred the displeasure of the APY executive, there were all sorts of hitches and technicalities and, by the time the permission was given, it was simply too late.

What is wrong with giving access? I think this amendment is very similar to the amendments the Hon. Mitch Williams moved in the other place. The amendment gives access only to roads or other access routes. There is no suggestion that media outlets could go into someone's backyard, and I think that is an amendment for the better. It at least gives that access. I know the Hon. Ann Bressington has referred to correspondence or information she has had about some on the lands wanting to have that access and wanting to have the ability to be able to speak to the media without the executive, whomever that may be or however that executive is constituted, having not so much a veto but advance notice of media scrutiny on the lands. I think the media has a very positive role to play with respect to focusing on the problems on the lands and jolting the community into even greater action to assist and to alleviate the awful plight of many on the lands.

The Hon. R.D. LAWSON: I indicate that Liberal members support the Hon. Nick Xenophon's amendment. I do want to say just a little about the amendment. We have all received a letter from the Anangu Pitjatjantjara Executive: Mr Rex Tjarni, the Director, and Mr Bernard Singer, the Chairman. I have certainly closely considered what those gentleman and the current executive have to say. I respect their views and the work they are doing—I think they have been a shining light on the APY lands—however, the point is that this amendment arises out of an incident when Mr Singer was not the chairman and there was another chairman, Mr Gary Lewis—I do not mind naming him. It was at a time of some political turmoil on the lands, and Mr Lewis used the power that he had as chairman to frustrate the entry of journalists onto the lands.

So, it is not a hypothetical situation that might arise at some time in the future; it is a situation that has arisen, and it involved a serious misuse of power. So, I quite understand why the executive would wish to retain as much power as they had at that moment. However, notwithstanding that and notwithstanding the fact that we respect that, we believe that the greater good of the whole Australian community would be served by allowing media access, and that is why we support the amendment.

I mention that the amendment moved by the Hon. Nick Xenophon on this occasion is narrower than the one he moved on the previous occasion. One of the objections to his previous amendment was that it would allow journalists to go wherever they liked over the lands—to go onto sacred sites, etc. The current amendment has been framed so that it limits media access to those parts of the lands that constitute roads or other access routes. If they want to go anywhere else, they have to seek the permission of the AP executive, in accordance with the amendment the Hon. Nick Xenophon has proposed. So, this is not a licence for the media to go wherever they like whenever they want. Any member of the media, any member of the public and members of parliament as well would be very well advised to seek a permit when going on the lands for all the reasons that we mentioned—breakdowns, injuries and the like.

I would envisage that journalists and any sensible member of parliament, or public servant who is entitled to go on the lands under the existing law, would seek a permit to go on to the lands and advise the executive of their proposal. It is only if that permission is refused that I envisage that this right would be exercised. We certainly believe that the spotlight of the media and attention being paid to some of these issues by the wider Australian community would be of benefit. To the Hon. Ms Kanck, I have to say that, when she made the comment that having the media involved in Aboriginal affairs was not something that she would welcome because of the standard of debate, I remind her that today she was quite happy to have the media present when she wanted to send a particular message to the community in relation to a matter about which she is passionate. Fair enough.

The media has an important role to play in our community and in communicating to people and raising awareness, and I think it is deplorable that she should be so selective on that. We are where the numbers are on this. We have heard members indicate whether or not they will be supporting this amendment. I fully envisage that it will not be supported by the committee but, whatever its fate, it was a good amendment, a well intentioned amendment. It would have led to an improvement, and I am sorry that it has not received the support I believe it deserves.

The Hon. CARMEL ZOLLO: I make an obvious observation that there is no demonstrated media exclusion on the lands at all. Indeed, if the Hon. Nick Xenophon was talking about their shining a light and that is why all these problems have been brought to the fore, it must be because the media was there—a bit of basic commonsense. As we were saying previously, the permit system does not exclude the media. It aims to control, in a sensible way, who goes on the lands for all the reasons which I have outlined before and which I am happy to put on the record again in a more summarised manner than I did in the second reading. I understand there was a claim that a journalist was denied access to the lands, although we now know that he was delayed rather than denied. This one unsubstantiated instance we truly believe has no basis for changing the law.

The purpose of the permit system is not to prevent people going to the APY lands but to ensure that access is controlled and, as I have said, for very good reasons. There are parts of the lands that are sacred sites and that only Anangu may visit. At certain times of the year areas may be off limits because they are being used for traditional ceremonies. For reasons of personal safety, such as in the event of an accident or emergency breakdown, everyone agrees that it is important to know who is on the lands and their location. We are told

that over 2 000 permits are issued each year. No-one can argue that access to the APY lands is restricted. The process for obtaining a permit is simple and straightforward. We are also told that applications are processed promptly. We see no good reason for amending the current system to remove the need for the media to obtain a permit to enter the APY lands.

It needs to be remembered that the APY lands belong to the Anangu. They have stated very clearly that they do not support the changes to the permit system. The amendments may not have the effect that is being sought because the APY could still exercise their ordinary common law rights of exclusive occupation as a landholder and request media representatives to leave the lands and enforce that right by taking action through the tort of trespass. I am also informed that a media representative could be prosecuted for trespassing under the Summary Offences Act if he or she failed to leave the lands after being asked to do so by APY.

The Hon. S.G. WADE: I would like to explore further the minister's concluding remarks about the possibility of people being pursued under the ordinary common law rights, particularly the tort of trespass. As I understand it, the Hon. Mr Xenophon's amendment is an amendment to section 19(8) which already provides a range of officers to be able to access the lands without a permit. So, the implication of what the minister is suggesting is that those officers are currently vulnerable to ordinary common law action and the tort of trespass. These officers include police officers, persons acting in the case of emergency, members acting on the written authority of the minister, members of parliament and candidates for election. I would be concerned if these people acting in good faith under the legislation are vulnerable to these remedies.

The Hon. CARMEL ZOLLO: My advice is that all the officers that have been mentioned can and do get permits before they enter the lands.

The Hon. S.G. WADE: My understanding is that under clause 19(9) some of those persons are required to give reasonable notice of the time, place and purpose of the proposed entry. But a number of other clauses are not under that requirement. They are not required, as I understand it, to get a permit. But the point is that even if that is the case, even if they do need to get a permit, Mr Xenophon's amendment is proposing to put the media in the same group as those people already under clause 19(8). So, I cannot see why the media would be vulnerable to legal action and the current people under 19(8) would not. What is the distinction?

The Hon. CARMEL ZOLLO: I am advised that the protocol is that we all get permits. Crown law advice is that people who do not get permits, such as the media or anybody else who is not excluded as part of the APY, could be liable to prosecution.

The Hon. R.D. LAWSON: I am absolutely amazed that the minister would come into this council and suggest that there is some protocol that people get a permit if they are not required to. The act is entirely explicit. The section requiring permits does not apply at all to police officers or to persons entering the land in the case of an emergency. It does not apply to members of parliament. It does not even apply to a candidate for any election. Any political candidate can go onto the lands. The suggestion that the minister is putting to this council, that such people are liable to common law action in trespass is absolute nonsense and shows the desperation of the government. It is fair enough that people are not accepting the principles, but I think the council deserves to have fair and honest material laid before it in considering this amendment.

The Hon. CARMEL ZOLLO: My advice is that, basically, the law of trespass does not apply to that category of persons to which the honourable member refers in the APY lands act. However, as a matter of courtesy, we do apply for permits.

The Hon. R.D. LAWSON: I think that the minister could also mention the fact that subsection (9) of the existing law provides that, where a person proposes to enter the lands pursuant to a legal right to do that, they should give reasonable notice of the time, place and purpose of the proposed entry. The honourable member's amendment envisages—and actually specifically requires—that journalists honour that particular requirement, namely, that they give notice of their intention to do so. Once having given notice, whether or not they are given permission, they are entitled by law to enter onto the lands.

The Hon. CARMEL ZOLLO: My advice is that, even if this amendment were to work in the way in which people would think it could work, there is still a risk that it could interfere with the business of running the lands even if it was unintentional, and I am reminded of things such as men's business and sacred sites.

The Hon. S.G. WADE: What processes are envisaged so that the current permit holders do not infringe sacred business and sacred sites, considering that the Hon. Mr Xenophon's amendment proposes that exactly the same notice requirements of time, place and purpose of the proposed entry be advised by journalists as currently apply to other people with a permit exemption? Why would the sites and activities be at any greater risk than they are in relation to the current set of people who have a permit exemption?

The Hon. CARMEL ZOLLO: I could give the honourable member a long-winded response, but basically there is less control, and that is what we are talking about. We want control to ensure that we know exactly where people are so that they do not interfere with the Anangu lands and the people.

The Hon. S.G. WADE: I am sorry, but I will need a longer response, because the current permit holders give notice of time, place and purpose. How are sites and ceremonies secure? I am concerned that the government is suggesting that the Anangu Pitjantjatjara Yankunytjatjara administrators will not be able to protect their sites, as they are the delegated authorities under the Aboriginal Heritage Act. Apparently journalists could not be managed in terms of their access under the same requirements as other permit exemptees. This raises the question of whether the government is putting the Aboriginal Heritage Act in jeopardy in the way this provision is applying.

The Hon. CARMEL ZOLLO: The Hon. Nick Xenophon's amendment provides that they can go to any of the roads and I guess that is the concern, that there is really no restriction. They have access to routes throughout the lands, 'those parts of the lands that constitute roads or other access routes through the lands'. That is really the concern of the government as well as the Anangu people.

The Hon. S.G. WADE: First, I would like to make the point that that is actually a lesser right than other permit exemptees. Secondly, since the Aboriginal lands have been in the control of the Anangu Pitjantjatjara Yankunytjatjara body and its predecessors for 25 years I would have thought that any road that went anywhere near a sacred site would have been diverted well before now.

The Hon. CARMEL ZOLLO: I am advised that the permits are now really on a case-by-case basis, so what the honourable member has just said,in terms of where they go, is not the case.

The Hon. S.G. WADE: I must be slow, but it seems to me that all the exemptees under clause 8 have unlimited access. All they are required to give is time, place and purpose, and I take it that clause 9 is there to ensure that the APY community will have an opportunity to advise people of implications in terms of ceremonies and sites (which is entirely appropriate). However, considering that the journalists are actually being given a much more limited right of access under Mr Xenophon's amendments, my understanding is that they would be even less likely to infringe upon ceremonies or sites.

Regarding the point about permits being given on a case-by-case basis, the Hon. Mr Lawson has already indicated that you do not need a permit if you are exempt under clause 8—and, with all due respect, on a case-by-case basis the roads do not move.

The Hon. CARMEL ZOLLO: We may not have been clear that the honourable member was talking about people who have exemption and, again, I am advised that people who are exempt from a permit still do get a permit as a matter of protocol, and identify exactly where they are going and when.

The committee divided on the new clause:

AYES (8)

Bressington, A. M.	Dawkins, J. S. L.
Lawson, R. D.	Lucas, R. I.
Ridgway, D. W.	Schaefer, C. V.
Wade, S. G.	Xenophon, N. (teller)

NOES (9)

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

PAIR(S)

Stephens, T. J.	Hunter, I.
Lensink, J. M. A.	Gazzola, J. M.

Majority of 1 for the noes.

New clause thus negatived.

Clause 5 passed.

Clause 6.

The Hon. NICK XENOPHON: I move:

Page 3, after line 2—Insert:

42CA—Regulated substance misuse offences—mandatory referral to assessment service

(1) If an Anangu who is of or over the age of 14 is alleged to have committed an offence on the lands constituted of—

(a) the inhalation or consumption of a regulated substance; or

(b) possession of a regulated substance for the purpose of inhalation or consumption by him or her,

(a regulated substance misuse offence), a police officer must refer the Anangu to an assessment and treatment service in accordance with schedule 4.

(2) A referral under this section operates as a stay of proceedings (if any) for the alleged offence.

(3) A prosecution for a regulated substance misuse offence cannot proceed unless the alleged offender has been referred to an assessment and treatment service under this section in relation to the offence and the referral has been terminated by the service in accordance with schedule 4.

(4) The fact that a person alleged to have committed a regulated substance misuse offence participates in an assessment or enters into an undertaking under schedule 4 does not constitute an admission of guilt, and will not be regarded as evidence tending to establish guilt, in relation to the alleged offence.

(5) If the referral of a person in relation to an alleged offence is terminated under schedule 4, evidence—

(a) of anything said or done by the person in the course of being assessed or carrying out an undertaking; or

(b) of the reasons for the termination,

is not admissible in any proceedings against the person for the alleged offence.

(6) On the expiry of an undertaking under schedule 4, the person who entered into it is immune from prosecution for the alleged offence to which the undertaking related.

(7) The minister must establish such assessment and treatment services as are necessary for the purposes of this section to provide assessment and treatment programs on the lands.

(8) The minister may, by notice in writing—

(a) impose conditions on an assessment or treatment service established under subsection (7); and

(b) vary or revoke any of the conditions imposed on such a service, or impose further conditions; and

(c) abolish an assessment or treatment service established under subsection (7) for any reason the minister thinks fit.

(9) However, the minister must consult with Anangu Pitjantjatjara Yankunytjatjara before—

(a) establishing a regulated substance misuse assessment and treatment service under subsection (7); or

(b) abolishing a regulated substance misuse assessment and treatment service under subsection (8)(c).

This should be taken to be a test clause for the other amendments in relation to the issue of referral to assessment services for a regulated substance and misuse offences. Essentially this amendment seeks to ensure that, if a person has inhaled or consumed a regulated substance (and that regulated substance would also include, of course, petrol), there would be a deferral of the court process in order to ensure that an assessment take place. Other amendments foreshadow mandating a treatment program.

This is identical to the amendments I moved when this bill was debated in this place almost a year ago. I am greatly indebted for the work that my colleague the Hon. Ann Bressington has done on drug rehabilitation and for her views on the issue of mandating referral. We can look at the one program where, in effect, there has been mandatory treatment, and that is at the Mt Theo-Yuendumu program where petrol sniffers have been taken out of the community and put under the care of elders on a station a significant distance away from their community. They have learnt life skills and been taken away from their peers through what is, effectively and in essence, a form of mandatory treatment and referral.

There has been a dramatic difference and change with respect to the culture of the community and the subculture of the young people who were petrol sniffers. We heard in presentations at the people's drugs summit last year in Adelaide that petrol sniffing in those communities has been virtually wiped out, and whenever there has been a spike in the problem it is dealt with very quickly; and the extent of the problem overall is a fraction of what it is in other Aboriginal communities that do not have this mandatory referral and mandatory form of treatment.

So, this amendment goes further than what the government has proposed and ensures and prescribes a system of assessment and a system of treatment so that the problem is dealt with, and it also requires (as do subsequent amendments and, again, this is a test clause) adequate treatment services and that those treatment services are on the lands. It goes beyond what is proposed by the government—which is certainly an improvement on the current position—and ensures that there must be the resources and systems in place to deal with this effectively.

The Hon. R.D. LAWSON: I indicate that Liberal members support this amendment. Before coming to the reasons for that, I should indicate to the committee that by the previous clause, about which there was no discussion or debate, we have just repealed section 38 of the existing legislation. Section 38 of the existing legislation provides that proceedings for an offence against this act are dealt with summarily—that is, they are dealt with by the magistrate who visits the lands from time to time, as they do. We have repealed that. We now require these proceedings to be dealt with before a judge and jury in Port Augusta, so, as a result of the amendment just passed, as a necessary function of increasing the penalties, the costs of any prosecution of offences will increase vastly. It will drag away from the lands those offenders who have to be charged. It will mean that witnesses will have to go off the lands. I ask the minister to indicate whether there has been any analysis done of the anticipated costs of that particular provision.

The reason we support this set of provisions that the Hon. Nick Xenophon has proposed in relation to the mandatory referral to assessment of persons who are found guilty of regulated substance misuse offences is this. We believe this is an exceptional situation. Parliament is very good at passing laws that require citizens to obey under threat of prosecution and very heavy penalties under this present government. We tell the citizens what they cannot do, and we threaten them with action. We never require government to do anything. Governments do not like passing laws that actually require them to do something and say that they must provide a service.

Here, the Hon. Mr Xenophon is proposing something that is new and fairly novel in our state. It actually requires that the government provide a service. Of course, they will say, 'We can't possibly do this'; we have heard all the arguments before, and I am sorry that I have heard that the numbers are against this amendment as well. However, I point out to the committee that it is about time that this parliament started laying down provisions of this kind. We hear speeches from the minister and we hear speeches from the Hon. Russell Wortley telling us about the wonderful things the government is doing and all the people it is appointing, and that we will have a new service there in a year's time. But there is no sanction, no law that says you have to do it.

For the last 25 years people have been saying that they are going to do things on the lands; unfortunately, they have not happened. This has happened under governments of all persuasions, and I am not pointing any finger. Of course, the Labor Party has been in power for longer than any other party over that period of time, but let us not get into political debate about that. It is about time that this parliament actually laid down a law that states, 'You've got to do this.' We know one thing: if the law requires members of the Public Service, ministers and the like, to do things, they will do them. There is no way out. They will comply with their statutory obligations. That is the function of the parliament.

Of course, we all know that in the United States it is common for legislation to be passed that requires the executive arm of government to do certain things. It is a very common form of law-making in the United States. It is not so common here, but I think that this sort of situation is one that gives rise to the need for that type of legislation. That is why we are supporting it. We are taking the government at its word. They say that they are providing all these services, and we say, 'Fine, great. We congratulate you for it, but we'll have a little requirement here to make sure that you do it and that there's no backsliding in relation to this matter.' We commend the Hon. Nick Xenophon for bringing this amendment forward, as we did on the previous occasion. We will be supporting it.

Before I sit down, I should say that, in an earlier contribution tonight, the minister said that I had changed my position in relation to accepting the advice of the AP executive. What the minister did not explain to the committee was that it is true that on another occasion, on another bill entirely, I said that we should in that particular case respect what the AP executive had said. On this occasion, I am saying that different considerations apply because of the experience under the chairmanship of Gary Lewis. There is no inconsistency in the position I have adopted here. We would ordinarily have regard to exactly what the AP executive was saying but, on this occasion in relation to access to the lands, we believe that there are exceptional circumstances, and also in relation to this one we believe that there are exceptional circumstances.

What the executive here has been told is, 'Don't support this. If you support this, and if this comes in, you won't get anything.' They really have been intimidated by the government in relation to their attitude to this. They have been told, 'Listen, write a letter to all members, lobby them and tell them that we want this passed in the form that it is. We don't want anything else.' As they know, government in Adelaide has the purse strings, and they need these services. They have been told (I believe erroneously) that there will be delays and complications if this is passed.

There is no secret about this. They have been going around to members here saying, 'If you pass this, we're going to pull the bill, and there will be blood on your hands.' Unfortunately, some of our members (and I do not know whether or not they believed them) may have succumbed to that form of intimidation. I certainly hope not. Can I say first of all that we certainly resent the accusation that anyone would have told the APY executive to be writing letters. That is really below the belt and I am very disappointed in the Hon. Robert Lawson. I will not respond to anything else he said, other than to make the very strong point that I summarised in the concluding speech. Very simply, we are not saying that we do not support referral. We do support referral, as long as it is appropriate for that individual. We are not saying that we do not support it, so let us not get anything confused. We are saying that the APY lands are unique and we realise that often a case is almost being tailor made for particular individuals.

We are not saying that we do not support referral: we are just saying that it needs to be appropriate for that individual. I do not think we should be imposing on them that they have to be referred, because the people on the ground will know best. We are giving them the option, that is all. Again, I am very disappointed that the Hon. Robert Lawson would presume to think that we would actually be saying to the APY executive that they should be writing to anyone.

The Hon. A.M. BRESSINGTON: I am curious as to when it is and is not appropriate to put a problematic petrol sniffer into a program that is going to rehabilitate them. The minister said that she was setting up a residential treatment program on the lands. Why could that referral system not be putting these people into that particular treatment program? If it is not appropriate for every individual on the APY lands, then how many treatment centres do we need to deal with this issue?

The Hon. CARMEL ZOLLO: Very simply, we cannot predict all the circumstances, but one of the examples I gave in the summing up was where a person has been through the referral process so many times that it does not work and perhaps what might work is appearing in a court, perhaps to be charged. That is the reality that you can face. One size does not fit all.

The Hon. A.M. BRESSINGTON: There is research here from the Addiction Technology Transfer Centre that says that coerced treatment is as effective as voluntary treatment if it is handled properly. I cannot believe that the minister is suggesting that it is better for a problematic petrol sniffer from the APY lands to have to appear before a court and that the court would then coerce them into treatment. Is that what the minister is saying? Or would they be diverted into gaol? What is the alternative if the treatment does not fit?

The Hon. CARMEL ZOLLO: Again, it is not about everyone being treated the same way. The court can divert them into treatment. It might just be enough to shock someone, to appear before court and be diverted into treatment; that is all we are saying. It is not that we disagree with referral: of course we do not. Another example I gave was when someone is apprehended for the first time, through peer group pressure, or whatever. Perhaps with the shock of appearing before the court, they may never do it again. Otherwise, perhaps if you refer someone to a referral they may think, 'This is my lot now.' I am just speaking commonsense here.

Obviously, I am not someone who is qualified even to be talking at that level. I am just speaking commonsense because the honourable member is saying that you have to do something one way. We are saying that perhaps the people on the ground in some cases might know differently, that is all.

The Hon. NICK XENOPHON: Is the minister saying that if a young person on these lands is sniffing, is inhaling petrol, that treatment is not the way to go, that they ought to go through the courts and not be treated to deal with their addiction? Is that what the minister is saying?

The Hon. CARMEL ZOLLO: What I can say, from the advice that I have received, is that we cannot really predict the circumstances here and it would be on a case-by-case basis. We were talking before hypothetically and giving examples. Again, we are not saying we do not support referral; we are just saying it often is and probably will be on a case-by-case basis.

The Hon. D.G.E. HOOD: Would the minister outline the role of the two nurses who, I believe, have commenced on the lands this week. What do they do on a daily basis?

The Hon. CARMEL ZOLLO: My advice is that the two nurses do assessment, counselling and referral to either a health clinic or hospital.

The Hon. A.M. BRESSINGTON: Can the minister clarify exactly what experience these nurses have in treating addiction and being able to move a person from a pre-contemplative stage to actually contemplating that substance abuse is having a detrimental effect on their life? What sort of background do they have in addiction treatment?

The Hon. CARMEL ZOLLO: We understand they are nurses with experience in dealing with people who have drug and alcohol problems.

The Hon. A.M. BRESSINGTON: What training do they have for that addiction counselling?

The Hon. CARMEL ZOLLO: Whilst I have not personally seen the applications, I am told they have been assessed by DASSA, and one would assume that an agency like that would obviously ensure they have the correct qualifications.

The Hon. A.M. BRESSINGTON: In a recent Family Matters meeting in South Australia, a representative of DASSA (a drug and alcohol counsellor or worker there) was asked by a person in the group why there were no treatment programs for youths about cannabis. The response was, 'Youth don't see anything wrong with cannabis, so we wouldn't be able to retain them anyway.' What is going to be different about the APY lands? If the people do not see their petrol sniffing as a problem, does that mean that we cannot retain them anyway, so we do not bother? How differently is this going to be treated to the way it is treated in the city?

The Hon. CARMEL ZOLLO: My advice is that, if they are deemed to be referred, they will be referred. They will be assessed and, if that is the case, they will be referred.

The Hon. A.M. BRESSINGTON: That does not answer my question. I want to know what skills these people have to be able to determine that. Even if a person does not believe that these substances are doing them harm and causing problems in their life—and most drug users do not come to that conclusion by themselves—does that mean that the same standard will apply and that, if they do not believe it is a problem, we cannot retain them and, therefore, we do not have a program? If that is the case then what is the point of even discussing treatment up there?

The Hon. CARMEL ZOLLO: A few people are saying that they are lost. I am not totally lost. I see what the honourable member is trying to say, but I think she has also to understand that these nurses are trained nurses. They are there for that special focus on people who are petrol sniffing. I am sure that they have taken on this work because it is part of their profession and they believe in what they are doing, otherwise, surely they would not go up there and we would not be selecting them. You are right, if that premise is not there, then the whole system would not work. I have some faith in DASSA and the work they do and hopefully the system will work. We have to try.

The Hon. A.M. BRESSINGTON: Will the minister indicate what kind of evaluation process will take place around the referral system, the outcomes—and I stress 'outcomes'—of the treatments that are being provided and how it will be evaluated after a period of time and what the period of time will be?

The Hon. CARMEL ZOLLO: I am advised that all the outcomes of the programs happening on the lands are subject to evaluation and review.

The Hon. A.M. BRESSINGTON: Will the minister outline for us exactly what are the desired outcomes? What outcomes is she expecting from this, apart from just getting people off petrol sniffing? What are the desired outcomes of the treatment service?

The Hon. CARMEL ZOLLO: I am not sure that I can be more specific than that. We aim to assist people with addictions, to treat them and hopefully reduce the number of people with a substance abuse problem on the APY lands.

The Hon. D.G.E. HOOD: The minister indicated that there was a process of review in place. Could she elaborate on the reporting mechanism of that review and the time frame within which it takes place?

The Hon. CARMEL ZOLLO: My advice is that we will collect a range of data and evaluate it. We are happy to get back to the honourable member on the time frame. We

believe that it would be at the two-year mark, but we are not 100 per cent sure.

The Hon. D.G.E. HOOD: How is it reported specifically and to whom?

The Hon. R.D. Lawson: The government will report to itself.

The Hon. G.E. Gago: Do you want us to do nothing?

The Hon. CARMEL ZOLLO: My advice is that it would be reported through to the Department of Premier and Cabinet, and the Aboriginal Lands Parliamentary Standing Committee would be provided with that information.

The Hon. R.D. LAWSON: I ask that the mover, the Hon. Nick Xenophon, indicate the way in which he envisages the system will work, as I do not think he has done that specifically. Has he undertaken any exercises on the likely cost of meeting the requirements of this amendment and those that follow it?

The Hon. NICK XENOPHON: First, in relation to the issue of costs—and I will be guided by my colleague, the Hon. Ann Bressington, who has been at the front line of drug rehabilitation and treatment—I think it could be posed in another way: what is the cost of having a young brain injured person for the rest of their life? When we debated the issue of the plight on the lands, I think the Hon. Caroline Schaefer told a very moving story about a young person who was in a wheelchair. The Hon. Caroline Schaefer may correct me on this, but it was a case of two generations—mother and daughter—being hopelessly damaged by petrol sniffing. One of them was in a wheelchair, virtually totally incapacitated. That is what she witnessed herself.

What is the cost of that to the community, of a person being incapacitated in that way? What is the cost of having a young person full of potential on those lands, but that potential being taken away from them because of their substance abuse where they have long-term permanent brain injury, where their ability to function as an individual, to be a useful member of society, has been stripped away from them because of their substance abuse? I am not sure what the cost will be, but I think it will be a damn good investment if we can nip it in the bud. I think it is an important question in relation to that which the Hon. Mr Lawson has asked. I do not know what the cost will be, but I think that in a community we cannot allow this to continue to occur to the extent that it has.

The government has come up with this bill, and this amendment is about improving it. It is about mandating levels of treatment and service to these people. In terms of what is envisaged, the Hon. Mr Lawson is correct in his previous contribution on this amendment: this is an unusual clause, and a novel clause in terms of what is proposed. It provides that there must be a comprehensive system of referral for assessment, that the referred person is assessed in terms of looking at the medical and other treatment records and looking at the person's criminal record, for example. It requires the attendants to appear at interviews and for them to submit to an examination to look at the extent of physical, psychological and social problems connected with the misuse of the regulated substance, and, also, it requires that the person cooperate with the treatment program.

It is comprehensive and it is something that does not leave any stone unturned, in a sense, to ensure that the person goes through a comprehensive system of treatment. It is prescriptive and it will not be cheap, but it will be a very good investment in ensuring that those young people have a chance of a future. It also provides for undertakings and an approved program of an educative, preventative or rehabilitative nature. It provides for any other matters to ensure that those young people, particularly, are able to go through the whole treatment program. It also requires, if necessary, detention in extreme cases if all else fails.

That is something that the Hon. Ann Bressington has a great deal of knowledge of in terms of what occurs in Sweden. I know that she will be discussing this in the parliament with respect to a bill that she has prepared. But, according to the UN world drug report, the level of substance abuse in Sweden is a fraction of what it is here. For example, with respect to methamphetamines, it is one fortieth of the level of use in Australia. I think that in extreme cases—and, again, I will defer to the Hon. Ann Bressington on this—it ought to allow for detention as part of a comprehensive humane and compassionate treatment program. I hope that that has dealt with some of the matters raised by the Hon. Mr Lawson

The Hon. M.C. PARNELL: When I spoke briefly about this amendment yesterday, I said that I was still uncertain about whether or not to support it. I have now decided that I am not going to support the amendment, but I do want to reflect on some of the reasons why. First of all, the minister spoke of supporting referral—absolutely supporting referral—supporting diversions and supporting treatment.

The issues are whether it should be mandatory and whether one size does fit all. It seems to me that we have debated (and will debate) drugs a lot in this place and there are people with the strong view that there is only one solution to a particular drug problem. There may be situations where, if this amendment was in place, mandatory referral would be inappropriate. I do not know what those cases would be, but I am not on the ground; I am not a member of that community. I think we need to give careful regard to the wishes of the APY executive.

I had thought that supporting the Hon. Nick Xenophon's amendment might be a useful way to put pressure on the government to do more to put in more money and to show more commitment to the types of programs that every member in this council has supported. I have had a number of discussions with the minister and members of the government, and they assure me that it is not a money issue at present. While the Amata facility about which we have been talking is taking some time, it is not because the government is being stingy with money; rather, it is because there are considerations that relate to development on Aboriginal lands which necessarily take longer. I thought we could support the Hon. Nick Xenophon's amendment as a method of putting pressure on the government but perhaps with a commencement date some time in the future in order to put the government on notice that the community expects it to take the problem of petrol sniffing seriously and put in place serious measures to deal with it. I have decided that is not the approach, either.

Along with other members in this place, if we are here in a couple of years looking at yet another Coroner's report with more young people having died, and that being the result of a lack of referral, treatment or diversion, I will take my share of the responsibility along with other members of this place. I dearly hope we will not be in that position. The government has assured me that the APY act will be coming back to this place within this term of government for other amendments. If it turns out that there have been no improvements in the petrol sniffing situation, then the Hon. Nick Xenophon's amendments might be re-enlivened at that stage. Ultimately,

I will go along with the wishes of the APY board and not support the amendment.

I put on record that my not supporting the amendment is not a vote of complete confidence in the government. As many people have said, this problem has been around for a while. The solutions are complex. I do not think this government or the previous Liberal government have done nearly enough to address it, but I am prepared to give the measures that have been put in place a chance to operate. I respect the wishes of the APY people and will not support this amendment.

The Hon. CARMEL ZOLLO: I thank the Hon. Mark Parnell for his words. We do heed what he has had to say. We hope that none of us will be back here, having done the wrong thing. I place on record that no other government has spent this amount of money on an outreach service before or put in place the level of resources that we have put in place. No other government has spent this type of funding on the APY lands; and I think that has already been outlined in contributions that have been made. I know I am joined by every member in believing that these initiatives will have some long-term effects. I reiterate that in relation to this amendment we support referral in an appropriate way. Again, we say that one size does not fit all.

The Hon. A.M. BRESSINGTON: I would like to make it clear that I do not think there is anyone in this place who does not believe that the government has contributed to and is developing a plan for APY that could prove to be beneficial. From my perspective it seems that the problem is that there is no consideration, or no room for consideration, for any improvements that could be made.

I would like to quote from an ABC interview with Mantajtjara Wilson, who is the spokesperson for the NPY Women's Council. According to Mrs Wilson, the organisation was started many years ago because governments and others were listening only to the men; nobody heard the women's voices, and this is still happening. The NPY runs a lot of services on the APY lands: domestic violence counselling, youth programs, child nutrition and looking after old people's disabilities. In her words, she says:

> Despite government injection of moneys into the APY, there is still a lot of petrol sniffing, illegal grog, people using marijuana and trafficking drugs and a lot of violence. Because of the problems not addressed by the government there are children and young people who wander around hungry and neglected, with no-one to look after them. There are some men who will find weak young women and girls and give them petrol, grog or marijuana to get them to have sex with them.

This highlights the fact that even the representatives of the women of the APY lands are calling out for further measures to be taken for mandatory treatment and tougher penalties for drug running; it is a generational thing.

I refer to a piece of research from the Centre for Excellence in Criminal Justice where they talk about coercive treatment. This is from America. For every dollar spent on treatment, there was a return of $7. In a Californian study, they spent $2 million on treatment, and the next year the return to that community was $1.5 billion because of the reduction of crime, substance abuse and family breakdown. They also state that criminal activity dropped from 77 to 20 per cent in the time of this study where coerced treatment and abstinence-based treatment was being delivered. In addition, young women were being treated during pregnancy and 84 per cent of those babies were born full-term as opposed to, I think, about 30 per cent that would otherwise make full-term.

So, there are a lot of pay-offs for coerced treatment. Even members of the Aboriginal community to whom I have spoken in the city say that, when people are petrol sniffing and using drugs, they are not capable of making the decision whether or not to go into treatment. Elders in our community in Adelaide are actually calling for this coerced treatment, not only for here but for the rest of their people. I support Mr Xenophon's amendments. I think that they have a lot to offer if they are to be considered in a broader sense and for the long-term effect rather than the short-term.

The Hon. CARMEL ZOLLO: We are certainly not claiming that we have an immediate solution and we realise that there is a long and sustained effort to make significant improvements, but we are prepared to make that long-term commitment.

The Hon. D.G.E. HOOD: It was mentioned earlier that the APY lands issue would be re-presented to the house, as would the bill, in the life of this parliament. I wonder whether the minister is prepared to give an undertaking that that will be the case—that the bill will be re-presented to the house in the life of this parliament to address other issues as they arise in that time.

The Hon. CARMEL ZOLLO: It is our understanding that the APY executive will be making representations to the government some time in the new year about future amendments.

The Hon. NICK XENOPHON: Will the minister give a guarantee that there will be, as raised by the Hons Dennis Hood and Mark Parnell, other legislation on the APY lands that will be brought before members in this current parliament?

The Hon. CARMEL ZOLLO: I advise the honourable member that we certainly see a need for some amendments, and, if the APY agree, it is certainly our intention to make those amendments during this term.

The Hon. NICK XENOPHON: That is not an undertaking, though. It is an intention, but not an undertaking, that this bill will come back into the parliament for further consideration of other amendments in the life of this parliament.

The Hon. CARMEL ZOLLO: It is certainly our intention to do so, but it does require some APY agreement for us to do so.

The Hon. NICK XENOPHON: Perhaps if I could get an indication from the Hon. Mark Parnell and the Hon. Dennis Hood. As I understand it, they were given to understand that this legislation will be back in the parliament—

The Hon. M.C. Parnell: No; the act will be coming back for other amendments.

The Hon. NICK XENOPHON: Not necessarily the petrol, but the act will be coming up for other amendments. So, I am not in any way misrepresenting their position. Is the government saying that that may be the intention but not necessarily the case? The question I pose to the Hon. Mark Parnell and the Hon. Dennis Hood is: would they be more sympathetic to this mandating of treatment provision if there was an amendment to the amendment that would require that it be in place by a certain time, say three years, from now, which would act as a safety mechanism in the event, for whatever reason, the AP legislation is not further considered in this parliament, which would give an opportunity to consider these matters again?

The Hon. M.C. PARNELL: As the question was partly directed to me, I will answer it. I am not inclined to support

a time period put in the amendment. I have taken at face value the assurances that although perhaps not an undertaking—it would not be that strong—it is the government's intention to bring the APY lands legislation back for other amendments. If that does not happen and, if we have deaths and those deaths are attributable to an absence of mandatory referral—in other words, if a death, serious injury or harm might have been prevented if only we had the wisdom today to support the Hon. Mr Xenophon's amendments—I would be more than happy to look at these amendments again, whether it is via the government reintroducing amendments to the APY act or a private member's bill. However, I am not inclined to support the current amendment, but just with a delayed commencement date.

The Hon. CARMEL ZOLLO: I reiterate that it is the government's intention to bring back the act to this place for further amendments, but it is simply a case of conferring as well. I understand the minister has given the Hon. Mr Xenophon that commitment, and I will also give him that commitment.

The Hon. NICK XENOPHON: I thank the minister and the Hon. Mr Parnell for dealing with that matter. I just want to go back to the threshold issue in relation to treatment programs in terms of what the government has proposed for the lands. Will this program be focused on teaching controlled use, or will it be abstinence based? In other words, will it be supplementary to that? Will it be a harm minimisation approach in respect of substance abuse, including petrol sniffing?

The Hon. CARMEL ZOLLO: My advice is that it is harm minimisation and the ultimate goal is always abstinence.

The Hon. NICK XENOPHON: Can the minister clarify whether, if it is a harm minimisation program and all that connotes, of necessity it also involves teaching controlled use? Is it the case that, if a young person presents with a petrol sniffing problem, it will not necessarily be abstinence based, it will also be teaching them to control the use; in other words, a harm minimisation approach?

The Hon. CARMEL ZOLLO: My advice is that it is harm minimisation. You know that a person could have lapses—and I guess one understandably allows for that—but, of course, the ultimate goal in any program is to see the person free from petrol sniffing. It just means that you do not give up on someone because they relapse, but it is harm minimisation based and you have to face the reality that some people could relapse.

The Hon. Nick Xenophon: Does that involve teaching them controlled use?

The Hon. CARMEL ZOLLO: No, it is not like injecting rooms or anything like that. It is not teaching them to sniff differently or in a safe way, if that is what you mean, no.

The committee divided on the amendment:

AYES (8)

Bressington, A. M. t.)	Dawkins, J. S. L.
Lawson, R. D.	Lensink, J. M. A.
Lucas, R. I.	Schaefer, C. V.
Wade, S. G.	Xenophon, N. (teller)

NOES (9)

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

PAIR(S)

Stephens, T. J.	Gazzola, J. M.
Ridgway, D. W.	Hunter, I.

Majority of 1 for the noes.

Amendment thus negatived.

Clause passed.

Clause 7.

The Hon. NICK XENOPHON: As the previous amendment failed, these amendments are consequential, so I will not be proceeding with any of the other amendments I have on file.

Clause passed.

Title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

EVIDENCE (USE OF AUDIO AND AUDIO VISUAL LINKS) AMENDMENT BILL

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

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

That this bill be now read a second time.

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

Leave granted.

This Bill amends the *Evidence Act 1929* (the "Act") to provide for the use of audio-visual links or audio links in courts.

The Bill fulfils the Government's promise to improve access to the courts and recognises the benefits of technology. It makes it clear that a court may receive evidence or submissions by audio or audio-visual links, rather than requiring a person to appear physically before the court.

Currently, the only legislative provisions dealing with audio-visual links in courts are about interstate evidence and the use of closed circuit television to receive evidence from vulnerable witnesses. Yet some Magistrate Courts are already receiving evidence by way of audio-visual link under rules of court. The Bill will allow an audio-visual link in any court and give legislative recognition to the current practice of the Magistrates Court.

The Bill sets out a general rule to be applied in criminal cases where a defendant is in custody before trial. The rule provides that those proceedings should be dealt with by audio-visual link unless the proceeding is the defendant's first appearance before the court, a preliminary examination that involves the taking of oral evidence, or a proceeding where the defendant's personal attendance is required by regulation. In these situations the defendant has the opportunity to ask the court to be allowed to appear by audio-visual link.

The rule does not apply to proceedings that investigate the defendant's fitness to stand trial, or where the court is of the opinion that there are other good reasons for personal attendance of the accused or if there are other matters to be dealt with for which personal attendance is desirable.

Parties will have a reasonable opportunity to object to the use of the audio-visual link, and in those circumstances, the court can deal with the arguments using the audio link or audio-visual link.

The *Summary Procedure Act 1921* allows the court to excuse the defendant from attendance during a preliminary examination for any proper reason. This power remains unchanged by the Bill.

The rule will only operate in courts where the proper means are provided for audio visual links and regulations have extended the rule so that it applies to a particular court.

At present, persons who are arrested and refused bail by a Magistrate are remanded in custody to appear before the Court at a time and place fixed in the order for remand. A person accused of a crime may be held in custody, on remand, until he is released on bail or the criminal proceedings are completed and the person is sentenced or released.

Every time a remandee's case comes before the court the accused must physically appear at the Magistrates Court. For these appearances the accused is usually transported from the prison to the Court, although on some occasions, with the consent of the accused, they now appear by audio-visual link.

The Act currently defines the terms audio link and audio-visual link as follows:

> ***audio link*** means a system of two-way communication linking different places so that a person speaking at any one of the places can be heard at the other;
>
> Example—An audio link may be established by facilities such as a two-way radio or telephone.
>
> ***audio-visual link*** means a system of two-way communication linking different places so that a person speaking at any one of the places can be seen and heard at the other;
>
> Example—An audio visual link may be established by facilities such as a closed-circuit television.

These definitions remain unchanged.

The Bill also deals with procedural matters, including the administration of the oath or affirmation in cases where an audio or audio-visual link is used.

When the link is in operation, the person who is giving evidence or submissions is taken to be before the court and any law or rule of practice about contempt applies. The Bill also clarifies that, where a law or rule of practice requires personal appearance, using the audio visual link satisfies this requirement while the link remains in operation.

The Bill seeks to ensure that, where an audio-visual link is used and the lawyer is in the courtroom and the client in a remote location, appropriate means exist for private communications between the lawyer and client. The Bill also makes it clear that such communications are absolutely privileged.

Installation of video-conferencing equipment has been completed within the Adelaide and metropolitan Magistrates Courts, Yatala Labour Prison, Adelaide Remand Centre, and Mobilong Prison. A pilot project will be run from the Adelaide Remand Centre to ensure that the changes to prisoner appearances before the courts happen in a managed way.

Similar technology and underpinning legislation have been operating in other parts of Australia. The Federal Court has had the authority to receive evidence by telephone or audio-visual link since 1989.

Both Western Australia and Victoria have carried out statutory schemes to promote the use of video-conferencing in criminal cases and have enjoyed cost savings from a reduction in prisoner transfers and a reduced risk of prisoners escaping while being transported or held in the cells.

The experience in W.A. is that once the amendment to the *Justices Act, 1902* was made, the use of audio visual link rose from 25% to 90% of remand hearings. It has now become the accepted practice in W.A.

The interstate experience has also been that prisoners prefer to appear via audio-visual link as opposed to the process of transfer to the Court, which requires an uncomfortable ride, strip searches and being held in court cells for extended periods.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides that the measure will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Evidence Act 1929*

4—Insertion of Part 6C Division 4

This clause inserts a new Division into Part 6C of the *Evidence Act 1929*. Part 6C Division 4 comprises two new sections. Proposed section 59IQ(1) provides that a court may, subject to Division 4 and relevant rules of the court, receive evidence or submissions from a person who is within South Australia but not physically present in the court by means of an audio or audio visual link.

Under subsection (2), a court that is making use of an audio or audio visual link may administer an oath or affirmation by means of the link for the purpose of taking evidence. A person from whom evidence or submissions are taken by means of the link, and anyone else present in the place from which the person gives evidence or makes submissions, is taken to be before the court.

Subsection (4) deals with the situation of a defendant in custody prior to trial. If facilities exist for dealing with a proceeding in relation to the defendant by audio visual link, and the court is one to which the provisions of subsection (4) are extended by regulation, the court should deal with the proceeding in that way without requiring the personal attendance of the defendant. This general rule is subject to a number of qualifications. If the proceeding is the defendant's first appearance before a court, the preliminary examination of an indictable offence, an inquiry into the defendant's fitness to stand trial or a proceeding of a category excluded from the general rule by regulation, the general rule does not apply. The court may also require the defendant's personal attendance if of the opinion that, in the circumstances of the particular case, there are good reasons for doing so. If there are other matters to be dealt with on the same occasion for which the defendant's personal attendance is necessary or desirable, the court may require his or her attendance.

Section 59IQ also provides, in subsection (6), that the court should provide the parties with a reasonable opportunity to object to the use of an audio visual link or audio link. The court may use the link for the purpose of hearing an objection.

New section 59IR provides that evidence or submissions are not to be taken by audio visual link or by audio link if a person who is to give evidence or make submissions is represented by a lawyer who is physically separated from his or her client and there are no facilities available to enable private oral communication between lawyer and client. Any communication between lawyer and client by means of such facilities is absolutely privileged.

The Hon. R.I. LUCAS secured the adjournment of the debate.

CHILD SEX OFFENDERS REGISTRATION BILL

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

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

That this bill be now read a second time.

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

Leave granted.

The *Child Sex Offenders Registration Bill 2006* will:

- require registrable offenders (as defined) to register with, and provide specified personal details to, the Commissioner for Police for a specified period. Registration will be required either automatically upon conviction (mandatory registration) or by court order (discretionary registration);
- require registrable offenders to report annually, and as otherwise required, to the Commissioner during the specified period;
- require registrable offenders to notify the Commissioner about any change in the required personal details during the specified period;
- require registered offenders to notify the Commissioner about any planned travel outside of South Australia;
- provide for the monitoring of registrable offenders from other jurisdictions;
- require the Commissioner to establish and maintain a confidential register of information provided by registrable offenders, to which access is to be strictly limited to designated police officers and other law enforcement authorities for monitoring and law enforcement purposes;
- prohibit a registrable offender from working in a child-related area.

This Bill is an important step towards ensuring that South Australia's children are protected from sexual predators.

The point of child-offender registration legislation is to require some types of offender, known as "registrable offenders", who have been convicted of serious offences against children (generally sex offences and offences of violence with a sexual element) to register with, and provide certain personal information to the police upon their release from prison or upon conviction if no custodial sentence is imposed. Registrable offenders are then required, regularly, to report to police and to keep police informed about any changes to the required information. Failure to report to police or update information as required are themselves further offences. Penalties for breaches of the legislation include imprisonment. The length of time a registrable offender must remain registered depends upon the nature and seriousness of the offence with which the offender has been convicted, but can be for life in the most serious of cases.

The purpose of a child offender register, in the Australian context, is to assist police to monitor the whereabouts and activities of registrable offenders who, because of their record of serious offending, are thought to pose a sexual threat to children. Access to the information on the register is strictly controlled, and is limited to police and other law enforcement authorities for monitoring and law enforcement purposes.

Importantly, the register is not accessible by members of the public, as it is in many U.S. jurisdictions. Experience has taught that public access to such information is unwise. Practical experience in the U.K. and the U.S.A. has shown that public release of the information results in mayhem and vigilantism. In the U.K., vigilantes with a limited vocabulary burnt a paediatrician's house to the ground. In addition, it can be said that police across Australia have firmly decided that the national policy should be against public release. They know only too well (and rightly so) what problems will result for them.

Legislation to establish a child sex offender register was first enacted in Australia in New South Wales in 2000.

At its 44th meeting in July, 2003, the Australasian Police Ministers' Council (A.P.M.C.) resolved to support the development of a national child sex offender register based on draft legislation modelled on the New South Wales Register and associated legislation.

The proposed model was the subject of consultation, at both officer and ministerial level, with the Standing Committee of Attorneys-General (SCAG). Although supportive in principle, SCAG was concerned to ensure that the proposed model was balanced, and effectively directed resources towards the problem of recidivist and predatory pederasts. General agreement was reached on these matters:

- a National Register should be established based on a mandatory reporting model for specified categories of offences against children;
- the National Register will be managed by CrimTrac;
- there will be mutual recognition of reporting orders, so that a reporting requirement imposed under the legislation of one jurisdiction will be recognised in other jurisdictions (i.e., a reporting obligation registered nationally remains enforceable when a registered offender moves interstate);
- the registrable information reporting requirements should be nationally consistent (although allowing that the requirement for annual reporting may be imposed by means of a notice to report);
- it will be an offence to disclose information contained in the register without proper authority (leaving each jurisdiction to set, by an appropriate mechanism, the boundaries for authorised information release);
- there may be some variation between jurisdictions on:
  - the categories of offenders automatically registered;
  - the length of reporting periods; and
  - the extent of the court-review mechanisms available (noting, in particular, that different arrangements are likely to apply for juveniles).

In accordance with the agreement between A.P.M.C. and SCAG, Victoria enacted the *Sex Offenders Registration Act 2004*. This legislation provides for the creation of a register that imposes mandatory reporting obligations on some registrable offenders and discretionary reporting obligations on others. The Government proposes that the South Australian legislation be modelled on the *Victorian Sex Offenders Registration Act 2004* with some minor modifications. The details of the Bill are set out below.

Who is a 'registrable offender'

The Act will apply to three categories of registrable offenders:

- mandatory registrable offenders;
- corresponding registrable offenders; and
- discretionary registrable offenders.

A mandatory registrable offender is a person who has been sentenced for a class 1 or class 2 'registrable offence'. These offences are contained in the Schedules to the Bill. The list of registrable offences is strictly limited to child sex offences and serious offences of sexual violence against children in accordance with the original intent of the legislation. The legislation will provide that a person acquitted of, or found unfit to stand trial for, a registrable offence by reason of mental impairment, will be caught by the mandatory registration requirements.

A corresponding registrable offender is a person who is a registrable offender under the corresponding legislation of another State or Territory.

A discretionary registrable offender is a person who is ordered to register with the Commissioner by a court, being:

- a child who has been found guilty of a mandatory registrable offence where the court, having taken into account any matter that it considers appropriate, is satisfied that the child poses a risk to the sexual safety of one or more children;
- a person who has been found guilty of an offence that is not a class 1 or class 2 offence, where the court, having taken into account any matter that it considers appropriate, is satisfied that the person poses a risk to the sexual safety of one or more children;
- a person who is subject to a Paedophile Restraining Order ("P.R.O.") under section 99AA of the *Summary Procedure Act* and who does not already meet the definition of a registrable offender (in practice this will be limited to where the P.R.O. is made under 99AA(1)(b)(iii), that is, where the person has not been convicted of a child-sexual offence). Any registration order made on this basis only has the life of the principal order itself.

Right of Appeal against initial registration

There will be no right of appeal against initial registration for:

- mandatory registrable persons; or
- corresponding registrable persons.

There will, however, be a right of appeal against initial registration for discretionary registrable persons. The onus will be on the person to establish that, if the order was made, the effect on the person, including on their privacy and liberty, would be grossly disproportionate to the public interest in protecting society through the effective investigation of crimes of a sexual nature, to be achieved by registration under the Act. The Court will be given authority to stay a registration order pending an appeal.

Effect of Registration

These reporting obligations apply to all registrable persons:

- within 28 days of sentencing or the making of a child sex offender registration order, 28 days of release from custody, 45 days from the commencement date of legislation (if the offender is not in custody) or 14 days from entering the State, the registrable person must provide to the Commissioner this information:
  - name (including any aliases or previous names);
  - date of birth;
  - address;
  - name and ages of all children with whom they reside or with whom they have regular unsupervised contact;
  - name and details of employment (including training or voluntary work);
  - nature of employment;
  - details of any affiliations with any club or organisation with child membership;
  - details of cars owned or regularly driven;
  - details of tattoos or other distinguishing marks; and
  - details of any convictions or custody;
- notify the Commissioner within 14 days of any change to the prescribed personal information;

· report to the Commissioner annually, confirming the accuracy of the prescribed information;

· give the Commissioner seven days notice of any intended absence from the State for more than 14 days, including the details of the proposed absence (where to, how long, approximate return date), any change in the notified details and, within 14 days, notify the Commissioner of their return. Other reporting obligations are suspended for the time the person is absent from the State. However, they will be subject to equivalent reporting obligations in the jurisdiction they are visiting.

Initial, annual or change of detail reports about certain matters (change of address, tattoo or distinguishing mark) must be made in person to specified approved police officers. Other reports may be made in a prescribed or approved (by Commissioner) manner. Allowances will be made for reportable persons living in remote areas or with disabilities that render reporting in person or within the specified timetables impractical.

Reporting Period

The reporting obligations will apply to a registrable person for the relevant reporting period. These are:

· for a mandatory reportable person:

· eight years for a single class 2 offence;

· 15 years for a single class 1 offence or multiple class 2 offences;

· life for offenders already registered because of a class 1 offence who are found guilty of another registrable offence (class 1 or 2); offences registered for a class 2 offence found guilty of a subsequent class 1 offence; offenders already registered for one or more class 2 offences and found guilty of another one or more class 2 offences (i.e., resulting in conviction for three or more class 2 offences);

· for a discretionary reportable person:

· for conviction for a non-registrable offence in relevant circumstances, such period as is ordered by the court;

· if a child, half the relevant prescribed mandatory registration period if applicable, or as ordered by the court if discretionary (noting juveniles are not liable for registration for life);

· if registrable solely because of a P.R.O., for the life of the P.R.O.

Exemptions from reporting obligations

Where a registrable person is subject to lifetime registration, he or she may apply to the Supreme Court after 15 years for an order suspending the reporting obligation.

A discretionary registrable person may apply to the Supreme Court for an order suspending or cancelling the reporting obligations at any time.

Establishment of Child Sex Offender Register

The Act will:

· require the Commissioner to establish a Child Sex Offender Register (the Register);

· require the Commissioner to enter on to the Register all required information about a registrable offender (including all updated information);

· require the Commissioner to restrict access to the Register to authorised persons;

· require the Commissioner to develop guidelines about access to, and disclosure of, information from the Register (which must be approved by the Minister);

· prohibit unauthorised access to or disclosure of information from the Register;

· provide a registrable person with the right to:

· require the Commissioner to provide him with a copy of any information about him on the Register; and

· require the Commissioner to amend an entry that is incorrect.

Prohibition on Child-Related Employment

The Act will prohibit a registrable person from applying for employment in a child-related area for the period of registration. Further consultation will occur on whether the period of prohibition should apply after the period of registration finishes and, if so, for how long. For the purposes of the prohibition, "child-related employment" will be defined broadly to include employment (paid, voluntary or training) involving contact with a child in connection with:

· pre-schools or kindergartens;

· child care centres;

· educational institutions for children;

· child protection services;

· juvenile detention centres;

· refuges or other residential facilities used by children;

· foster care for children;

· hospital wards or out-patient services (whether public or private) in which children are ordinarily patients;

· overnight camps regardless of the type of accommodation or of how many children are involved;

· clubs, associations or movements (including of a cultural, recreational or sporting nature) with significant child membership or involvement;

· programs or events for children provided by any institution, agency or organisation;

· religious or spiritual organisations;

· counselling or other support services for children;

· commercial baby sitting or child minding services;

· commercial tuition services for children;

· services for the transport of children.

Offences

The Act will provide for these offences:

· failing to comply with reporting obligations;

· furnishing false or misleading information; and

· unauthorised access to or disclosure of information from the Register.

Retrospectivity

The Act will apply retrospectively, meaning:

· persons who have been convicted of a registrable offence, but before commencement of the legislation ("prior convictions"), will have to register for the balance of the relevant registration period;

· prior convictions will be relevant in calculating the relevant registration period.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Object

This clause specifies the object of the measure.

4—Interpretation

This clause defines terms used in the measure. In particular—

registrable offence is defined to mean a class 1 offence (see Schedule 1 Part 2 of the measure), a class 2 offence (see Schedule 1 Part 3 of the measure) or an offence that results in the making of a child sex offender registration order (see clause 9);

offence is defined to include conduct that is, under clause 5, equated with the commission of an offence for the purposes of the measure.

5—Conduct equated with commission of an offence

This clause provides that conduct that is not an offence but is found by a court to be sufficient to ground the making of a restraining order under section 99AA of the *Summary Procedure Act 1921* (a paedophile restraining order) is, for the purposes of the measure, equated with the commission of an offence.

Part 2—Offenders to whom Act applies

6—Who is a registrable offender?

This clause identifies that a registrable offender is—

(a) a person whom a court has at any time (whether before, on or after the commencement of the clause) sentenced for a registrable offence;

(b) a foreign registrable offender;

(c) a New South Wales registrable offender.

A person is not however a registrable offender merely because while under the age of 18 he or she committed a class 1 or class 2 offence for which he or she has been sentenced or because of being sentenced for a single class 2 offence if the sentence did not include a term of imprisonment and was not a supervised sentence.

7—Who is a foreign registrable offender?

This clause defines foreign registrable offenders.

8—Who is a New South Wales registrable offender?
This clause defines New South Wales registrable offenders.
9—Child sex offender registration order
This clause allows a court to make a child sex offender registration order on sentencing a person for any offence or on making a paedophile restraining order if the court is satisfied that the person poses a risk to the sexual safety of any child or children. In addition the Magistrates Court is empowered to make a child sex offender registration order in relation to a person who has been sentenced for an offence against the law of a foreign jurisdiction (and who is not otherwise a registrable offender in respect of that offence) if the court is satisfied that the person poses a risk to the sexual safety of any child or children.
10—Appeal against order
This clause provides for an appeal against a child sex registration order.
Part 3—Reporting obligations
Division 1—Initial report
11—When report must be made
This clause identifies when the initial report under the measure must be made by a registrable offender (depending on whether the registrable offender is in custody etc).
12—When new initial report must be made by offender whose previous reporting obligations have ceased
This clause sets out reporting requirements for a person who is sentenced for a registrable offence after previous reporting requirements have expired.
13—Initial report by registrable offender of personal details
This clause sets out the personal details that must be included in the initial report.
14—Persons required to report under corresponding law
This clause sets out requirements relating to a person who is required to report to a corresponding registrar and who enters and remains in South Australia.
Division 2—Ongoing reporting obligations
15—Registrable offender must report annually
This clause provides for annual reporting by registrable offenders.
16—Registrable offender must report changes to relevant personal details
This clause requires a report to be made where the personal details of a registrable offender change.
17—Intended absence from South Australia to be reported
A registrable offender must report any intended absence if the registrable offender will be travelling interstate for 14 days or more, or overseas.
18—Change of travel plans while out of South Australia to be given
This clause provides for reporting where a registrable offender changes his or her travel plans so that he or she will be out of South Australia for more than 13 days or wants to change any other details provided under the preceding clause.
19—Registrable offender to report return to South Australia or decision not to leave
This clause provides that a registrable offender who is required to report an intended absence under clause 17 must report his or her return or a decision not to leave.
20—Report of other absences from South Australia
This clause requires reporting of other shorter absences from the State if they occur at least once a month.
Division 3—Provisions applying to all reporting obligations
21—Where report is to be made
This clause specifies where reports are to be made.
22—How report is to be made
This clause specifies how reports are to be made (whether in person or otherwise).
23—Right to privacy and support when reporting
A person making a report is entitled to make the report out of the hearing of other members of the public and is entitled to be accompanied by a support person.
24—Receipt of information to be acknowledged
A written acknowledgment of a report is to be given by the police officer or other person receiving the report.
25—Additional matters to be provided
This clause provides for the provision of other identification documents when a report is made.
26—Power to take fingerprints or fingerscan
This clause empowers the taking of fingerprints or a fingerscan from a person making a report.
27—Power to take photographs
A police officer may arrange for the taking of photographs of the registrable offender.
28—Reasonable force may be used
This clause authorises the use of reasonable force (in certain circumstances) to take fingerprints, a fingerscan or photographs.
29—*Criminal Law (Forensic Procedures) Act 1998* not to apply
The *Criminal Law (Forensic Procedures) Act 1998* is not to apply to the taking of fingerprints, fingerscans or photographs under the measure.
30—Retention of material for certain purposes
This clause provides for the retention of documents and fingerprints and photographs of a registrable offender during the reporting period of the registrable offender, and for destruction of such material on the expiry of that period.
31—Reporting by remote offenders
This clause makes special provision in relation to reporting by registrable offenders who reside more than 100 km from the nearest police station.
Division 4—Suspension of reporting obligations
32—Suspension of reporting obligations
This clause allows for suspension of reporting obligations in certain circumstances.
Division 5—Reporting period
33—When reporting obligations begin
This clause defines when reporting obligations begin. If the offender is placed in custody in relation to the offence, the obligation begins on release from that custody and if the offender is not in custody, the obligations begin when the offender is sentenced.
34—Length of reporting period
This clause specifies the length of the reporting period, which varies according to the type and number of offences committed but can in some cases be for the remainder of the person's life.
35—Reporting period for foreign registrable offenders
36—Reporting period for New South Wales registrable offenders
These clauses specify the reporting period for foreign registrable offenders and NSW registrable offenders.
Division 6—Exemption from reporting obligations
37—Supreme Court may exempt certain registrable offenders
Under this clause a registrable offender who is required to continue to comply with the reporting obligations for the remainder of his or her life can apply to the Supreme Court for suspension of the obligations if—

(a) a period of 15 years has passed since he or she was last sentenced or released from government custody in respect of a registrable offence or a foreign registrable offence, whichever is later; and

(b) he or she did not become the subject of a lifelong reporting period under a corresponding law whilst in a foreign jurisdiction before becoming the subject of such a period in South Australia; and

(c) he or she is not on parole in respect of a registrable offence.

38—Order for suspension
This clause provides for the making of orders suspending obligations. In deciding whether to make the order, the Supreme Court must take into account—

(a) the seriousness of the registrable offender's registrable offences and foreign registrable offences; and

(b) the period of time since those offences were committed; and

(c) the age of the registrable offender, the age of the victims of those offences and the difference in age

between the registrable offender and the victims of those offences, as at the time those offences were committed; and

(d) the registrable offender's present age; and

(e) the registrable offender's total criminal record; and

(f) any other matter the Court considers appropriate.

The Court must not make the order unless it is satisfied that the registrable offender does not pose a risk to the sexual safety of any child or children.

39—Commissioner is party to application

This clause makes the Commissioner a party to an application for an order suspending obligations.

40—No costs to be awarded

No costs are to be awarded in proceedings for an order suspending obligations.

41—Restriction on right of unsuccessful applicant to re-apply for order

A registrable offender is not entitled to make a further application to the Supreme Court until 5 years have elapsed from the date of a refusal, unless the Court otherwise orders at the time of the refusal.

42—Cessation of order

This clause provides that an order suspending obligations ceases if the registrable offender—

(a) is made subject to a child sex offender registration order; or

(b) is found guilty of a registrable offence; or

(c) becomes a foreign registrable offender who must under clause 35 continue to comply with the reporting obligations imposed by the Part for any period.

The clause also provides that the order can revive in certain circumstances.

43—Application for new order

This clause provides for the making of an application for a new order suspending obligations where a previous order has ceased under clause 42.

Division 7—Offences

44—Offence of failing to comply with reporting obligations

This clause creates an offence of failing to comply with reporting obligations without a reasonable excuse. The offence is punishable by a fine of $10 000 or imprisonment for 2 years.

45—Offence of furnishing false or misleading information

This clause creates an offence of furnishing false or misleading information that is punishable by a fine of $10 000 or imprisonment for 2 years.

46—Time limit for prosecutions

Proceedings for an offence must be commenced within 2 years unless the Attorney-General authorises the commencement of the proceedings at a later time.

47—Bar to prosecution for failing to report leaving South Australia

If a registrable offender leaves South Australia and is found guilty of failing to report his or her presence in a foreign jurisdiction as required by a corresponding law, the registrable offender is not to be prosecuted for a failure to comply with clause 17 in respect of the travel out of South Australia.

Division 8—Notification of reporting obligations

48—Notice to be given to registrable offender

This clause requires the Commissioner to give a registrable offender written notice of his or her reporting obligations and the consequences of failing to comply.

49—Courts to provide information to Commissioner

This clause requires the courts to provide the Commissioner with certain information relevant to the measure.

50—Notice to be given when reporting period changes

This clause requires the Commissioner to give a registrable offender written notice of a change to his or her reporting period.

51—Supervising authority to notify Commissioner of certain events

If a registrable offender—

(a) ceases to be in strict government custody; or

(b) ceases to be in government custody; or

(c) ceases to be subject to a supervised sentence; or

(d) ceases to be subject to a condition of parole requiring the person to be subject to supervision; or

(e) ceases to be an existing licensee,

the supervising authority must notify the Commissioner of that fact.

52—Notices may be given by Commissioner

This clause allows the Commissioner to give written notices to a registrable offender at any time (ie. even when not required under another provision).

53—Failure to comply with procedural requirements does not affect registrable offender's obligations

A failure by a person other than a registrable offender to comply with any procedural requirement imposed on the person does not, of itself, affect a registrable offender's reporting obligations.

Division 9—Modified reporting procedures for protected witnesses

54—Who this Division applies to

This clause provides that the Division applies to—

(a) registrable offenders who are participants in the State Witness Protection Program; and

(b) registrable offenders who are the subject of an order in force under the Division.

55—Report need not be made in person

A person to whom this Division applies will comply with the reporting requirements of this Part if he or she reports such information as the Commissioner requires him or her to report and does so at the times, and in a manner, authorised by the Commissioner and if acknowledgment is given in a manner approved by the Commissioner.

56—Order as to whether Division applies

This clause allows for the making of an order by the Commissioner that a person either is, or is not, a person to whom this Division applies and provides for internal review of such orders.

57—Appeal to District Court

This clause allows for an appeal to the Administrative and Disciplinary Division of the District Court against an order under clause 56.

58—When order takes effect

This clause defines when an order takes effect.

59—Modification of ongoing reporting obligations

This provision provides for the application of clauses 13(1), 17 to 20 and 47 with respect to a person to whom this Division applies as if any reference in the clauses to South Australia were a reference to the jurisdiction in which the person generally resides.

Part 4—The register of child sex offenders

60—Register of child sex offenders

This clause provides for the establishment of the register and specifies the information that is to be entered on the register in respect of each registrable offender.

61—Access to register to be restricted

This clause provides for the development of guidelines (which are to be approved by the Minister) governing access to the register. The guidelines are to ensure that access to information contained in the register is restricted to the greatest extent that is possible without interfering with the purpose of the measure.

62—Restriction on who may access personal information on protected witnesses

This clause makes special provision in relation to access to information in the register that identifies, or might identify, a person to whom Part 3 Division 9 applies.

63—Registrable offender's rights in relation to register

This clause gives a registrable offender a right to a copy of reportable information held in the register in relation to the registrable offender on request. There are also provisions to allow a registrable offender to request amendment of information and for review of decisions on such a request by the Police Complaints Authority.

Part 5—Registrable offenders prohibited from child-related work

64—Interpretation

This clause defines certain terms used in the Part. In particular ***child-related work*** is defined as work involving contact with a child in connection with—

(a) pre-schools or kindergartens;

(b) child care centres;

(c) educational institutions for children;

(d) child protection services;

(e) juvenile detention centres;

(f) refuges or other residential facilities used by children;

(g) foster care for children;

(h) hospital wards or out-patient services (whether public or private) in which children are ordinarily patients;

(i) overnight camps regardless of the type of accommodation or of how many children are involved;

(j) clubs, associations or movements (including of a cultural, recreational or sporting nature) with significant child membership or involvement;

(k) programs or events for children provided by any institution, agency or organisation;

(l) religious or spiritual organisations;

(m) counselling or other support services for children;

(n) commercial baby sitting or child minding services;

(o) commercial tuition services for children;

(p) services for the transport of children.

65—Registrable offender excluded from child-related work

This clause makes it an offence for a registrable offender to apply for or engage in child-related work. The offence is punishable by 5 years imprisonment.

66—Offence to fail to disclose charges

This clause makes it an offence for a person who is engaged in, or has applied for, child-related work and who is charged with a class 1 or 2 registrable offence to fail to disclose charges to his or her employer or prospective employer. The offences are punishable by a fine of $5 000.

Part 6—Miscellaneous

67—Confidentiality of information

This clause makes it an offence to intentionally or recklessly disclose information obtained under the measure other than in accordance with the principles in Schedule 2. The maximum penalty for the offence is imprisonment for 5 years.

68—Restriction on publication

This clause makes it an offence to intentionally or recklessly publish a report containing information disclosed in contravention of clause 67.

69—*State Records Act 1997* and *Freedom of Information Act 1991* not to apply

This clause provides that the *State Records Act 1997* and the *Freedom of Information Act 1991* do not apply to information obtained under the measure.

70—Immunity of persons engaged in administration of Act

This clause provides for immunity from personal liability for a person engaged in the administration of the measure for an act or omission in good faith in the exercise or discharge, or purported exercise or discharge, of official powers or functions. Such liability lies instead against the Crown.

71—Effect of spent convictions

Whilst South Australia does not have a spent convictions regime, other jurisdictions do and this provision makes it clear that the fact that a conviction has become spent under such legislation does not affect its status as an offence under this Act.

72—Evidentiary

This clause provides for evidentiary certificates (signed by the Commissioner, or a police officer holding a position designated in writing by the Commissioner for the purposes of the clause) relating to matters contained in the register. The provision also provides for recognition of certificates under a corresponding law.

73—Regulations

This clause provides for the making of regulations.

Schedule 1—Class 1 and 2 offences

Part 1—Preliminary

1—Interpretation

This is an interpretative provision for the Schedule.

Part 2—Class 1 offences

2—Class 1 offences

This clause lists the class 1 offences.

Part 3—Class 2 offences

3—Class 2 offences

This clause lists the class 2 offences.

Schedule 2—Information disclosure principles

Schedule 2 sets out the information disclosure principles for the purposes of clause 67.

Schedule 3—Related amendments

This Schedule makes a related amendment to the *Criminal Law (Sentencing) Act 1988* to provide that, in determining sentence for an offence, a court must not have regard to any consequences that may arise under the *Child Sex Offenders Registration Act 2006*.

The Hon. R.I. LUCAS secured the adjournment of the debate.

ADJOURNMENT

At 10.37 p.m. the council adjourned until Thursday 31 August at 2.15 p.m.