LEGISLATIVE COUNCIL

Thursday 31 May 2007

The PRESIDENT (Hon. R.K. Sneath) took the chair at 11 a.m. and read prayers.

STANDING ORDERS SUSPENSION

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

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15 p.m.

Motion carried.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

The Hon. CARMEL ZOLLO (Minister for Emergency Services) obtained leave and introduced a bill for an act to amend the Correctional Services Act 1982. Read a first time.

The Hon. CARMEL ZOLLO: I move:

That this bill be now read a second time.

The catalyst for this bill arose out of attention to the allegations that prisoner Bevan Spencer von Einem was receiving special treatment at Yatala Labour Prison and that prison staff had engaged in inappropriate behaviour in their dealings with him. The resultant departmental report, which was completed in January 2007, confirmed a number of the allegations. The department has implemented a range of recommendations contained in the investigation report to prevent the circumstances that have occurred in this situation from happening again. However, to progress this matter further it is now necessary to develop a mix of supporting legislation and regulations to:

· prevent money to which a prisoner may not be entitled, or where the identity of the person making the payment is not known, being placed in the prisoner's prison trust account;

· prevent prisoners being prescribed certain prescription drugs;

· prevent prisoners from entering into contracts with correctional staff, or other designated people who frequent prisons; and

· prevent prisoners from removing goods that they may have made whilst in prison for sale in the community without the authority of the chief executive.

This government is committed to preventing prisoners profiting from goods made in prison, such as in the case of greeting cards and paintings made by prisoner von Einem.

In relation to the prisoner allowance and other money, prisoners constantly, of course, receive money from outside sources to enable them to purchase items from prison canteens and to make telephone calls. This money is in addition to the money that the prisoner can earn by working in prison-based industries. In some cases the identity of the person providing the money is not known and the prisoner's entitlement to the money is brought into question. The proposed legislation will enable prison staff to require a prisoner and the person making the payment to establish the entitlement of the prisoner to the money being received and, where necessary, the identity of the person making the payment. Where these matters are established, the money will be placed in the prisoner's account which can be accessed for the purposes described above, or for any other approved reason.

Where a prisoner is unable to identify the person making the payment or the prisoner's entitlement to the money, the chief executive has several options available, including the payment of the money to the Treasurer under the Unclaimed Moneys Act 1891. Had this legislation been in force prior to the von Einem situation, it would not have been possible for anonymous monetary transactions to be placed in his prison accounts. He would also have had to explain the reasons for the money.

In relation to unauthorised contracts with prisoners, the bill will make it an offence for prisoners to enter into a contract with staff or other persons of a class prescribed by the regulations for that purpose. Such persons may include persons who, although not departmental staff, work in the state's prisons. Examples include visiting inspectors, visiting tribunals, volunteers, chaplains and maintenance workers. To emphasise the seriousness of the offence, it will carry a penalty of $10 000 or two years' imprisonment.

In relation to prisoner's goods, it is apparent that, if prisoners are prevented from selling their goods within the prison, they will revert to sending them outside of the prison to be sold by relatives or friends in the community. The proposed amendment to section 33A will prevent this from happening without the approval of the chief executive or his delegate. Thus, the chief executive will have the discretion to allow items to be sent from the prison that prisoners have made for close relatives in the community, for birthdays or other special occasions, or for any other reason that he considers appropriate. The amendment also makes provision for the disposal of goods that have been sent, supplied or given contrary to section 33A.

In relation to regulations to prohibit, restrict or regulate the supply of drugs to prisoners, I advise that, during the investigations relating to prisoner von Einem, it was found that medical staff had prescribed for his use a drug to address erectile dysfunction (Cialis). It is not appropriate for drugs of this nature to be prescribed to prisoners, and the proposed amendment to the regulation-making power will prevent this occurring again. By inserting a power to make regulations prohibiting, restricting or regulating the supply of drugs (including prescription drugs), regulations may be made from time to time in response to any new drugs that may be marketed by pharmaceutical companies that may similarly be inappropriate to be supplied to prisoners.

In relation to other amendments to the regulation-making power, I advise that the opportunity has been taken to include a power to impose a penalty not exceeding $2 500 for an offence committed against the regulations and to make provision for the regulations to be more flexible. In addition to this report, I want to make some additional comments in relation to prison artworks. This government has taken a strong stand against prisoners benefiting from their notoriety. I am determined to do all I can to ensure that this does not happen in relation to prisoner arts and crafts. I have also been concerned for some time about the fact that prisoner artworks are displayed publicly with little regard to the pain this may cause victims.

The prisoner arts program is important for rehabilitation and developing the self-esteem of some prisoners. Such programs are particularly important to Aboriginal prisoners. I support these programs. By passing this legislation, the parliament will be giving the Chief Executive the power to restrict the movement of goods, including arts, crafts and

other prisoner-produced items. I will expect this power to be underpinned with appropriate policies in relation to outside art exhibitions and require strict rules to protect victims of crime from distress. I urge all honourable members to support this important measure, and I hope that these amendments are dealt with in a timely manner. I commend the bill to members. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Correctional Services Act 1982*

4—Amendment of section 31—Prisoner allowances and other money

The proposed amendment to this section deals with how money must be dealt with if a prisoner receives any money other than an allowance paid under section 31. It is proposed to delete current subsection (5a) and replace it with a subsection that mirrors the procedure that must be followed by the manager of a correctional institution if money is sent to a prisoner in a letter.

5—Amendment of section 33A—Prisoners' goods

Current section 33A makes provision for dealing with goods sent to or given by a prisoner from or to persons outside the prison. Subsection (1) currently provides that a prisoner is not entitled to receive goods from outside the prison without the permission of the manager. It is proposed to amend this so that this action requires the permission of the Chief Executive Officer. There are other amendments proposed throughout the section consequential on this change.

New subsection (2) provides that a prisoner is not entitled to send, supply or give any goods to another person (whether inside or outside of the prison) unless the prisoner has the permission of the Chief Executive Officer. The Chief Executive Officer has complete discretion to dispose of any goods that consist of prohibited items or goods sent, supplied or given by a prisoner without permission as he or she thinks fit.

Prohibited items under the principal Act or goods that are prohibited under some other Act or law must be destroyed unless they are to be kept as evidence of an offence.

6—Insertion of section 82

New section 82 is to be inserted at the beginning of Part 8 (Miscellaneous).

82—Unauthorised contracts with prisoners prohibited

This new section makes it an offence for a person to whom this section applies to enter into a contract with a prisoner without the permission of the Chief Executive Officer. The penalty proposed is a fine of $10 000 or imprisonment for 2 years. Any contract entered into in contravention of this prohibition is void and of no effect. This new section will apply to the following persons:

(a) officers or employees of the Department;

(b) members of the police force employed in a correctional institution;

(c) persons of a class prescribed by the regulations for the purposes of this section.

7—Amendment of section 89—Regulations

It is proposed to clarify section 89 by adding an express power for regulations to be made prohibiting, restricting or regulating the supply or administration to prisoners of drugs (including prescription drugs under the *Controlled Substances Act 1984*). It is also proposed to include a power to impose fines (not exceeding $2 500) for offences against the regulations and make provision for the regulations to—

- be of general application or limited application;
- make different provision according to the matters or circumstances to which they are expressed to apply;
- provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or the Chief Executive Officer;
- include evidentiary provisions to facilitate proof of contraventions of the regulations for the purposes of proceedings for offences.

The Hon. S.G. WADE secured the adjournment of the debate.

SUPPLY BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 214.)

The Hon. R.I. LUCAS: I rise to support the second reading of the bill. The first issue I want to address is that there has been some argy-bargy in the corridors of this place in relation to when this bill is required to be passed. I note that there has also been some discussion from various ministerial offices in relation to other bills as well. It is not always the case that correct information has been given to opposition members or to Independent or third party members.

I refer to the minister's second reading explanation, because it makes it quite clear, as follows:

> This year, the government will introduce the 2007-08 budget on 7 June 2007. A Supply Bill will be necessary for the first three months of the 2007-08 financial year until the budget has passed through the parliamentary stages and received assent. In the absence of special arrangements in the form of the supply acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriate Bill.

Put simply, what the second reading explanation is saying is that this bill provides up to $2 billion to be spent between 1 July of this year and three months later, or whenever the Appropriate Bill has passed through all stages of parliament. So, this Supply Bill has no requirement at all to have been passed by Tuesday as the government leader and the government whip have been trying to suggest, that is, that there was some urgency in relation to this measure. There is no urgency in relation to the bill having to pass last night, which has been suggested, or, indeed, for that matter, is there any urgency for it to pass today. As long as the Supply Bill is passed by a number of days before 30 June so that assent, etc. can be received for the legislation, that is more than sufficient—and that has always been the case in relation to the requirement for the passage of the Supply Bill through both houses of parliament.

What is being suggested by the government, the leader, the government whip and others is that, in some way, there is a pressing urgency for this legislation to be passed, that is, that bills will not be able to be paid and wages will not be able to be paid to public servants. Let us put that furphy to rest right from the word go. In particular, new members of the Legislative Council, from the minor parties and others, ought not be deceived by those claims in relation to the urgency of the legislation.

The Hon. B.V. Finnigan interjecting:

The Hon. R.I. LUCAS: Well, I don't need to. I can speak in this chamber and, as long as you have your ears open occasionally, Bernie, and your master is not in the gallery requiring you to stand up on occasions to appear to be doing something, you will learn, hopefully. It is simple. That is what the minister's second reading explanation made quite clear, that is, that this bill only requires passage prior to 30 June. Therefore, if the parliament decided, or individual members decided, they wanted to debate the bill next week,

or, indeed, in two weeks on or around about 19 June, there is no issue, problem or concern, contrary to the claims made by the government whip and the government leader.

I hope that new members will not be misled by those claims that have been made on this occasion—and, indeed, will be made on future occasions. When the Supply Bill is introduced, I hope they will not be misled by the government whip or the government leader in terms of those claims; or, indeed, if they make those claims, they will be taken with a grain of salt in relation to the truth not being told about these issues. All I am inviting the government leader and the government whip to do is to be honest with the Independent members of the Legislative Council in relation to the passage of the—

The Hon. J. GAZZOLA: I have a point of order, sir. The Hon. Robert Lucas is suggesting that I have been dishonest with members and I ask him to withdraw.

The PRESIDENT: If that was the case, I am sorry I did not hear the remark.

The Hon. R.I. LUCAS: That was not the case, Mr President. He is not telling the truth.

The PRESIDENT: If the Hon. Mr Lucas has called—

The Hon. R.I. LUCAS: Sir, that was not the case.

The Hon. J. Gazzola: We look forward to your next seven years.

The Hon. R.I. LUCAS: So do I! The next issue is: what is the Supply Bill? In essence, we are being asked to provide up to $2 billion to allow the government to continue to pay its bills and public servants and incurred expenditure that is required for that to occur in the first three months of the next financial year. To all intents and purposes, it is exactly the same as the Appropriation Bill. The Appropriation Bill, through its passage, authorises the government of the day to pay all its bills and public servants for the 12-month period. The Supply Bill is exactly the same. All it is doing is giving interim authority in an aggregate or broad sense to allow the government to continue to operate until the Appropriation Bill is passed.

I have noted on this occasion and on recent occasions—and I must express my personal concern—that you, sir, as President, are being placed under pressure by members of the government to restrict debate on the Supply Bill.

The Hon. P. HOLLOWAY: I have a point of order, sir. The ex-leader of the opposition has indicated that we have been placing pressure on you, sir, to restrict debate on the Supply Bill. That is totally untrue. It is a reflection on your authority, Mr President, and I ask you to pick him up on it.

The PRESIDENT: Order! I must say that I think I have been most generous with members to let them stray off the Supply Bill debate.

Members interjecting:

The PRESIDENT: Order! I have been most generous with members, especially the newer members. The Hon. Mr Lucas, having many years' experience, should know better than to reflect on the chair and he should stick to the Supply Bill debate.

The Hon. R.I. LUCAS: Thank you, Mr President. Let us look at contributions to the Supply Bill debate—indeed, Mr President, I am sure you remember one of your fine contributions to the Supply Bill debate in 2002, where you referred to the racing industry and the contribution of the TAB. In the Supply Bill debate in 2002 the Hon. Carmel Zollo referred to the wine industry and its contribution to the South Australian economy; aquaculture and its contribution to the South Australian economy; olive grove plantations and their contribution to the South Australian economy; the real estate boom and its contribution to the state economy; concerns in relation to public liability insurance; and building indemnity insurance.

I refer to the contribution by the Hon. Mr Hunter in 2006 where he spent the majority of his speech attacking the federal Howard government and the federal budget. I refer to the contribution of the Hon. Mr Wortley in the Supply Bill debate in 2006 where he attacked the federal Liberal government and the federal budget on a variety of issues in relation to jobs, greenhouse emissions, renewable energy and the policies of the federal Liberal government in that particular area, and a number of other issues. I refer to the contribution of the Hon. Mr Finnigan in 2006 where he attacked the federal Liberal government in the Supply Bill debate and advertising campaigns of the federal government. He talked about the confidence in the South Australian economy. He talked about the prospects of electoral defeat by the Liberal Party in both state and federal campaigns. He reflected on the member for Unley in terms of his capacity to represent his electorate. He talked about preselections within both the Labor and Liberal parties as part of the—

The Hon. B.V. Finnigan interjecting:

The Hon. R.I. LUCAS: No; you concluded it. In preparation for this debate, I have been back through the precedents of Labor members under former Liberal presidents Irwin and Dunn from 1993 to 2002. I will not delay the proceedings of the chamber on this occasion but, if any member wants, I am happy to share the various issues that Labor members, including the Leader of the Government (Hon. Mr Holloway), under those two Liberal presidents between 1993 and 2002 raised in the Supply Bill debate. I will not delay the council on this occasion by going back into those debates. I have looked only at the past five years under Labor presidents—the Hon. Mr Roberts and your good self, sir—since 2002. This furphy is being pushed by government members that in some way the Supply Bill debate can address only a certain number of limited issues—those which they happen to approve. They believe that anything of concern to Labor government members is outside the purview of the Supply Bill debate.

However, for 20 years in this chamber under Liberal and Labor presidents, Labor members of parliament—including the Leader of the Government, the Hon. Mrs Zollo, the Hon. Mr Hunter, the Hon. Mr Wortley, the Hon. Mr Finnigan and your good self, Mr President (as I said, talking about the racing industry and the TAB as you did in your contribution in 2002)—have ranged widely within the Supply Bill debate.

The one advantage I have over other members in this chamber in the Supply Bill debate is that I have seen more than anyone else, with the exception of the Clerk of the Legislative Council. No-one can tell me what the precedent is in relation to Supply Bill debates because, with the exception of the Clerk, I can tell members what has gone on for 25 years. In essence, until recent years, they have been treated by and large as a de facto Appropriation Bill debate. I will concede that they have not always been as wide as the Appropriation Bill debate. I will concede that, but certainly, as I indicated with respect to the Hon. Carmel Zollo, olive groves, public indemnity insurance, aquaculture and the real estate boom were an accepted part of the Supply Bill debate. There might be some argument in relation to that if you look at it, because my view is that there should be a debate about the finances of the state and anything that impacts on those particular finances.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Indeed, that is what I will highlight, because last night the Hon. Caroline Schaefer talked about something that is absolutely critical to the state finances: the blow out in Public Service numbers. The concern was raised that that was straying from the Supply Bill debate. There is nothing more central, as I intend to address, to the concerns of the state's finances than the blow out in public sector numbers. My colleague the Hon. Stephen Wade addressed the issue of the massive blow out in minders within government ministers' offices. That is clearly an issue of expenditure which impacts on the state's finances. Again, concern was raised about that, and the issue was raised that that was straying from the Supply Bill debate.

My concern is that newer members, such as the Hon. Ann Bressington, who attempt to raise a range of issues but who are not aware of the precedence of the parliament in relation to the Supply Bill debate, are intimidated from being able to speak widely (as the Hon. Ann Bressington may have intended) in the Supply Bill debate because government members and others continue to raise issues that it is not part of the Supply Bill debate.

This issue ultimately rests with the Legislative Council. I have not yet discussed this with my colleagues so, at this stage, it is only a personal view, but in my view I think we should establish what the guidelines of the Supply Bill debate ought to be. We ought to have a discussion, and I prefer it not to occur during a debate when the President (whoever it might be) seeks to rule out of order a particular contribution, because the solution at that stage is for a motion of disagreement with the President's ruling. I would prefer not to go down that path. An alternative mechanism may well be—and I will certainly explore this—a motion during private member's time, where we indicate what the view of the parliament is about the Supply Bill debate.

My personal view is that the Supply Bill debate by and large is exactly the same as the Appropriation Bill debate, and that members should be entitled to speak in the Supply Bill debate as if it was the Appropriation Bill debate. One option for us would be (and, as I said, I will explore it with my colleagues first and then other members) that, if there is support, there can be an expression of intention by the Legislative Council that the Supply Bill debate ought to be treated in the way that the Appropriation Bill debate is treated.

There are too few opportunities to be able to address these important issues of the state's finances: the Appropriation Bill debate is one and the Supply Bill debate ought to be another. We ought not be restricted by the Leader of the Government and others who were quite happy when they were in opposition to speak on everything and anything during the Supply Bill debate, but now they are in government they want to prevent Liberal and other members from speaking on those issues during the Supply Bill debate. That is an issue that certainly I intend to explore and, if there is a majority view in this Legislative Council, we may well be able to resolve the issue to the satisfaction of the majority of members of the Legislative Council. Let us not have this government breaching further conventions, as it has been seeking to do, by restricting the Supply Bill debate.

I now want to turn to the issue of the aggregate results of the budget and, clearly, the impacts of the decisions the government has taken as outlined in the Appropriation Bill and as asked to be funded in the Supply Bill debate. I refer to the Budget Statement, Budget Paper No. 3 and to the table which is outlined on page 1.7 of that document and which shows the key budget aggregates and fiscal trends.

I invite members, as they consider the Supply Bill debate, to have a look at that table; and, obviously, we will have an update when the budget papers come out next month. Table 1.4 shows that, in essence, there are three measures of the performance of the state budget. It is referred to as the 'budget balances'. There are three measures as to whether or not the state budget is in deficit or surplus. The first and easiest one to understand is the cash position, the cash surplus, which was the way our budgets always used to be reported until the former Liberal government introduced changes in the late 1990s.

The cash position is still the way the federal government and federal commentators judge the healthiness of the federal budget. They do not look at any of the accrual measures to which I will refer in a minute: they look at the cash position of the federal budget, and the headline figure that is reported is the cash position. On the cash measure of deficits, the Rann government is predicting that for this and the next three years—for the four years of the forward estimates—the state budget will be in cash deficit. It starts off at a $75 million deficit and increases through to a $220 million deficit in three years, so for all four years we have a cash deficit.

The other two items are accrual measures of the healthiness of the state budget, and the first is called 'net lending'. When the Rann government was elected in 2002, it said that the only real measure of the healthiness of the state budget is whether you have the net lending measure in surplus or deficit. It said that we should not look at the cash position, that it should be the accrual, that we should look at the net lending position. I refer members to table 1.4, because on that one true measure, as the Rann government called it in 2002, the net lending position is in deficit of $118 million, and that increases in deficit to $223 million in four years—deficits over the next four years of approximately $800 million in aggregate.

Similarly, in the cash position we see deficits of around $650 million over the four-year period. So, we are talking, first, of the cash position, which we used and the federal government still uses, and on that measure we are in deficit in aggregate for the next four years of about $650 million and, if you look at the accrual measure—the net lending measure—the one true measure, according to the Rann government in 2002, we are in deficit over the next four years to the tune of approximately $800 million in aggregate for those four years.

We hear from members here and in the other place that the government has returned the budget to surplus. It can claim that because the third measure, which is another accrual measure—the net operating balance measure of the deficit or surplus—is actually in surplus. This year it is in surplus by $91 million, increasing in the fourth year, 2009-10, to a surplus of $208 million. So, of the three measures of deficit or surplus, the only measure that the state government can refer to indicating a surplus is the net operating balance. So a year or two ago, when the government realised it was having problems with both cash deficits and that the one true measure of the health of the budget, the net lending measure, would be in deficit, it then changed its targets and said, 'Look, the net lending is not now the one true measure of the healthiness of the budget; we want the net operating balance to be the measure because that happens to be the only one in surplus.'

In aggregate terms, that is one of the critical measures of the healthiness of the budget (table 1.4 or its equivalent in the coming budget papers), and it will be of great interest to members to monitor that. It is certainly my understanding, based on information from within Treasury, that we will see a continuation of a further significant increase in cash deficits and net lending deficits as a result of the lack of fiscal control by the Rann government. The government will still manufacture net operating balance surpluses so that it can continue to claim that there are surpluses in the budget, but on those two other measures—the federal government measure and the one true measure as announced by the Rann government in 2002—there will be significant deficits.

The second area I turn to, the critical area, as rightly identified by my colleague the Hon. Caroline Schaefer in her contribution yesterday, is in terms of wage and salary costs within the public sector and the impact on the budget. In aggregate terms my colleague was saying, as leaders Kerin, Evans and now Hamilton-Smith have been saying on behalf of the Liberal Party, in aggregate terms the Rann government budgeted for about 1 000 extra full-time equivalent public servants in its previous four budgets but ended up overshooting the mark by a lazy 8 000. So, instead of 1 000 full-time equivalents there were an extra 9 000 full-time equivalents in the public sector.

It is often claimed that these are all teachers, doctors, nurses and police but, when you look at the actual numbers, teachers, doctors, nurses and police account for at most somewhere between only 1 500 and 2 000 of the 9 000 extra full-time public servants. There has been a reduction in teacher numbers over the past five years. There has been an increase in nurses in terms of total numbers and an increase in police, probably of the order of a couple of hundred or so. The government has committed to increasing police numbers by 400 from 2006 to 2010, so that will continue to increase but, in terms of where we are now, we do not have the exact numbers.

One of the questions I put to the Leader of the Government is: can he confirm what the actual full-time equivalent numbers are now for the police, nurses, doctors and teachers? Can he also confirm what those full-time equivalent numbers were at the change of government in 2002? If the Leader of the Government, representing the Treasurer, is in a position to bring back to the chamber—there is plenty of time for this bill to pass both houses of parliament—the actual increases in those areas, we will be able to cast some light on where these extra 9 000 extra full-time equivalent employees have gone within the public sector and how many are in the critical areas of teachers, doctors, nurses and police.

The other critical area that relates to the budget and therefore to the appropriation and supply debates is in relation to exactly how many aggregate public servants we have in South Australia. It would seem to be a simple question. One would have thought that you could say to the Treasurer of the state, 'How many full-time equivalent public servants are you paying for at this time, or at the end of the last financial year?' But the sad reality is that we have been chasing that information for almost a year and we still have not been able to get it. So, I will be putting a series of questions to the Leader of the Government in relation to this important issue during this debate.

I take members back to 19 September 2006, eight or nine months ago. In the House of Assembly the Treasurer made a ministerial statement where he said:

> As I have advised the house previously, in May this year cabinet agreed to the Department of Treasury and Finance undertaking some preliminary work to assess the options for implementing a cap on public servant numbers. The Under Treasurer subsequently wrote to all chief executive officers requesting information on current approved full-time equivalent. . . staffing levels. I can inform the house today that yesterday cabinet agreed to implement a cap on public servant numbers. . . I will repeat that because members opposite seem to be hard of hearing: I can inform the house that yesterday cabinet agreed to implement a cap on public servant numbers. This is a further improvement in the government's financial management of the state. . . The cap will be set with reference to the employee data recently collected by the Department of Treasury and Finance.

The Treasurer indicated that employee data had recently been collected (past tense) by the Department of Treasury and Finance in September of last year. He continued:

> The Department of Treasury and Finance will liaise with each agency to ensure that the initial cap set for each agency takes full account of their individual circumstances. For the first time in decades an accurate, reliable estimate of public servant numbers will be available.

Further on he says:

> Today I give a commitment that, based on this data and the employment effects of the budget to be delivered on Thursday, the number of public servants employed by government is projected to be larger as at 30 June 2010 than at 30 June 2006.

He does not actually say what that number is. As a result of that, and a number of other things which occurred, I will move on to 18 October 2006, about a month later. We asked questions of the Treasurer in Estimates Committee B about this cap. It was a pretty simple question:

> Prior to the release of the budget on 19 September. . . the Treasurer stated that a cap on public sector numbers would be put in place and that the cap would be published in the budget papers.

The budget papers came out and the Estimates Committees were looking at them. The question was:

> Will the Treasurer advise whether the cap is the $76 654 [full-time equivalent] estimated total public sector employment for 30 June 2007 and, if not, what is the cap?

So the question was based on the budget papers themselves which basically said that, at 30 June this year, there will be $76 654 full-time equivalent public servants. The question was whether or not that was the cap and, if not, what was the cap that the Treasurer was talking about. This is the extraordinary answer that the Treasurer of the state gave in the estimates committee in relation to this critical financial issue:

> I am advised that the number we produced in the budget papers, which I referred to at budget time, was the expected cap. That number is being worked through and we have further work to do to finalise that number between Treasury and other government agencies. We hope to have that number consolidated by the end of this calendar year. At the time of the budget, that was the best number we had across government. This is a very difficult exercise and I have been up-front about this as much as I can be.
>
> Getting a proper handle on the exact number of government employees is difficult.

The Hon. Caroline Schaefer: This is the Treasurer of the state?

The Hon. R.I. LUCAS: This is the Treasurer of the state saying to us in the estimates committees that he has no idea what is the total number of public servants in the state. He is saying to us that the budget estimates for 30 June in terms of public servants were the best guesstimate that Treasury could come up with. The Treasurer of the state was saying that he did not know what the numbers were and, indeed, what the cap was going to be at 30 June, even though he said in the statement I quoted from earlier that cabinet had decided that

there would be a cap on total public sector employment numbers here in South Australia.

The Treasurer goes on—and members can read the answer if they want to—to explain how difficult it is, what the problems are and why he cannot actually work out what the total number of public servants is in South Australia. No wonder there is a blow-out of 8 000 in your budget if you cannot answer a simple question like that. We then asked a further question:

> Given that wages are a significant cost in your budget, the 30 June 2005 workforce information collection reports from the Office of Public Employment. . . show that at 30 June 2005 total public sector employment was 76 720 full-time equivalents. The 2005-06 budget papers estimated that at 30 June 2005 the number of full-time equivalents would be 73 842. Will the Treasurer explain the reason for the difference of 2 878 [full-time equivalents]?

If I summarise that, we actually have two official estimates: one in the budget papers and one from the Office of Public Employment, which had a discrepancy of 2 878 full-time equivalents for the total number of public servants at a particular point in time.

The Hon. Caroline Schaefer: So we have just lost 6 000 public servants?

The Hon. R.I. LUCAS: The Hon. Caroline Schaefer says: have we lost them? Well, we do not know the answer.

The PRESIDENT: The Hon. Caroline Schaefer is out of order.

The Hon. R.I. LUCAS: Clearly, the Treasurer did not know either. He went on to say:

> We do not have full confidence in the numbers that the [Office of the Commissioner for Public Employment] produced. That is why Treasury has undertaken that work to get a better set of numbers.

I again refer to the fact that the earlier statement indicated (past tense) that they had already done that work, but there we were in the estimates and the Treasurer was still saying that they were not confident in the numbers.

We again asked a question in relation to the blow-out in 2006, and the Treasurer agreed there had been a blow-out or an unbudgeted increase in those numbers. During estimates the Treasurer indicated that, by the end of the year, he would have a number and he would make that number known. I have not quoted that section of his reply, but somewhere else in the answers the Treasurer made it clear that the work would be done by the end of the calendar year and the government would release that number so that everyone knew what was the cap. As I said, this all goes back to a ministerial statement and a big story that said, 'We are going to institute a cap in the public sector.' The obvious question is: what is the cap? As of September last year they did not know; in October they did not know; and in December—

The Hon. Caroline Schaefer: Flexible.

The Hon. R.I. LUCAS: Thank you. The Hon. Caroline Schaefer is being very helpful; a flexible cap. In December they did not know. At the end of March this year, another four months later, we asked the following question in the House of Assembly: 'Can the Treasurer advise the house at what number the Public Service will be capped as at 30 June 2007?' During the budget estimates on 18 October last year, when asked whether the 76 654 full-time equivalent estimated total public sector employment number for 30 June 2007 was the cap, the Treasurer responded:

> That number was the expected cap. That number is being worked through, and we have further work to do to finalise that number between Treasury and other government agencies. We hope to have that number consolidated by the end of this calendar year.

What was the Treasurer's answer? As I said, this was almost six months after that statement in estimates, that is, 28 March 2007, and the Treasurer then said, 'I will take that question on notice and come back to the house with an answer.' The following question was also asked:

> Can the Treasurer advise the house of the total reduction in public servant numbers since the budget was handed down in September last year? When the budget was handed down in September, the Treasurer announced an expected reduction of 1 571 public servants.

On 28 March the Treasurer said:

> I thank the member for his question. I will take that one on notice, also.

I cannot swear to this, but through our checking I cannot find any answer to those questions in the past two months; that is, first, what is the cap that was implemented with much fanfare back in September last year and, secondly, what has been the reduction in public sector numbers during this financial year? They are critical issues in the appropriation debate and the Supply Bill debate, in terms of the authority that is given to the government to continue to incur expenditure.

My questions to the Leader of the Government in relation to this issue are: what is the answer to the questions we have put to the Treasurer since October last year? What is the cap, which the government announced with great fanfare (that is, that it would have a cap; it did not announce the number), on the total public sector? What are the individual caps that have been placed on the individual portfolios? There will be this number of 76 654, which is the aggregate cap, but the Treasurer indicated that caps would be placed on the individual ministers in their portfolios. My question to the Leader of the Government is: will he inform this parliament of the answers to those questions? It certainly cannot be argued that they have not been flagged with the Treasurer. We have been pursuing these issues since September and October last year. On a number of occasions he has indicated that he would answer the questions. It is not unreasonable for the parliament to be informed in relation to those matters.

I also seek an answer to the question as to how many of the proposed reduction of 1 571 in public sector numbers this financial year have been achieved in the public sector. I also seek an answer to the question as to whether any targeted separation packages have been offered to any public servants during this financial year. Again, the government indicated that the 1 571 would be reduced through a version of natural attrition and reduction and that separation packages would not be offered. Members will recall that separation packages were offered just prior to the start of this financial year, and 222 packages were provided prior to 30 June. On this occasion I will not go through the hypocrisy of this government in relation to public sector workforce reductions.

An honourable member: It would take too long.

The Hon. R.I. LUCAS: Yes, it would take too long. Mr President, you would well remember the honesty of the Liberal Party in terms of public sector reductions and you would also remember the dishonesty of the Rann government in relation to the public sector reduction issue. It claimed that there would be sackings if there was a Liberal government, and yet this government is in the process of reducing by some 2 000 the total number of public servants in the state. Clearly, public sector reductions by the Labor government are supportable and appropriate: public sector reductions by a Liberal government are outrageous, insupportable and to be pilloried on any occasion that is provided.

I next want to turn to the issue of wage cost settlements. Again, I will not go through all the background of this.

Clearly, the wages that we pay our public servants—the wage settlements—are critical to the health of the state budget. I seek from the government answers to the questions as to what wage settlement agreements were entered into by the Rann Labor government during the 2006-07 financial year. In relation to that, how many employees were impacted by the wage settlement? What were the terms—that is, the percentage increase and any other increases in costs and conditions—of any wage settlement reached in 2006-07? And what is the aggregate annual cost of those wage settlements for this financial year and for each of the forward estimate financial years?

Secondly, the Supply Bill will fund the first three months of costs next year. Which of the major employee groups' agreements have to be settled in the next financial year, 2007-08? For example, do the police have an agreement that has to be resolved next year? What is the date of the conclusion of the current agreement and the number of employees who might be impacted for those that are open? Whilst I would like to ask the question as to the negotiating position of the government, I accept that there will not be an answer provided publicly in relation to those particular issues, and I can understand that.

The final area I want to address is the issue of the savings that were purported to be achieved in the 2006 financial year, in that those savings were to be ongoing into the 2007-08 financial year as well and will therefore cover the period of appropriation addressed by the Supply Bill. I refer members to Budget Statement 3, and in particular to page 2.3 and table 2.4. That indicates the across government savings and implementation costs proposed in the 2006-07 budget papers. I seek answers from the government in relation to the area of structural changes to government. There was a claim of $4½ million in savings for this financial year and $12 million in savings for the next financial year. Has the government implemented the changes to have already achieved those particular savings in terms of structural changes for this year and, obviously, are they on track for the savings for next year?

Similarly, there are savings of $300 000 for motor vehicle fleet configuration; $250 000 for annual reports, printing and publications; and $1.25 million for office accommodation in the 2006-07 financial year. Has the government achieved those savings in this financial year as proposed in the budget papers? The reason for interest in some of the savings measures—and this will be a considerable body of work, I would hope, for the new and very powerful Budget and Finance Committee of the Legislative Council—is to monitor the performance of departments and agencies in terms of what is outlined in the budget papers in terms of achieving savings targets, but it also may well look at performance in terms of new initiatives that are announced in the budget, and that will be for the committee to determine.

Certainly, in relation to this area, it is important because, as you well know, Mr President, we are still chasing the detail of the $930-odd million in cuts in services over four years announced in the 2002 budget. As you are aware from previous contributions I have made, Mr President, the government has refused to answer the question, FOIs have been refused and we still do not know the details of those issues, but that has been debated on another occasion. It does raise the importance of following through what was announced in this year's budget and the impact on this budget and next year's budget and further budgets as well. The key one is the shared services centre. My first question is that in this budget (2006-07) there are implementation costs of $5 million. I seek an answer from the government as to what have been the implementation costs in 2006-07 for the shared services centre; has $5 million been expended and, if so, what is the breakdown of the particular costs in that area; and, if the number is different, again, what is the breakdown of the costs in this year's budget? In the next financial year—and I again repeat: the Supply Bill is addressing appropriation for next financial year—the shared services centre is to incur costs of $27 million and savings of $25 million. My question to the Leader of the Government is: is the government on target to achieve the $25 million in savings and costs of $27 million in 2007-08?

I note, to that end, that Public Service information provided indicates that the shared services people, the task force looking after it, have already either taken an option on or expressed interest in moving accommodation into what has been described in one bulletin as the old Santos site in Currie Street. There is certainly a Santos site in King William Street, but there may well be another one in Currie Street. That is certainly how it is described. My question to the Leader of the Government is: has the government already taken options on new accommodation, and what is the cost (because it is the high rent part of town) in Currie Street, if that is indeed the location; or, if it is the Santos building in King William Street, what is the cost of the accommodation that is being looked at by the government in relation to the shared services centre?

The new and very powerful Budget and Finance Committee of the Legislative Council may well like to express an interest in this shared services issue and some of the costs that are being incurred in the establishment of this shared services centre. The parliament has only been given very scant information by the Treasurer and other government ministers, and certainly on something as critical as this, because the supposed savings over the next three years are $130 million, the proposed costs during that same period are about $60 million, in terms of costs over the next four years. So, I seek from the Leader of the Government some information in relation to the shared services centre.

A threshold question, too, in relation to the shared services centres is: have the threshold questions of whether there will be one, two or three shared services centres yet been decided by the government? If they have not, which is my understanding (or at least it was as of last month), what is the time line for the government in terms of resolving a basic question as to whether there will be one, two or three shared services centres here in the state?

With that, I conclude my contribution to the Supply Bill debate. I look forward to the Leader of the Government's replies. As I said, certainly from my personal viewpoint, there is no earthly reason why the Leader of the Government cannot take that information and, when he replies, bring back answers to those questions as normally occurs in the Appropriation Bill debate. If, however, the government is going to insist on the passage of the Supply Bill, at the very least I would hope that there is an undertaking from the minister to get that information and provide it by way of correspondence or tabling at some later stage.

The Hon. P. HOLLOWAY (Minister for Police): I thank honourable members for their contributions to the Supply Bill. I think it is important to set out, at the outset, what the Supply Bill is. The Supply Bill is a very simple bill: it simply provides a sum of money for the services of

government for the period from 1 July until the Appropriation Bill is passed. Of course, it has long been the convention in this parliament that it is not the same as the Appropriation Bill. The Appropriation Bill sets out the appropriation for all government departments and, associated with that budget, of course, are details and portfolio statements, budget statements and so on which relate to the entire economy. Whereas you have been very generous, Mr President, in terms of allowing members to raise issues more broadly (and I have no objection to that), it is quite incorrect to say that this bill is, in some way, like the Appropriation Bill. It is not. It just sets aside the money and it has never been treated that way.

We have had some complaints from certain backbench members of the opposition that there has been some difficulty in relation to debating issues, or some constraint. I do not think the record really shows that, other than when members were clearly moving way outside the debate. I think it is worth pointing out that parliament has just been re-opened and we had an Address in Reply where members of parliament have been able to speak on any subject they wished. Next week we will have the budget and, when that goes through, members will have the opportunity to speak on anything they wish. That is the tradition with the Appropriation Bill, as it is with the Address in Reply. Somewhere along the way, surely we have to pass a few other bills for the government of the state. The Supply Bill is simply an interim measure to provide money until the Appropriation Bill is passed. The Appropriation Bill is the proper place to be addressing issues such as Public Service staff caps, and so on.

In relation to the debate, a number of members have contributed, and I refer to some members of the opposition, particularly the shadow ministers. All of them criticised, in various ways, what they described as cuts in government services. All of them called for greater government spending in various areas in their portfolios. I think the shadow treasurer (who is also, of course, the Leader of the Opposition, the member for Waite) will have a very interesting job when it comes to the next election in three years, in trying to exercise some discipline about it. No doubt he will have to issue a statement just before the election—that is, of course, if he is still the leader—saying, 'Look, you really need to ignore everything that all of my shadow ministers have said because we can't obviously keep to it.'

There really should be some responsibility amongst the shadow ministers, and the newer shadow ministers in particular. I am sure the Hon. Rob Lucas is having a great laugh at this as he sits back and sees all these promises and this fiscal irresponsibility from members of the shadow cabinet. I am sure he is having a real chuckle.

Of course, what this is all about is the Hon. Rob Lucas' attempted comeback. I am sure that he sees himself as a Lazarus, perhaps with a quadruple bypass. I am sure that we have not heard the last of the Hon. Rob Lucas. No doubt, with this committee, where he just outlined to us the tactics that he will be adopting—and it is his committee, let us make no mistake about that—he will be seeking to send a message to the real shadow treasurer.

At the end of the day there has to be some accountability for promises that are made by the opposition party. Sure, it is easy to say, 'Look, if we were in government we would spend lots more money and we wouldn't make any of the cuts.' Anyone can do that but, at the end of the day, the dollars and cents have to add up. There has to be an accounting. As I said, I certainly do not envy the task of the Leader of the Opposition in another place in his role as shadow treasurer, in trying to make some sense out of this. Of course, sooner or later, he will be held to account for some of these rather wild and irresponsible promises that have been made on behalf of the opposition.

One could spend a significant amount of time going through all of the comments that were made in addressing it, but I return to the point that this is the Supply Bill and it does nothing more than supply a sum of money for the operation of government business after 1 July. It is appropriate that we should deal with this bill smartly.

We have the Appropriation Bill coming in next week which will be introduced in the House of Assembly and which will provide for the operations of government for the next year. The Supply Bill is simply an interim measure. It has been around for a long, long time. It was introduced in the House of Assembly and, indeed, it came into this place prior to the break, the recent proroguing. It has been around for some months. It is important that, as we enter June tomorrow, the final month of the financial year, we speedily pass this bill. We will have the budget shortly, and that will provide adequate opportunity to address many of the issues which were covered in this debate but which, arguably, quite rightly should have been left until that debate. With those words, I again thank members for their contribution. As I have said, during the budget many of the issues that have been raised will be addressed, and they can be appropriately debated at that time.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.I. LUCAS: With regard to the minister's reply to the second reading, I ask: is the minister refusing to give some sort of undertaking to speak to the Treasurer and provide answers to the questions that I and possibly others raised during the Supply Bill debate?

The Hon. P. HOLLOWAY: I think the only one to raise any questions was the Hon. Mr Lucas. The Supply Bill is a very simple bill. Clause 3 provides for the appropriation of up to $2 billion for the services of the government. I know the backbench member of the opposition is seeking to breach—

An honourable member interjecting:

The Hon. P. HOLLOWAY: We know what he is about: he wants to embarrass the Leader of the Opposition in another place. No doubt, he would love to block supply, actually; perhaps he will even try to do that. I am not going to set a new precedent just on the whim of the ex leader of the opposition. He has set up his own committee, which he has told us is going to look at all these things. We have the budget next week, where all these issues can be raised—and that is the appropriate place to raise them.

The Hon. R.I. LUCAS: I will not take up the issue of injurious reflections and incorrect statements just made by the Leader of the Government. I have never indicated, contrary to what the minister has just said, that I wanted to block supply. That is something that is just untrue. Anyway, we will address those issues in relation to injurious reflections on another occasion. The leader is quite free and easy when he makes these statements but he is very sensitive when they come back at him or, indeed, government members. A 'glass jaw' is a phrase and 'sensitive' is a word that describe the leader. My question was simply whether or not the leader was refusing to provide some answers to those questions. That is all I asked. The minister has indicated indirectly by way of his response that he is refusing to answer the questions, and I think that does him no credit.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Well, the budget won't be coming down in this chamber until some time in July or August. We have been asking these questions since September and October. I will not delay proceedings. The Leader of the Government and this government have displayed an arrogant attitude in relation to some fairly fundamental issues. How anyone could argue that the issue of whether or not this government can tell us how many public servants it employs—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: No, it isn't. I have read you the issues. The Treasurer said that that was his best guess; they were trying to work it out. I am not going to go back over what I said. The leader does not want to listen to the debate; he has his own views. Fair enough. However, he cannot say that that information is there, because the information is what we have been pursuing since last year's budget papers. As I have said, if the minister, in the traditionally arrogant way of this government, is going to refuse to answer the question, so be it; that rests on his head.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: No, you're not happy, because I put the question to you, and you are saying you are refusing to answer. In a childish and churlish way, the Leader of the Government is saying, 'I'm not going to tell you how many public servants we're employing. I'm not going to tell you what the cap is. I'm not going to tell you about these issues. We've got that information, and we're not going to—'

The Hon. P. HOLLOWAY: On a point of order, Mr President, again, the Hon. Robert Lucas is not addressing the issue. We are debating clause 1 of the Supply Bill. What is the Hon. Mr Lucas' question on clause 1?

The Hon. R.I. Lucas interjecting:

The CHAIRMAN: Order! You have already asked the question.

The Hon. J.M.A. Lensink interjecting:

The CHAIRMAN: Order! The Hon. Ms Lensink will come to order. The question has been asked by the Hon. Mr Lucas and the minister has answered that question.

The Hon. R.I. Lucas: No, he hasn't.

The CHAIRMAN: Well, he got to his feet and answered the question, and the Hon. Mr Lucas is persisting in following the same line of questioning after the minister has already answered the question.

The Hon. R.I. LUCAS: Well, there is nothing in standing orders against persisting in relation to the committee stage.

The CHAIRMAN: The minister has answered the question.

The Hon. R.I. LUCAS: Well, you might think he has answered the question, but he has not. The simple question is: how many public servants are you currently employing whom you are going to pay out of this $2 billion—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Hold on, I'm asking a question.

The Hon. P. Holloway: Go on and ask it then.

The Hon. R.I. LUCAS: Well, just let me ask it. You are asking for up to $2 billion to be spent for the first three months of the next financial year. How many public servants is the government currently employing who will be paid with this $2 billion? If there is anything more essential and directly connected to the Supply Bill, I have not seen it; yet the minister is saying that this has nothing to do with the Supply Bill; that in some way this is unprecedented.

The Hon. P. HOLLOWAY: Clause 1 provides that 'This act may be cited as the Supply Act 2007'. That is what we are debating. Any questions in relation to that I am happy to answer, but it has nothing to do with Public Service caps.

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. R.I. LUCAS: This clause refers to the appropriation of up to $2 billion. This $2 billion is something on which the leader and I agree. It is money to be spent between 1 July and up to three months later. Probably 70 per cent of it will be spent on public sector wages—or somewhere between 50 and 60 per cent, whatever the number happens to be—but more than the majority of the money—more than $1 billion—will be spent on public sector salary and wage costs. My question is: what is the total number of public servants in South Australia on whom the money will be spent? What is the cap the cabinet agreed to put on public sector numbers in South Australia?

The Hon. P. HOLLOWAY: As a former treasurer, the Hon. Rob Lucas well knows that this information will be provided in the budget. He also knows it would be totally improper for me to discuss what is in the budget. We are seeing the usual old Rob Lucas game-playing again. It is interesting, isn't it? There is not a single crossbencher in here. Where are all the crossbenchers? I suggest that, if they are listening, they should come down to see the joke into which the Legislative Council has been turned by the Hon. Rob Lucas. Where is the Leader of the Opposition? Isn't it about time that the new leader started exerting a bit of discipline and stopped this nonsense?

The Hon. J.M.A. Lensink interjecting:

The Hon. P. HOLLOWAY: Well, he should be here. We all know that the Appropriation Bill is the proper place to debate these issues. The Supply Bill has a very simple function; that is, to provide $2 billion for the services of the state until the budget comes in. The budget will be introduced in the House of Assembly next week; we then have the Estimates Committee. The Hon. Rob Lucas has set up a committee which he claims is all about the budget and to look at these things. Why is he wasting the time of this parliament when this is not the appropriate place to do it?

The Hon. R.I. LUCAS: I am not wasting the time of the committee. I put questions to the minister. All I was seeking was an assurance that, if the bill was to pass, he would speak to the Treasurer and provide an answer. The minister is refusing to do so. He will not answer the simple question—or he cannot answer the simple question—which is a damning indictment on the Leader of the Government—supposedly a member of the leadership group of this government. He cannot answer a simple question during the Supply Bill debate. How many public servants are they employing?

The CHAIRMAN: The minister has answered the question. He said that you will get the information in the budget.

The Hon. R.I. LUCAS: How many public servants are they currently employing and what is the cap? Let the record show that the Leader of the Government and the Treasurer of the state cannot answer the simple question: how many public servants are they employing and what is the cap? It can be no simpler than that. The record shows that, it does not matter how much churlish, childish bickering we get from the Leader of the Government, he cannot answer the question. After five years as Leader of the Government he cannot answer the question. It is a damming indictment on the

competence of the Leader of the Government and a fair indication of his lack of credibility in being able to assist members of this chamber in something as important as how many public servants the government is employing and what is the cap. They are simple questions and the Leader of the Government in all his glory cannot answer. What a damming indictment on a sorry government and a sorry Leader of the Government!

The CHAIRMAN: Order! The minister has sensibly answered the question.

The Hon. P. HOLLOWAY: Mr Chairman, I am refusing to answer the question because it is inappropriate to do so. It is not that I cannot answer it. I will not set a precedent after 150 years for the misuse of this place.

Clause passed.

Title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

PSYCHOLOGICAL PRACTICE BILL

Adjourned debate on second reading.

(Continued from 3 May. Page 126.)

The Hon. NICK XENOPHON: I support the second reading of this bill, which contains a number of sensible reforms in relation to psychological practice. I want to focus my remarks on two specific issues of concern. The first relates to hypnotherapy. As I understand it, the government's position is that there ought not be any regulation of hypnotherapy in this bill. I think that issues with respect to competition payment, and the like, have been raised in terms of what the government has put up. It is important that there is appropriate regulation and protection for consumers with respect to hypnotherapy if it is not being carried out by anyone who is appropriately trained or registered.

However, having said that, I know that the Association of Hypnotherapists is concerned that psychologists and medical practitioners will have the exclusive right to practise hypnotherapy. Many hypnotherapists have been practising for a number of years and are very reputable. However, whilst they have no training as a psychologist they have been practising well, whether it be for people with sleep disorders, assisting students with their study or issues relating to stress management.

It is important that there still be in place a form of registration which is reasonable and which provides some protection to consumers but which does not unduly restrict the right of those who have already been practising or those who are prepared to undertake an accredited course that the Association of Hypnotherapists or any other similar professional body would want to implement. It would ensure that some standards are in place and that you do not have any rogue operators undertaking workers' hypnotherapy.

My concern is about protecting the integrity of hypnotherapy. We do know of cases—and the Hon. Michelle Lensink pointed this out to me—where there is video evidence of people undergoing surgery and hypnotherapy has taken the place of general anaesthetic, which shows the power of hypnotherapy in some individuals. It is important that appropriate safeguards are in place. I would be grateful to the government if it could indicate what it proposes in relation to hypnotherapy, not unduly to restrict it simply to psychologists and medical practitioners but to have a system in place that not only safeguards consumers but also ensures that reputable hypnotherapists can continue to practise.

The other issue about which I am concerned relates to psychometric testing. As a legal practitioner who has acted for people with brain injuries, psychometric testing was an integral and important part of a person's claim to determine the extent of any cognitive and functional impairment. It is important that psychometric testing be recognised as a specialised practice of psychologists or, indeed, medical practitioners who may practise in this field, although it is generally psychologists. Just because someone has a medical degree, has been an intern and then a GP does not mean they can become a brain surgeon.

It is important that there be an acknowledgment of psychometric testing as a specialist qualification, and that the integrity of psychometric testing and the expertise and qualifications of those who undertake psychometric testing are appropriately set out. We must ensure the integrity of such testing given the importance of psychometric testing and psychometric screens. The consequences of psychometric testing on a brain-injured person as a result of a motor vehicle accident could have significant implications in terms of that injured individual's potential payout, because good psychometric testing can be very accurate in determining the extent of a person's working capacity, for instance, or their capacity to look after themselves.

It is important that appropriate safeguards are in place to acknowledge the specialised nature of psychometric testing. That is why I have been quite sympathetic to the comments in that regard by the Hon. Michelle Lensink. I look forward to the committee stage of this bill. I raise those two issues of hypnotherapy and psychometric testing and what the government is proposing, either by way of amendment or foreshadowing further reforms or consideration. I indicate my support for the second reading of this bill.

The Hon. A.M. BRESSINGTON: I also support the second reading. However, whilst I appreciate the different views and respective concerns of some psychologists and hypnotherapists about the intent of the bill, in principle I will be supporting the deregulation of hypnotherapy services. I am not persuaded by the government's position on deregulating psychometric testing, as the Hon. Nick Xenophon has already indicated; nor am I entirely persuaded that this bill will provide safeguards for the public. The case for deregulating hypnotherapy is that it is not regarded as a practice that has been shown to be harmful to the general community and therefore it does not require regulation.

It has also been suggested that another separate bill may meet the needs of the hypnotherapy profession in a manner that does not impede overall access to alternative remedies and therapies in the community. I am advised that some psychologists would still wish to see the regulation of hypnotherapy. However, it is a moot point whether this is best achieved under the proposed bill or under a separate piece of legislation specific to the regulation of hypnotherapy services. The hypnotherapists do not want hypnotherapy deregulated, claiming that it should be the reserve of appropriately trained health professionals, whilst the PACFA claims that many new professions are emerging which are most capable of providing alternative therapies and appropriate counselling services not recognised by this bill.

Coming from a drug and alcohol rehabilitation program, which offers a wide range of complimentary therapies, I have seen the importance of people being able to readily access

those sort of therapies, delivered by non-psychologists or medical practitioners. Otherwise the cost of professionals delivering such services threatens to impede access to people who would most benefit from the multitude of very safe therapeutic remedies that exist within the community now.

I do not expect that there are many in this place who have not either inquired about or dabbled in some kind of complimentary or alternative therapy. I expect that some would want to access such treatments which may work, especially when mainstream approaches are not adequate for their needs. To that end I support anything that will give consumers greater choice and access to multi-disciplinary services and treatment options beyond those that any given profession may wish to monopolise. This is not to say, however, that I do not support oversight or accountability in the manner that professionals and paraprofessional services are provided. However, I do not believe this bill delivers that promise.

It is being argued by the government that psychometric testing would become self regulated by the industry. In other words, it has been put forward that psychometric tests will just as effectively be regulated by the publishers via copyright as it may have been to date by the profession itself. However, there appears to be sufficient anecdotal experience among job seekers that some employers are already using what they claim to be psychometric testing of the type and nature that is not being disclosed to applicants for job vacancies. If the industry is deregulated, the public will have no person or authority to whom to take their concerns for the misuse of tests and test results, nor is there likely to be any method of holding anyone accountable for the same.

Many psychometric tests are available over the internet, some even questionable or wrongfully being passed as legitimate psychometric tests. They analyse by computer-based software programs, using question and answer responses. They understand that many employers and labour hire companies use these tests and pay to acquire them online. Typically, applicants are not informed of what skills, qualities or traits are being measured, or the relevance of the testing to the job for which they are applying. Applicants are in a weak position to determine whether or not to proceed with the test or be able to make the necessary inquiries before undertaking the same. Similarly, the results are often not reported back to applicants, other than to advise of an acceptance or rejection of their application, based on a mere score. In other words, applicants are not afforded routinely the right to question the interpretation of the results that are often determined by untrained professionals.

It is conceivable that unqualified practitioners with easy access to such tests may pose as psychologists and even subcontract their services to businesses elsewhere. It would be an easy way to set up a business and offer, on a fee for service basis, psychometric testing to anyone who may seek to gain mileage out of the results of such testing. With no regulation to outlaw such practices, it would not be outside the realm of probability that government agencies would come to engage such service providers as hired guns, especially where insurance and liability issues are at stake, such as in workers compensation claims.

In recruitment, there is nothing to say that in due course employers will not resort to so-called psychometric tests that are either inappropriate or even questionable. If that is not already happening in some places, it will not take long for such practices to become common place. Unless a qualified person can oversee the testing procedures, there is little protection for the subject upon whom such tests are to be carried out. The test results would be relevant, applied competently, evaluated properly, reported accurately, disclosed to the applicant or the subject or even kept confidential and stored appropriately. If psychometric testing is deregulated and left to the purchaser and publisher to negotiate on price and utilise however they see fit, I am not satisfied that over time these tests will not be sold to the lowest bidder and conducted and applied in ways we have yet to fathom, with minimal regulation or oversight.

I can see that over time publishers will be able to strike up deals with large employers, for example, governments, corporations and recruitment agencies, that will encourage the use of wide-scale psychometric testing for discounted rates in ways that will compromise the quality controls that currently exist. I fear that when money talks in a business and commercial sense—and it will—the consumer, that is, the employer who picks up the tab, will be afforded the greater powers to exploit information gathered from those tests in a manner that will fail to ensure the protection of the person subjected to that particular testing.

It is an even bigger risk where the state is the employer, with the purchasing power that most businesses cannot muster. The government claims that creating a board for the registration of psychologists will make the profession more accountable and offer consumers better recourse to legal remedies. However, I question this claim. As we can see from the endless difficulties common citizens have in getting resolution from the Legal Practitioners Conduct Board and the Medical Board alone, if it were not so there would have been no inquiry by this place into the Medical Board.

The Hon. Nick Xenophon has outlined many stories on the problems for constituents who have not been served by the Medical Board, for all of its rhetoric. In fact, the template being put forward for this bill is one that is now used by the legal and medical professions. It demonstrates how the current regulation of these professions offers no great comfort or relief to persons who may have been wronged.

If there is an ounce of truth in the cover stories produced by Graham Archer, Channel 7's *Today Tonight*, and those stories exposed in the research contained in Dr Robert Moles' books *A State of Injustice* and *Losing Their Grip*, these boards have been given greater authority and powers by government to carry out greater injustices against the very citizens they ought to be protecting, using the face of authority.

The minister's office claims that the bill will enable more practitioners to enter the field of, say, hypnotherapy, but the Psychotherapy and Counselling Federation of Australia claims it will achieve exactly the opposite. I am advised that the relevance of this bill is likely to be superseded by the Council of Australian Governments' Health Working Group, which is considering the recommendations of the Productivity Commission, that national authorities or schemes be formed for the registration of the health professions, course accreditation and health workforce planning. Consultation with the profession is ongoing.

I am advised by the Australian Psychological Society and the Australian Psychologists Association SA Branch that:

> Most testing in psychology is generated through research and generally freely available. Psychologists welcome the use of such tests by interested persons. Control of the use of the interpretation normally is protected by the academic peer review process.
>
> Tests which are used to classify or diagnose do require some regulation but even here psychologists recognise that others might have a legitimate need to use some of these. There are three levels.

At the first level are tests which can assist in helping people and fall within the competence of psychologists and some other professions (but not for public use). Good examples of these tests are relatively tests of reading, and the like, which teachers should be able to use.

At the second level where the tests are more complex and the diagnostic use is relevant are those tests used, for example by speech pathologists and some by audiologists. Such tests would normally require specialist training to be used validly.

At the third and highest level are the tests of personality, intelligence and neuropsychological functioning. These tests, because of the complexity of interpretation and the need for clinical skill in integrating the test results and other material in forming an expert opinion, should only be available to psychologists and here for some (like the PCL) may require further accreditation to achieve expert status.

The costs of not regulating these third level tests can be extreme:

- There are examples of insurance and employers' use of tests to make decisions about individuals which have been taken to court in the USA because of the damage done to individuals subject to their improper use.
- There are uses which have considerable benefit to individuals but which require unbiased, expert opinion such as the use of developmental and IQ tests in determining eligibility for disability services.
- There is the use of tests to assist courts, again requiring expert status. These can determine psychological damages [such as post-traumatic stress disorder] or whether a person is fit to stand trial and so on. Obviously liberty is a very high price for misuse as is not having supports where the person's disability would make them otherwise non-functional.
- There are usages which directly or indirectly determine life itself. One example is the role of psychology in monitoring the neurotoxic effects of liver failure. These provide key evidence of when a liver transplant is required when if not provided the person will soon die. Even more poignant is the use of the PCL to determine. . . if a person is to be executed (in the USA) or detained for life (UK and some Australian jurisdictions).

With such stakes and with such ability to preclude people from benefits for financial reasons (e.g. WorkCover liability) it is essential that they be interpreted by those who understand them, indeed the profession that has created them—only psychologists.

Debate adjourned.

VISITOR TO PARLIAMENT

The ACTING PRESIDENT (Hon. I.K. Hunter): I acknowledge the presence in the gallery today of the Hon. Carolyn Pickles, a former leader of this place.

PSYCHOLOGICAL PRACTICE BILL

Debate resumed.

The Hon. D.G.E. HOOD: I rise to speak to the second reading of this bill on behalf of Family First. In short, Family First strongly supports the objective of this bill, which is to protect the health and safety of the public by providing for the registration of psychologists and student psychologists. This bill has been one of the most contentious of the number of bills which have sought to regulate health professionals in this state. We have seen a number of those bills come through already. We have already seen similar legislation pass: for example, to regulate podiatry, physiotherapy, chiropractic and osteopathic practice, occupational therapy, pharmacies and so forth, all of which has been built on the model Medical Practice Act. In its early days, the Pharmacy Practice Bill was just as contentious, but many of the outstanding issues in that bill were resolved before the vote, for example, supermarket pharmacies and an increasing number of friendly society chemists.

Before I touch on the two most contentious aspects of this bill, being hypnotherapy and psychometric testing, which both speakers have so far mentioned in their speeches this morning, I will speak to another issue that was raised with us by a member of the Psychotherapy and Counselling Federation of Australia. I think that the assurances given to Family First for its benefit should be on the *Hansard* record.

Family First was privileged to meet and discuss this bill with a very experienced counsellor based in Golden Grove, Mr John Bennett. He is a member of the Psychotherapy and Counselling Federation of Australia and also a member of the Christian Counsellors Association of Australia. His serious concern was that people in the counselling field might be adversely affected by this bill, given that there is a significant overlap between psychology and professional counselling. In fact, the counselling degree that he undertook included many psychology subjects. In many cases, the differences between counselling and psychology can be very grey indeed.

Clause 35 of the bill bars non-registered people from using 'prescribed words', obviously the titles 'psychologist' and 'student psychologist', as well as any other words that are prescribed by regulation. We have heard from some very good sources that the Psychology Board was pushing very hard for the terms 'psychotherapy' and 'cognitive behavioural therapy' to be regulated, so that you had to be a psychologist to use those words in advertising and so forth. The difficulty that arises is that psychotherapy, in particular, is used by many professionals, including counsellors. It involves, for example, considerations of an effective upbringing during counselling and the effect of significant events, post-traumatic stress syndrome and the like.

Family First has requested and has been given an assurance from the government that the term 'psychotherapy' will not be regulated and, further, that there are no plans to regulate the term 'cognitive behavioural therapy'. These assurances, which were provided in a very useful briefing that we had, are important for the many practitioners of these techniques who are not psychologists, and I therefore take the opportunity to include them on the *Hansard* record.

I will now move to the two most contentious issues, which already have been raised by the two speakers this morning. Like many members, I have received a number of submissions, including persuasive submissions from the Minister for Health, and also from constituents, including psychologists and specialist hypnotherapists. For some reason—and it is hard to explain—I found the arguments of the hypnotherapists incredibly compelling. (That was an attempt at humour!)

I will begin by noting that this legislation had its genesis in a 1995 National Competition Policy Review Panel, with an agreement that there should be nationally consistent legislation. That starting point is important, because one of the conclusions on the national stage was that there should not be undue restrictions on the practice of hypnotherapy. I am also persuaded by several other facts. The current legislation allows psychologists and doctors to practise hypnosis whether or not they have been trained in its use. Non-medical practitioners have easily been able to evade the restrictions by simply calling the hypnosis something else, such as 'guided imagery', for example; something that regularly occurs with new age practitioners (or new thinking practitioners, as they sometimes call themselves).

There is also difficulty in defining exactly what hypnosis is, and it has remained undefined by the South Australian Psychological Board now for about 34 years. Given the various concerns about hypnosis, Family First supports the agreement reached in the other place, whereby the Minister

for Health will refer several questions relating to the regulation of hypnosis to an investigation by the Department of Health and return with a report within a few months. The minister also gave an assurance to refer the issue to the Social Development Committee if required. In return, in another place, the shadow minister did not proceed with her proposed amendments regarding hypnosis, and it was refreshing to see that level of goodwill and commonsense.

Psychometric testing remains the second major concern. I note that restrictions were placed on certain psychometric tests in 1973 in the original legislation. Interestingly, the restrictions were, to some measure, a result of the misuse of phoney or false psychometric tests by scientologists. Again, the government notes that restrictions on the use of such tests are inconsistent with the principles of the National Competition Policy, and duplicate the industry's own self-regulation.

Defining and categorising a large number of tests would be a mammoth task and, as I said, the Psychological Board has not sought to do so in the past 34 years. Such a task would be very expensive if done properly, would probably require staff and, in fact, would be a significant cost to the profession in annual fees and the like. For those reasons, Family First accepts the government's submissions and supports this bill in principle, along with the compromise reached with respect to hypnotherapy in the other place. We look forward to the committee stage, but we indicate our in-principle support of the legislation.

The Hon. SANDRA KANCK: This is another in a long line of professional registration bills. Although it was introduced in September of last year in the House of Assembly, lobbying has really hotted up in the past six weeks. The two major issues have been hypnotherapy and psychometric testing. The practice of hypnotherapy and the administering of psychometric testing will, effectively, be deregulated by this bill. Part of the long title of this bill is as follows:

> A bill for an act to protect the health and safety of the public by providing for the registration of psychologists and student psychologists. . .

The key part of that is 'to protect the health and safety of the public'. The question that arises for us is whether or not this bill protects the health and safety of the public; will the health and safety of the public be put at risk as a consequence of this deregulation?

I was amazed to discover that, under the current act, the use of hypnosis is restricted to psychologists, medical practitioners and some dentists. The question is whether the opening up of the procedure of hypnosis to others beyond those three groups is a matter of major concern for us in our decision making, or whether this is simply about a group of newcomers trampling on the patch of existing professionals and those professionals wanting to protect their patch.

While psychologists are saying to us that we should be careful, and they believe there will be harm if the bill goes through in its current form, I cannot find the evidence that that harm will occur. The matter has already been extensively dealt with by the National Competition Policy Review Panel. Other states have deregulated. We are the last state that still has these restrictions in place, and the sorts of concerns that have been raised in the lobbying do not appear to have eventuated elsewhere.

The hypnotherapists (who I think are the biggest winners from this bill) believe that hypnotherapy is not a core practice of psychology, and I would agree with that. If they have a criticism of this bill, it is that it places too much emphasis on harm mitigation rather than setting standards, and they say that this bill is different from the other professional regulation bills in that regard. They argue that, instead, the issue on which we should be focusing is the level of training. In my own experience, training is but one aspect of becoming a professional, and having a piece of paper is but one step. I believe the key issue should be that of ensuring that people are not practising outside their competency levels.

Psychometric testing is the other major issue being raised with us in the lobbying. The psychologists argue that interpreting the results of such tests requires training. The Hon. Mr Hood mentioned examples, and I think other members in this place mentioned examples of where testing of some form or other is done by other than psychologists. Certainly, as a primary school teacher, over three years I delivered, marked and interpreted IQ tests for children. Quite often these days vocational tests are done to assess whether or not a person is suitable for a job that they have applied for. Whether or not people are trained to use them, the reality is that this sort of testing is now widely used.

Admittedly it was 40 years ago, but at school I was tested and interviewed by trained psychologists in the New South Wales Vocational Guidance Bureau. They recommended that I should consider doing stenography with the intention of becoming a private secretary—I can see some smiles on people's faces. I would have revolutionised the role of being a private secretary, I think. But they did so on the basis that my spelling and clerical checking abilities were exceptionally good.

The Hon. S.G. Wade: Hear, hear!

The Hon. SANDRA KANCK: I am glad you know about my spelling and clerical checking abilities. Actually, it was very superior, my spelling—it went off the scale. The ratings went from fair up to superior and then they put 'very superior' for my spelling abilities. What was disturbing about that was that although they had interviewed me, and in that interview I put a lot of focus on the fact that I wanted to work with people, they still came up with the recommendation of a career path for me that really had nothing to do with interacting with people.

A family friend, who was also assessed by these specially trained people, was told that he should not, in any way, shape or form, aim to be anything more than a labourer in his life. He went on to become the Australasian manager of a sector of a large multinational pharmaceutical company. Somehow, in their interviews with him, they missed out on the fact that there was something seriously wrong at home that was impacting on his very low score results. So, just merely trusting in people because they have a degree as a psychologist does not necessarily mean that you are going to get the best results out of this. I am certainly not enamoured of experts just because they have training or titles.

The Hon. S.G. Wade interjecting:

The Hon. SANDRA KANCK: That could be the case. The lobbyists who have been in touch over the past few weeks have been raising concerns about possible impacts of the legislation if it is passed in this form, but they have not provided the evidence to me or any support for their arguments. They are fearful that certain things might happen as a consequence, but as a legislator I cannot base my decision-making on fear; I have to base it on evidence, and they have not provided me with the evidence. So, I indicate that the Democrats will give their support to this bill.

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): By way of concluding remarks, I would just like to say that this bill seeks to, obviously, regulate psychologists as a profession in South Australia. It is a bill for an act to protect the health and safety of the public by providing for the registration of psychologists and student psychologists. The primary aim of the legislation is the protection of the health and safety of the public and that the registration of psychologists is a key mechanism by which this is to be achieved.

The current act was reviewed in line with the requirements of the National Competition Policy Agreement. The review indicated that the case for regulated title protection was adequate for the profession of psychologists. The title protection ensures that consumers are able to identify a practitioner with this type of specific training, expertise and skills and recognises the degree of trust afforded to psychologists who work with vulnerable clients as well as clients who may pose a risk to the public.

It will ensure that the breadth of practice of psychologists is reflected, given that psychologists work in a range of practice areas, including health, forensic, organisational, and sport psychology, as well as others, and the bill removes the restriction on the practice of hypnosis. The undertaking by the Minister for Health will see a report to parliament on any harm associated with the practice of hypnosis. This report will be submitted to parliament for a possible referral to the Social Development Committee when the motion for an inquiry into unregistered and deregistered health practitioners is considered by the House of Assembly. It is expected that this inquiry will consider the type of mechanism that will be best for dealing with unregistered and deregistered health practitioners.

I thank all honourable members for their valuable contributions to the second reading debate and their support for this bill. Some of the issues raised have already been addressed and I would ask that we use the committee stage to address any outstanding issues. I thank members for their support.

Bill read a second time.

[Sitting suspended from 1 to 2.17 p.m.]

WEIRS, LAKE BONNEY AND WELLINGTON

A petition signed by 201 residents of South Australia, concerning the construction of weirs at Lake Bonney and Wellington and praying that the council will do all in its power to support measures to obtain water for urban and agricultural purposes that do not disrupt the natural operations of the River Murray system, was presented by the Hon. Sandra Kanck.

Petition received.

GREENHOUSE GAS EMISSIONS

A petition signed by 99 residents of South Australia, concerning South Australia's greenhouse gas emissions and praying that the council will legislate for a greenhouse gas emissions reduction target of 20 per cent (of 1990 levels) by the year 2020, was presented by the Hon. M. Parnell.

Petitiion received.

GREENHOUSE STRATEGY

The Hon. P. HOLLOWAY (Minister for Police): I table a ministerial statement relating to South Australia's greenhouse strategy made today by the Premier.

QUESTION TIME

GAWLER DEVELOPMENT PLAN

The Hon. D.W. RIDGWAY (Leader of the Opposition): My question is to the Minister for Urban Development and Planning. As minister in charge of the Town of Gawler urban boundary PAR development plan amendment, is the minister absolutely certain that due process was followed in that PAR?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): Am I absolutely certain that due process was followed by the council? Well, I do not sit in on council meetings and I do not see how I could be expected to be there. What happens when PARs are done is that the council sends out a statement of intent, which is perused by Planning SA. If that is agreed to, the PAR process is then underway. It is either a two-step or one-step process. Following the completion of that PAR, it then goes to the department for consideration and the department makes recommendations. As a result, that PAR, if I accept it, goes to the Environment, Resources and Development Committee of the parliament. The honourable member who asked the question is a member of the ERD so if he is sitting on the committee—

The Hon. D.W. Ridgway: Was.

The Hon. P. HOLLOWAY: He was a member. Certainly, his colleagues have the capacity to do so.

Members interjecting:

The Hon. P. HOLLOWAY: Well, if I have any reason to disagree with a particular PAR, if there is any evidence or suggestion that it needs to be looked at, I will take the appropriate action, if that advice is given or if there is any evidence.

CONTROLLED MEDICATION

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

Leave granted.

The Hon. J.M.A. LENSINK: In May 2006 the Department of Health issued a discussion paper, with recommendations to address the anomaly that enrolled nurses are able to administer schedule 8 (drugs of dependence) medications in high-care facilities. For the benefit of members who are unfamiliar with this situation, enrolled nurses are permitted to administer both S4 and S8 medications in low-care facilities, which by their nature have fewer rostered registered nurses. With the Australian government's policy of ageing in place, many low-care facilities have a majority of residents who are receiving, in effect, high care. In contrast, in high-care facilities enrolled nurses are permitted to administer S4 medications but, currently, they are precluded by state government regulations from administering S8 medications. I am advised that the department's discussion paper found that there is no greater risk of harm to residents arising from

the administration of S8 medications than from S4 medications in high-care and low-care facilities. My questions are:

1. Does the minister concede that there is an anomaly with the regulations?

2. Does the minister agree with the discussion paper, which states that 'if the controlled substances legislation does not allow for enrolled nurses to administer impress stock, then there is no flexibility and delegation of this role cannot be accommodated'?

3. Have the proposals been referred to the Controlled Substances Advisory Committee; and, if so, what is its recommendation?

4. Given that the minister was briefed on this issue last year, what are the reasons for the delay and when will we see some amendment to the legislation?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): Indeed, there was a discussion paper sometime ago. There was extensive consultation around this and some changes were recommended to the administration of schedule 8 medications. I will need to take the rest of the questions on notice and bring back a response, because I do not have those details with me today.

COUNTRY FIRE SERVICE

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the Country Fire Service.

Leave granted.

The Hon. S.G. WADE: Even though additional funding was provided to the CFS for the 2006-07 fire season, that funding has proved insufficient, and scheduled training is being cancelled. The 26 April edition of the CFS newsletter *FireWire* states:

> To minimise budget overruns, we are deferring all non essential expenditure to the next financial year. This has necessitated us reviewing our training schedule. Some training programs have been recommended for removal from the 06/07 training calendar.

The winter is a vital period when the CFS conducts critical training and prepares its crews for the next fire season. My questions to the minister are:

1. Will she ensure that the CFS immediately receives the funds it needs to maintain its winter training schedule?

2. When will the government stop undermining training for our volunteers and make professional, timely training for the CFS a funding priority?

An honourable member interjecting:

The Hon. CARMEL ZOLLO (Minister for Emergency Services): Yes; my colleague just said, 'Why don't you wait another week?' I firmly place on the record that, as such, a no-savings target has been requested. The CEO, as members would expect at this time of the year, has requested that non-essential expenditure be deferred. Again, it is part of what one does see towards the end of any financial year. It is really part of any normal budget monitoring and reporting process which occurs just prior to the end of the financial year. It is really not unusual at all.

In relation to training for the CFS, since the South Australian government was elected it has been firmly committed to training and resourcing our CFS in a very professional manner, whether it be personal protective clothing, appliances or training. The budget has always increased. As I said, I do not see that any savings targets have been requested: it is simply a matter of the efficiencies that we see towards the end of the year. The CEO has asked his functional managers and regional commanders to manage expenditure for the remainder of the financial year within the allocated budgets, which I think is really quite normal.

The Hon. S.G. WADE: As a supplementary question, is the minister defining 'winter training for the CFS in preparation for the fire season' as non-essential expenditure?

The Hon. CARMEL ZOLLO: I did not say that at all. All I said was that the Chief Officer of the CFS has asked that, as would be expected at this time of the year, they manage their budgets within their allocation. As I said, I ask the honourable member to wait for next week.

CRIMINAL ASSETS CONFISCATION ACT

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Police a question about the Criminal Assets Confiscation Act.

Leave granted.

The Hon. R.P. WORTLEY: On 2 April 2006 laws came into force giving our police tough new powers allowing the seizure of assets from criminals even if the offender in question has not been convicted of a crime. Will the minister advise whether, after one year of operation, the new laws have been successful in depriving criminals of the proceeds of crime?

The Hon. P. HOLLOWAY (Minister for Police): These tough new laws introduced last year in April by the government targeting the assets of criminals are depriving criminals and organised crime of the proceeds of crime on a larger scale than ever before. Since the new laws came into force in April 2006, South Australia Police has restrained $17.7 million worth of assets. Luxury houses, prestige cars and even houseboats are among the growing list of seized criminal assets being liquidated under the new Criminal Assets (Confiscation) Act, with the funds used to relieve some of the trauma suffered by victims of crime.

The legislation provides greater scope to target the assets of criminals, with SAPOL now having the authority to seize proceeds of crime, even if the accused is not convicted of an offence. The law only requires authorities to prove that, on the balance of probabilities, a crime has been committed. SAPOL is looking at not just the proceeds of crime but also the instruments and benefits of crime. As well as depriving criminals of the proceeds of their crime, SAPOL's confiscation section will seize any property used in connection with the commission of an offence.

The increased scope of this legislation has also seen a boost in resources to the confiscation section. As a direct result of the new laws, SAPOL has more than doubled the size of the confiscation of assets section. Additional detective sergeants, investigators, forensic accountants and a proceeds of crime analyst position have been created. The confiscation section has also introduced new training and awareness packages to operational areas within SAPOL. This will familiarise operational members with the legislation, as well as highlighting how it can contribute to their investigation.

Investigators are being asked to consider asset confiscation as an integral part of their investigation of serious criminal activity rather than an afterthought. Most of the property being confiscated under these tough laws consists of properties and cars, and some examples include: an operation involving cannabis cultivation saw $2 million worth of assets frozen in the name of two persons, including six properties and vehicles. Another operation involving the

production of methamphetamine and cannabis resulted in three properties, valued in excess of $750 000, being frozen. A person allegedly involved in the manufacture of an illicit drug has seen seven properties, valued at about $1.6 million, restrained. A person suspected of being involved in the organised growing of cannabis has had a restraining order placed on about $1.5 million worth of property, including three premises and four vehicles, two of which are Ferraris.

The state government is determined to make sure that crime does not pay. We are denying criminals the financial benefit of their illegal and harmful activity. Why should they enjoy champagne lifestyles paid for with money made at the expense of victims of crime? The huge increase in the value of property restrained is proof that our confiscation laws are hitting criminals where it hurts. Taking the profit out of crime takes away the motive, as well as removing the opportunity for organised crime gangs, such as outlaw bikies, to reinvest the profits into further criminal activity. The key message is that crime does not pay.

The Hon. NICK XENOPHON: Does the minister concede that the Western Australian and Northern Territory legislation in relation to criminal confiscation of assets is far superior in that it is easier to seize assets, given the evidentiary provisions in their legislation, and that on a pro rata basis they have been much more successful in seizing the assets of criminals in such cases?

The Hon. P. HOLLOWAY: Whether the Western Australian or Northern Territory legislation is effective and how effective it is is really for others to judge. It is important that this legislation, since it has been in for 12 months in this state, is clearly having an effect. If it needs to be toughened, then the government is happy to look at that.

The Hon. NICK XENOPHON: Has the minister received any advice from the police that this legislation could be improved by reversing the onus of proof with respect to the seizing of assets, similar to the WA and Northern Territory models?

The Hon. P. HOLLOWAY: The Commissioner of Police is certainly a very strong supporter of this sort of legislation. It is important to ensure crime does not pay, and certainly the government, through the police, has been looking at ways in which we can improve the legislation. I have discussed it with the Commissioner in that broader context and not in the specifics of any other legislative model, but I am happy to look at that issue. Generally the government appreciates how important is this sort of legislation. It has the potential to be much more effective than merely arresting people, particularly when organised crime is involved.

SOUTH-EAST WATER ALLOCATION

The Hon. M. PARNELL: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question on ground water in the South-East.

Leave granted.

The Hon. M. PARNELL: The issue of sustainable use of ground water in the South-East of the state continues to raise much debate with competing interests vying to use a resource under considerable pressure from increasing demands and declining recharge. Where a water resource is prescribed in the Natural Resources Management Act, a water allocation plan is required. Water allocation plans set the principles under which water can be allocated on water licences. These plans are prepared by the local NRM board and, once completed, are adopted by the minister responsible for administering the NRM act and they become government policy.

Water allocation plans are supposed to be reviewed every five years. The water allocation plan for the Comaum-Caroline Prescribed Wells Area management plan, and other water allocation plans within the Lower Limestone Coast Prescribed Wells Area, was prepared in 2001. As I understand it, a review is almost complete. I understand that this water allocation plan was due to be signed off by the minister on 30 June 2007. However, my latest understanding is that, instead, a draft for community comment will be released by that date.

On 15 February 2007, by proclamation in the *Government Gazette*, the minister reduced to zero the water available for expanded forestry activities in areas of the Lower Limestone Coast Prescribed Wells Area that were showing stress, and in particular the ground water management areas of Coles, Glenburnie, Joanna, Myora, Short, and border Zones 2A, 3A and 5A. The minister's explanation for this proclamation was provided in a letter to Tony Beck of the South Australian Farmer's Federation, as follows:

> The board advised me in late 2006 that it had concerns about the sustainability of a number of unconfined aquifer management areas in the South-East. The board based this advice on: the outcomes of the latest technical review of the confined aquifer throughout the South-East; the outcomes of the volumetric conversion project; and an improved understanding of the impact of plantation forestry in the Lower South-East, through both recharge interception and direct extraction of ground water in areas with shallow watertables.

My questions to the minister are:

1. Do you stand by your proclamation in the *Government Gazette* of 15 February 2007 concerning the notice to vary the reservation of excess water in prescribed wells areas in the South-East natural resources management region?

2. Can you confirm 30 June 2007 as the date for the release of the draft water allocation plan for the Comaum-Caroline Prescribed Wells Area management area, and other water allocation plans within the Lower Limestone Coast Prescribed Wells Area? If not, when will it be released for community comment?

The Hon. G.E. GAGO (Minister for Environment and Conservation): The issue of water management in the South-East is indeed a very vexed question. Using a water resource in a sustainable way is something that is indeed challenging the Natural Resource Management Board in that area. It has conducted a great deal of work in that area in an attempt to ensure that the new water allocation plan takes into consideration the latest science, particularly the impact of forestry on watertables both in terms of recharge and the canopy affecting water fall onto the ground, as well as recharge from the root system of trees.

Forestry in the past was not considered to be a water-affecting activity, which now is quite an incredible concept. That issue has been clearly revised and, given the intensive planting of trees in forestry, science now clearly shows that forestry plantations are a water-affecting activity. There are a number of zones within that catchment area that have reached triggers.

With respect to the sustainability of the resource, in terms of either a lowering of the level of the watertable or an increase in salinity, particular triggers are set, and if those thresholds are passed it would signal that the water sustainability in that zone is in question. There were a number of

zones where triggers were reached, and the honourable member is quite right: given that that was drawn to my attention and the sustainability of those resources was clearly at risk, I instigated a moratorium in those areas in terms of the future use of unallocated water. The NRM board in that area has issued discussion papers and policy addressing those issues. The board is working very hard with the community to ensure that it takes the community with it in the reconsideration of its water allocation plan. The board has indicated to me that, because of some of the sensitivities and complexities around that, it has extended the water allocation planning time. I have been advised that it anticipates that those water allocation plans will be completed towards the end of this year or early next year.

The board is responsible for carrying out that process, and I think it is doing so in a very responsible way. As I said, there are particular areas that are facing quite considerable problems. The board is dealing with those problems and with the stakeholders involved in those areas, and it is to be congratulated for the way in which it is proceeding. The board has indicated that it has taken longer than expected and that it will be delayed until, I believe, the end of this year or early next year. I am happy to take further questions on notice and bring back a response.

REGIONAL BOUNDARIES

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Leader of the Government a question about regional boundaries.

Leave granted.

The Hon. J.S.L. DAWKINS: I understand that the Government Reform Commission has made recommendations to cabinet regarding common regional boundaries for state government departments across all of South Australia. My questions to the minister are as follows:

1. Will he indicate whether cabinet has signed off on these common regional boundaries?

2. If that is the case, will he advise the council regarding the process of implementation of these boundaries across all departments and agencies?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): I will refer the latter question to my colleague the Minister Assisting the Premier in Cabinet Business and Public Sector Management (Hon. Jay Weatherill), who has been handling this matter. Cabinet certainly has agreed, at least in principle, in relation to regional boundaries. However, with respect to the progress towards implementation of those across government, I will obtain that information from my colleague and bring back a reply.

The Hon. J.S.L. DAWKINS: Sir, I have a supplementary question. When the minister obtains that information, will he inform us whether some departments and agencies have shown a reluctance to adopt the new regional boundaries?

The Hon. P. HOLLOWAY: If it is government policy, I would expect that government departments would abide by it. There are always some issues that need to be addressed with any change of policy, but I am sure that they will be satisfactorily resolved. I will include what the member has just asked in the question to my colleague, in case he has anything further to add.

BIODIVERSITY CONSERVATION

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

Leave granted.

The Hon. I.K. HUNTER: Biodiversity conservation is one of the biggest issues facing the world today. Naturally occurring and finely balanced ecosystems are vital to the overall health of our environment, and government must take a leadership role in the quest to preserve our remnant native vegetation and fauna. On-ground management programs are just one aspect of any successful biodiversity conservation strategy, but there must also be programs that utilise the latest technology to educate the wider community on the importance of biodiversity conservation. Will the minister inform the chamber of any new initiatives to raise awareness about biodiversity conservation?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his most important question. I am very pleased to have the opportunity to say that this government is embracing new ways of promoting biodiversity conservation in the wider community. In the wider community there is acknowledgment of the need to preserve our precious biodiversity, but for many people finding local, relevant information that affects them can, at times, be challenging. We are addressing this in many ways, but a fantastic new resource, a website about biodiversity conservation on Eyre Peninsula and in the Far West, is being launched this week in time for World Environment Day, next Tuesday 5 June. The Department for Environment and Heritage's west region covers around 30 million hectares, including Eyre Peninsula, the Gawler Ranges and parts of South Australia's Far West.

The region's diverse landscapes include large areas of mallee habitat and significant coastal and marine environments, including offshore islands. A unique mixture of Australian plants and animals occurs in the area, with many species found nowhere else in the world. The new website provides an opportunity for people to learn more about the natural environment of the state's west and how they can become involved in local conservation activities. It highlights the important programs that the Department for Environment and Heritage has underway, in partnership with the local community and also the natural resource management boards. Most importantly, I feel that it is extremely easy to navigate and understand the resource.

The website will be invaluable for local landholders, schools, community groups, councils and other community members interested in caring for the natural environment. Some of the topics covered include native wildlife, threatened species, environmental pest management and habitat restoration; and information sheets, education resources, links and green tips on the website give ideas on how people can become involved. It will also be a handy resource for people who are not familiar with the area, with easy links to parks in the west region, accommodation, events and a range of other great activities. Natural resource management boards, friends of parks groups, school communities and other volunteers make important contributions to the success of the regions' biodiversity conservation programs, and this new website also has tips on how people can get further involved in these local conservation activities.

I encourage anyone interested in volunteering for conservation activities in the region to register their interest

by filling out an online volunteer form. The website is a tremendous resource and a real credit to all those who played a role in its development and, thanks to them, people all over the world, but especially in the state's west, can now learn in great detail exactly what fantastic environmental treasures exist in the region and what is being done to foster their preservation. For those interested, the website is www.environment.sa.gov.au, and if you go into biodiversity/west and follow the prompts you will find the site.

ADULT SHOP, WHYALLA

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question concerning a proposed sex shop in Whyalla.

Leave granted.

The Hon. A.L. EVANS: Honourable members may well be aware of the recent exchange of opinions occurring via the media between the minister and the Whyalla council concerning the council's granting development approval for a sex shop to be opened near the Hincks Avenue Primary School in Whyalla. In the media report in the AAP, dated 25 May, the minister was quoted as saying:

> Councils are planning authorities in their own right. Whyalla council can make a policy within its development plan to restrict certain types of shops.

The ABC claimed on 25 May that the minister's written statement to them stated that the council was responsible for its own oversight in that regard, whereas the same day the Local Government Association stated that it was not up to the council to make moral decisions.

In 2001 the Hon. Terry Cameron successfully passed through this council the Development (Adult Book/Sex Shops) Amendment Bill banning sex shops operating within 200 metres of a school, kindergarten or child care centre. On Wednesday 6 June, the Hon. Carmel Zollo said:

> I indicate that the opposition—

as the Labor Party was then—

> supports this legislation, which seeks to ban sex shops and adult bookshops from operating within 200 metres of children's services or schools.

She noted that planning laws which merely treated such sex shops as normal bookshops ignore the social impact of adult bookshops.

Minister Laidlaw, as she then was, said on 16 May 2001 that the Liberal Party would support the bill if the retrospective element was removed, an element which would have made previously legal sex shops illegal. Given the previous bipartisan approach to banning sex shops in such locations in 2001, my questions to the minister are:

1. How many sex shops or adult bookshops are operating in South Australia?

2. How many of those are presently located within 200 metres of a primary school, childcare centre or kindergarten?

3. In response to the Hincks Avenue Primary School incident, and to ensure such an incident will not happen again anywhere in South Australia, will the minister introduce a bill of a nature similar to that which was passed by this council on 25 July 2001?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): I thank the Hon. Andrew Evans for his question. The planning laws are quite complex in relation to this matter. My comments that were quoted came in response to a request from the media. They were in response to comments by the Whyalla council which was saying it could not do anything about it. I was seeking, in that statement, to clarify the law. Approval for a shop does come under the Development Act. Schedule 1 attached to the act regulates shops in general and protects existing rights for shops. That schedule does not differentiate between types of shops; for example, it does not distinguish between a deli or a sex shop. Of course, if the Development Act were to do that, it would have to define exactly what constituted a sex shop, which would probably be quite an interesting challenge in itself.

The only differentiation between any sort of shops that would be made under the Development Act that I can think of off the top of my head would probably be with liquor shops selling alcohol, where the products are controlled and registration is needed. Of course, gambling establishments have their own act and so on but, generally, there has never been any distinction between the types of shops. Provided the products that are sold are not, in themselves, regulated then there has not been any differentiation.

What I was seeking to point out with those comments at the time was that councils have the ability, through their own development plans, to regulate what type of shops they will allow. I pointed out that Whyalla council has not done this in its planning policy. I also gave the example of the Adelaide City Council. The Adelaide City Council has a policy to limit the number of sex shops in Hindley Street, and this has apparently been challenged in the courts, but the ERD Court has upheld the Adelaide City Council's right to have this in its policy. So, in other words, within the development plan it is possible for councils to restrict that type of shop. As I said, that has been upheld against a challenge.

I make the point that councils are planning authorities in their own right and, as such, Whyalla council can make a policy within its development plan to restrict certain types of shops but, of course, it cannot do this retrospectively. Currently the council is bound by the schedule in the Development Act. If any council were to do this, it should change its development planning policy so that it does not permit this type of shop to be close to schools. I think all of us would agree that it is undesirable to have a sex shop in close vicinity of schools. I guess how far away they should be and how one might define what a sex shop is, and the issue of advertising and so on are matters that would have to be considered if one were to deal with this issue. That is how the law exists at the moment.

I will look at the proposal the honourable member made in the third part of his question to see what the issues would be in relation to having some legislative response. However, as I have just indicated in my answer, it is not easy if one is to regulate a type of shop without controlling or regulating the products that are sold, as is the case with liquor. Certainly, the advice I have is that the definition the Adelaide City Council used was effective to some extent in Hindley Street.

In light of the honourable member's question, I will seek to review the situation. I will have a closer look at what is in the Adelaide City Council's policy to see whether or not that could be used as a basis for addressing this matter. At the very least, it certainly would not hurt to advise councils that, when they are reviewing their development plans, they should seek to address this issue through that avenue. I give an undertaking to the honourable member that I will investigate that option.

VICTOR HARBOR DEVELOPMENT

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Leader of the Government a question about the Victor Harbor Development.

Leave granted.

The Hon. R.I. LUCAS: On Tuesday, I asked the leader two questions. The first one was whether or not representation had been made either to him or to the Premier prior to the state election, and *Hansard* records the leader as saying that, no, no representation had been made to either him or to the Premier. The second question I asked related to whether or not the minister received any advice from within Planning SA not to grant major development status to the project. *Hansard* makes it fairly clear that the minister did not specifically answer the substance of that question. He went on to call me and others 'sleaze', 'economic saboteur', describing us as 'getting down into the gutter', and he used a variety of other descripters, which may or may not fit his definition of injurious reflection. It is like water off a duck's back for us, though; we are not sensitive. My question is: did the minister or any of his ministerial advisers have any discussions with Mr Nick Bolkus or Mr John Quirke about the decision to give major development status to the $250 million Victor Harbor redevelopment prior to the minister's decision to give the project major development status?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): Again, it is extraordinary how this backbench member, the Hon. Rob Lucas, focuses on these things. It must be a real worry to people opposite that there is so much new development happening in this state, as opposed to the eight years of their government. All they can do is try to pull this project apart and try to suggest that there is something wrong with it by this series of innuendo. They are now trying to suggest that people were involved. If honourable members believe that there is anything improper in relation to the decision that was made, they should—

Members interjecting:

The PRESIDENT: Order! The water seems to be running off the duck's back very slowly over there at the moment.

The Hon. P. HOLLOWAY: The Hon. Rob Lucas could provide a great idea for *Big Brother*. We know the *Big Brother* ratings are falling, but Rob Lucas has come up with a great new idea for the producers: he is the evictee who is refusing to leave the house—and then, when he is in the house, he creates mayhem. That would be a great new story. This is something the producers could use to fix up their television program. When they say, 'It is time to go Rob Lucas,' perhaps people could text their messages to the Liberal Party. Have I spoken to Nick Bolkus and John Quirke? I have spoken to them on a number of occasions—both John Quirke, a former colleague of mine, and Nick Bolkus. When I declared this a major project, the approach I had was from officials of the Makris Group who were putting up this proposal. They met with me and presented it to me. I certainly have not had discussions with Nick Bolkus in relation to this matter. In relation to John Quirke, I did not specifically discuss my decision with him.

Members interjecting:

The Hon. P. HOLLOWAY: Of course not. That is the answer.

The Hon. R.I. LUCAS: I have a supplementary question. First, what does the minister mean when he says that he 'did not specifically discuss' the issue with Mr Quirke? Secondly, was Mr Quirke acting as a lobbyist for any of the developers associated with this particular development at the time of the minister's non-specific discussion with Mr Quirke?

The Hon. P. HOLLOWAY: I suggest that the honourable member speak to the developers and ask them about their particular roles. It is not up to me to say what role they had. When I discuss any decision to declare a major project I do it with the principals of that development. Of course, Rob Lucas is desperately trying to create—

Members interjecting:

The Hon. P. HOLLOWAY: I hope the rest of question time is taken up on this issue. Every time they do it the Liberal Party is saying, 'We are so embarrassed by the lack of development we had, so we will try to suggest they are lobbying people.' I see people all the time. I have not refused access to any person in this state who wants to come to my office with a good development. I do not care who they are or what they have done. If they come to see me with a good development for this state, I will meet with them, listen to them and discuss the project on its merits. If the Hon. Rob Lucas or anyone else wants to make any accusation that I have behaved in any way improperly, let them do so; but they will not be able to do so because they will find absolutely no grounds whatsoever.

TRAVELSMART WORKPLACE PROGRAM

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Road Safety a question about the TravelSmart Workplace program.

Leave granted.

The Hon. J. GAZZOLA: As a result of the popularity of the movie *An Inconvenient Truth*, which highlighted the effects of global warming, it seems that more people are conscious of helping our environment. Will the minister explain what the government is doing to encourage South Australian workers to help reduce greenhouse gas emissions?

The Hon. CARMEL ZOLLO (Minister for Road Safety): Last year I informed the council that South Australians produce nearly 30 million tonnes of greenhouse gases every year. Vehicle use accounts for 90 per cent of these emissions. In order to reduce these emissions, the state government, through the TravelSmart program, has been encouraging South Australians to make small sustainable changes in their travel behaviour in order to reduce their everyday reliance on cars. I am now pleased to report an update in relation to the TravelSmart program and the willingness of one northern suburbs community to embrace it.

Mawson Lakes, located in Adelaide's north, is home to Technology Park where more than 2 000 employees in 85 workplaces, covering 70 hectares, are engaging in a range of initiatives that support sustainable commuting. A survey of the travel pattern of these employees was carried out in September 2006. As a result of the survey, a Technology Park TravelSmart Workplace Plan 2006-08 was created. The working group consists of representatives from the Department for Transport, Energy and Infrastructure (Public Transport Division), the City of Salisbury, the Land Management Corporation and various workplaces, including Saab Systems.

I am pleased to say that this group of state and local government developers and private industry has successfully worked together to achieve a range of mutually beneficial objectives. So far, meaningful data on the trip origins of

employees has been provided to the Public Transport Division of DTIE to assist in future policy planning. Barriers to reducing single occupant car use have also been identified. These include a lack of knowledge of available public transport options, a lack of secure bike parking facilities and bikes and the condition of some walking and bike paths.

As a result, during Technology Park's Travel Challenge in March, employees at Technology Park were offered a free bike and secure locker at the Mawson Interchange. A number of staff took up this offer and have subsequently increased their bike journeys and encouraged others to cycle. Cyclists from Technology Park and Mawson Lakes University and local residents have also initiated the formation of a bicycle user group for Mawson Lakes. I personally congratulate all the workers and residents of Mawson Lakes who took part in the TravelSmart Workplace Program.

If any commuters would like more information on greener travel options, I encourage them to read the TravelSmart Access Guides which are available from council customer service centres, libraries and various offices of Service SA.

The Hon. M. PARNELL: As a supplementary question, in light of the minister's answer, why is it then that the only recommendation of Professor Schneider's for reducing greenhouse gas emissions released just today the government has refused to accept is the one relating to greenhouse efficient cars?

The Hon. CARMEL ZOLLO: My interest, obviously, in this greenhouse emissions project is as the Minister for Road Safety because, at the very obvious, logical level it reduces cars on the road. I am wondering whether the honourable member is talking about the Reva electric car.

The Hon. M. Parnell interjecting:

The Hon. CARMEL ZOLLO: Yes. The honourable member is not talking about the Reva car, though, is he?

The Hon. M. Parnell: No.

The Hon. CARMEL ZOLLO: Okay. I will take on board the information the honourable member is seeking and bring back a reply. As I said as the Minister for Road Safety, the Travelsmart Travel Demand Management Program really does look to provide sustainable alternatives to private car travel. I have talked in this chamber about other programs, such as the walking school bus. Also, right now we are encouraging some 22 000 households in the west to think more about sustainable ways of travelling. As with the project I have just talked about today, all these projects are ongoing.

PRISONER DAY RELEASE

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Correctional Services questions about the policies and protocols that relate to the day release of inmates and to advising victims of crime of the day release of inmates from prison.

Leave granted.

The Hon. NICK XENOPHON: Recently I received a letter from what could best be described as a whistleblower—it was an anonymous letter—advising me of an incident regarding four female inmates who are said to be amongst the state's most notorious convicted murderers and child abusers and who are currently serving a combined sentence of some 55 years in prison. The letter, which I paraphrase, states that on Saturday 18 November 2006 three women currently serving life sentences for a variety of heinous crimes and a convicted child abuser were released and escorted to the Edge Church (formerly the Southside Church, Reynella) to attend a women's seminar forum. The letter states:

> They left the prison at approximately 8 a.m. and returned at approximately 4.30 p.m.

The letter further states:

> While this seems of no great consequence, the fact that the three convicted murderers and the mother who abused her own son did not, at the time, fit the criteria to be granted day release. (That is, they had not attained a 'Low 1' security rating/classification, acquired after having served the greater portion of the sentence.)

The whistleblower alleges that 'this is blatantly contrary to regulations'. The whistleblower's letter further states:

> In addition, I believe the minimum security escort for inmates not of 'Low 1' status is two Correctional Services or Group 4 officers per prisoner. The four women were merely accompanied by two Correctional Services officers and the General Manager.

The whistleblower indicates that he or she does not believe that the general manager is trained in a security capacity. The letter goes on to make allegations about public safety and whether the public was safe in the circumstances. I understand the minister has a copy of this letter and that it was provided to the Premier, two media outlets and me. It goes on:

> Were any of the victims in these women's cases registered in the judiciary? I believe policy requires victims to be informed of the prisoner's request for day leave prior to final approval. If any victim felt directly or indirectly threatened by the day release of these women, their release could then be denied. Unfortunately, it seems few, if any, of the victims in these cases have registered.

Further, section 85D of the Correctional Services Act lists information that a registered victim is entitled to receive upon applying to the CEO in writing in relation to a prisoner. Paragraph (d) includes the date on and circumstances under which the prisoner was, is to be or is likely to be released from the correctional services institution for any reason, for example, on bail, leave of absence, home detention or parole. My questions to the minister are:

1. What are the protocols of correctional services in terms of notifying victims of crime about a prisoner's leave from prison for any of the reasons outlined above?

2. Can the minister comment on the allegations made by the whistleblower in relation to issues of whether these prisoners were eligible for day release and whether there was sufficient security?

3. What sanctions are there in terms of complying with relevant legislative requirements and departmental policies with respect to prisoners' leave from prison and victims being notified?

4. What, if any, steps have been taken to ensure that any breaches that have occurred in this incident are not repeated?

The Hon. CARMEL ZOLLO (Minister for Correctional Services): I thank the honourable member for his question. At the outset I say that this government and the Department of Correctional Services are deeply committed to meeting the needs of victims of crime in this state and the department is actively working to engage victims of crime. A range of initiatives have been implemented in this area, as is to be expected. I am aware that the Hon. Nick Xenophon, the Premier and a TV station were forwarded an anonymous letter. A number of allegations were made in the letter, but I will outline the facts as I have been advised by the department. On 18 November 2006, seven female prisoners from the Adelaide Women's Prison attended a women's conference at the Edge Church in Reynella. The theme of the conference was 'Improving your Life; Keys to Success'. This

conference complimented departmental programs the women had been participating in.

Each of the prisoners who attended the conference held a Low 1 security rating and was under an appropriate level of supervision at all times. The prisoners were escorted to the church by three custodial officers. One of the officers was subsequently required to return to the prison but was replaced by two operational security unit staff who were already on standby in the car park. The general manager and a social worker from the women's prison also attended and sat with the women. If we are looking at the numbers, there would be six correctional services staff and seven prisoners.

Three of the women who attended the conference have victims registered with this department and with the Department of Correctional Services. In accordance with section 85D of the Correctional Services Act 1982, a registered victim is eligible to receive information relating to a prisoner's release from custody. It is departmental policy that a victim be contacted and consulted prior to leave of absence of prisoners occurring. In this instance a departmental administrative oversight meant that the victims were not contacted about the prisoners being granted leave. The department is committed to providing respectful and efficient services to victims of crime and as a result of the above situation is reviewing its processes to ensure that this remains a once-off occurrence.

The Department of Correctional Services demonstrates its commitment to victims of crime, and it is important that I place that commitment on the record in this chamber. We have a victims services unit. The unit maintains a confidential victim register that enables victims to access specific information about prisoners to whom they are registered against, as supported by section 85D of the Correctional Services Act 1982.

Registered victims are advised of a prisoner's proposed participation in re-socialisation programs if they are considered for home detention when they leave low-security classification and upon the prisoner's release. Registered victims may influence the conditions that will apply and the locations at which offenders are able to live or visit when released to the community to avoid accidental contact. The unit also assists in the coordination, assessment and facilitation of victim/offender mediations. We also have a victim awareness program. The department offers a victim awareness program as one of its six core programs to offenders. Although all of the department's programs have a component that focuses on victim-related issues, the program is specifically aimed at raising awareness of the impact of crime generally.

The program provides an opportunity for offenders to acknowledge the impact of their crime on victims, including the wider community. We also have the Prisoner Assessment Committee, which is responsible for decisions concerning a prisoner's sentence plan, recommending home detention and approving other leave. The committee has a victims' advocate from the Victims Support Service to ensure that the broader views of victims are considered when decisions about prisoner placements are being made.

Of course, we also have a Parole Board. The Parole Board includes a representative with experience and knowledge of the impact of crime on victims and the needs of victims. The board responds to all inquiries made by victims of crime, whether or not they are registered victims, and considers the impact of any prisoner's release on victims and their families.

Since the introduction of the truth in sentencing legislation in 1994, there has been a legislative requirement for the Parole Board to contact all registered victims of offenders, who are to be released on parole, and invite them to make written submissions. Once the prisoner is released on parole, the board provides the victim with written advice regarding the offender's release date and any information relevant to the parole conditions.

We also have a Ministerial Victim of Crime Advisory Committee, and the department has a representative on this committee. This body is aimed at giving a renewed and clear focus for the flow of information about victims' issues and to assist with practical outcomes to help victims of crime. There are over 450 victims of crime who have chosen to register with the department to receive its services and support, and these numbers have steadily increased in recent years. By way of example, there were 380 victims of crime registered in April 2005.

Clearly, more victims are choosing to register and receive information. I thank the victims for that and I give credit to the department for its efforts in this area. I do, however, expect more to be done, and I expect it to be done well. I expect the department to leave no stone unturned when it comes to meeting the needs of victims of crime. I had several discussions with the then Acting CE, the now Chief Executive, and I know that the Chief Executive and the Acting CE have had discussions with the Commissioner For Victims of Crime in the past few weeks.

In light of the recent event, I advise that the following steps will immediately be taken by the department, in addition to those I have just mentioned in the legislation and other programs that we run: a representative of victims will be invited to participate in a departmental executive committee that oversees strategy and programs with respect to rehabilitation; a representative of victims will be invited to a biannual forum to discuss and advise on matters affecting victims; procedures on any leave programs for prisoners will be reviewed and strengthened to reduce the possibility of mistakes in consulting victims; and the department will work with the Commissioner for Victims of Crime to review training programs provided to staff regarding the department's responsibilities to victims.

The department has also apologised to those victims for its oversight. I am able to tell the honourable member that there were six registered victims of three of the offenders who attended the conference. Four other offenders who attended did not have registered victims. The Department of Correctional Services contacted the registered victims after becoming aware that they had not been advised prior to the day leave occurring. The Department of Correctional Services became aware of this oversight after being contacted by the television station. Five registered victims were contacted by the department before the story went to air, and one was not able to be contacted until the day after.

Whilst I am certainly disappointed that there was an oversight by the department, I am also encouraged by the department's overall efforts in meeting the needs of victims. The department is doing very many good things, which I have just placed on the record. Indeed, it has identified other ways of improving the services that we offer to victims of crime.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: The member does not want to talk about Port Lincoln. He is a bit confused about that. I expect the department to leave no stone unturned in an effort to meet the needs of victims of crime in the state.

The Hon. NICK XENOPHON: Sir, I have a supplementary question. How many of the six correctional services staff were trained as appropriate security staff to supervise prisoners on day release, and what is the department's policy with respect to the ratio of appropriately trained security staff to accompany prisoners in such circumstances?

The Hon. CARMEL ZOLLO: I am happy to respond to that question inasmuch as I can. I mentioned to the honourable member that the prisoners were escorted by three custodial officers. One of the officers was required to return to the prison, but there were another two waiting. So, I assume that there were three custodial security unit staff, and the general manager of the prison and another social worker from the women's prison was also sitting with them. If I need to clarify that, I will bring back advice for the honourable member.

The Hon. Nick Xenophon interjecting:

The Hon. CARMEL ZOLLO: If we had seven people leaving the prison and four operational security staff, it is perhaps two to one. I will check for the honourable member and bring back a response.

REPLIES TO QUESTIONS

EYRE PENINSULA BUSHFIRES

In reply to **Hon J.M.A. LENSINK** (15 March).

The Hon. CARMEL ZOLLO: The Treasurer has provided the following information:

In response to the West Coast bushfire the South Australian Government's original National Disaster Relief Arrangements (NORA) claim was lodged in June 2006 with the Commonwealth Department of Transport and Regional Services (DOTARS). DOTARS has rejected certain aspects of that claim.

The State has made a revised claim for all eligible expenditure under the scheme as assessed by DOTARS, i.e. 50 per cent of $1 million in personal hardship and distress payments. However, the matter is not yet settled as negotiations are continuing at officer level to increase the size *of* the eligible claim.

FAMILIES SA

In reply to **Hon. A.M. BRESSINGTON** (7 February).

The Hon. CARMEL ZOLLO: The Minister for Families and Communities has provided the following information:

The Government has no plans to legislate for a duty of care to be imposed on agencies dealing with families.

In respect of child protection, the *Children's Protection Act* 1993 makes clear that the paramount consideration for the Department for Families and Communities (DFC) is concern for the child. Beyond the duty to the child, DFC is required by law to act honestly and in good faith in relation to any child protection matter. There is no need to legislate for such a duty.

To impose any duty of care on DFC or its employees to any persons other than the child involved in a child protection matter would be fundamentally inconsistent with the proper functioning of the child protection system. It would leave workers in the system hamstrung, being caught between the mandate to make paramount considerations concerning the child, and the prospect of legal action brought by anyone adversely affected by any decision regarding the child.

Section 4 of the Children's Protection Act provides that the 'best interests of the child' form part of the paramount considerations which Families SA must take into account in respect of any child protection decision. The section also provides that the right to be safe from harm, the right to care in a safe and stable family environment (or where such an environment cannot be provided, an environment that provides every reasonable opportunity for the child to develop to his or her full potential), and the child's wellbeing, are also paramount considerations.

Section 4 of the Act requires that the following must be considered in determining the best interests of a child:

- the desirability of keeping the child within the child's family;
- the need to preserve and strengthen relations between the child and the child's family;
- the child's own views (where the child is able);
- the need to encourage, preserve and enhance the child's sense of identity; and
- the undesirability of interrupting the child's education or employment.

These considerations are based upon those set out in the UN Convention on the Rights of the Child.

Within these parameters, what is in the best interests of the particular child depends on that child's unique circumstances, that is, Families SA has to consider the particular child and the facts relating to that child before it can determine what is in the best interests of that child.

These definitions are consistent with legislative and common law practice throughout Australia, the UK, USA and Canada.

PROTECTIVE SECURITY BILL

Adjourned debate on second reading.

(Continued from 1 May. Page 50.)

The Hon. D.W. RIDGWAY (Leader of the Opposition): On behalf of the opposition, I rise to indicate our support for this bill. This bill has been introduced as a result of the terrorist attack of 11 September, the Bali bombings and increased security risks in Australia and, particularly in South Australia, vulnerable government buildings and infrastructure, vehicles and personnel—which, unfortunately, was highlighted to us very graphically the day that Dr Margaret Tobin was murdered. The security in our government buildings is of the utmost importance to us all. During this time the government initiated a building security review—a Review of Critical Infrastructure—and a SAPOL review of the Police Security Services Branch, from which this piece of legislation has been promulgated. Interestingly, I wrote to the minister and asked him for a copy of the review, and I was informed that it was an internal police document and was not available. I ask the minister whether he will indicate what other measures were highlighted in that review that have not been included in this bill.

A key recommendation arising from the government building security review was that the government undertake a review of the role, objectives and method of operation of the Police Security Services Branch, with a focus on improving security services to government. The Review of Critical Infrastructure in South Australia identified a range of security issues, including the need for specific legislation with a counter-terrorism focus for the protection of critical infrastructure. However, unlike the Terrorism (Police Powers) Act, this bill will relate to ongoing security and not an imminent terrorist threat—very much like the officers who look after this building, who are always here, and we thank them for their service.

A national review of Australia's ability to respond to terrorism resulted in all states adopting the National Counter-Terrorism Plan, which includes national guidelines for protecting critical infrastructure from terrorism. Various Australian jurisdictions provide specialist security services through government-employed protective security officers, who have legislated authority to stop, search, detain and be armed under certain circumstances. I think it was in July 2006 that cabinet approved a proposal by SAPOL to have the

Police Security Services Branch cease to trade as a government business enterprise. The restructure of the PSSB was a precursor to the concentration on critical government infrastructure which this bill entails.

At present, the Police Security Services Branch security officers have no greater authority than a community member. They provide effective protection of key government assets and infrastructure and require less restricted powers. So, in fact, while these officers have what looks to us, on first glance, like a police uniform, when you take a closer look it does say 'security' on their uniforms, and at present they have no more powers than you or I. The role of the new PSO will be narrow, and it is suggested that it would be inefficient to use the resources of sworn police officers to fulfil their duties. The key function of the PSOs will be to perform functions required for the protection of protected personnel (usually a public official), a protected place or protected vehicle. It is the role of the minister to determine this in writing. I will be interested to hear the minister's comments when he sums up, as to actually what roles he determines this will be required for.

In general, the protective security officer will be given the authority to question persons who are testing the security of regimes. They will have a legislative authority to:

- give reasonable directions, refuse entry or direct a person to leave a protected location (if this is a public location the area must be enclosed and signposted);
- require a person to state their name and address;
- require a person to state their reason for being in a certain location;
- require a person to provide identification;
- under certain circumstances, conduct searches of persons, vehicles or property;
- seize certain items and evidence;
- detain a person for a protective security offence (these relate to the failure to follow any of the previous directions that I have outlined, hindering a protective security officer in the execution of his or her duties, resisting their instructions or impersonating a PSO).

It can be seen that they will have quite enhanced roles from what they have now, and this bill clearly identifies those roles. They will not take on the role or have the powers of sworn police officers but, as I said before, they will have the power to detain, hold and hand over an offender to the police, who then would take over the investigation, with the protective security officer then becoming a witness.

One of the major problems when this piece of legislation was initially promulgated—the suggested review of the Police Security Services Branch—was that these new officers would not be a part of the police force or bear the same status as sworn officers and, in particular, not be members of the Police Association. The opposition understands that the Commissioner of Police will be responsible for the control and management of the protective security officers, subject to written directions from the minister. We are aware that any ministerial advice must be gazetted and laid before the house. The Commissioner is fully responsible for the appointment, conditions of appointment and continued employment of the protective security officers, and the Commissioner may appoint as many PSOs as the Commissioner deems necessary to carry out protective security functions.

In terms of the Commissioner's ability to manage PSOs (police security officers) and sworn police officers, in effect, this bill duplicates the Police Act. The Police Association did not wish to have the police security officers dealt with in the same way when it came to disciplinary actions and, therefore, because they have different roles, different levels of training, different levels of armaments and a range of issues, it was deemed by the Police Association that it would be inappropriate to have police security officers subject to the same tribunal and the same disciplinary actions as sworn officers. In effect, they will have an independent tribunal, even though it may well be the same personnel sitting on that tribunal, but it will be an independent tribunal.

The community will have a safer group of officers. These particular guards currently have a four-week training course. Once the new legislation is in place they will then have a nine-week training course dealing mainly with incident management. This is a section, the opposition believes, of the sworn police officers course. It will be an incentive for the current Police Security Services Branch to undertake that sort of training program. It is the opposition's understanding that it will be a contractual obligation for officers or personnel to swap from the existing training of the Police Security Services Branch to that of the police security officers. They will be required to train to meet these new specifications before they are able to gain permanent employment. From the community's point of view this provides another level of enhanced protection for the community.

Security officers are currently employed on a government weekly paid status under the Government Services Award, and they are not under the Public Sector Management Act as employees. Under this bill the police security officers will be employed under the Protective Security Act with employee conditions under a separate schedule provided by the Public Sector Salaried Employees Interim Award. The classification of the positions under this award are yet to be determined through consultation with the unions and employees. It will be interesting to hear whether the minister has any comments when he sums up on what the salaries will be and whether there will be incremental increases for different levels of skill, etc., for the police security officers.

Another key factor of this bill is that the uniform will be changed. It is the opposition's understanding that the uniform will change from a blue shirt to a white shirt and be branded slightly differently. When people like me, who have not studied the officers in detail, first glance at them in buildings like this, we just assume they are members of the police force and are sworn officers. From now on, or when this bill comes into practice, they will be branded slightly differently. They will have white shirts with different badging. They will be clearly identified as security personnel who are protecting the people in this and other government buildings, and the public. They will not be police officers; they will be clearly of a different appearance. Also, the cars that they use will be different.

During consultations about this bill we have spoken at length with the Police Association and had a couple of briefings from SAPOL itself. We look forward to the committee stage of the bill. I am looking forward to asking a couple of questions about some of the clauses. I note that one of my colleagues has a number of questions he would like to ask but, at this stage, the Liberal Party supports the bill.

The Hon. SANDRA KANCK: I indicate that I will be reluctantly supporting this bill. In many ways it is simply recognising the fact that we do have a protective security force, and the bill is seeking to more clearly define the role, responsibilities and accountabilities of this force. For

example, it will ensure appropriate training for protective security officers and it codifies disciplinary procedures for officers of that force.

My reluctance stems from the fact that this is yet another step in South Australia's slide from a free state where people are accustomed to going about their business unhindered to a surveillance state where everyone is under suspicion and, yet again, we are allowing this through without building in any checks and balances. For instance, this bill gives the minister power to declare a protected area in which these officers, who are effectively an additional police force, will have the power to question, detain and search people. Under these powers, a carefree walk across the Festival Plaza could turn into a brush with our burgeoning security apparatus. I well recall about 18 months ago when Donald Rumsfeld came to town and the whole city was in lockdown. When I walked down towards the Hyatt Hotel to have a look at the barriers that had been put in place, I was held up by a police officer and asked to provide details of my name, address, telephone number, occupation and what I was doing in that area.

I understand this development of a protective security service is prompted by the threat of terrorism attacks and the killing of Margaret Tobin in 2002. Both are examples of rare but tragic and potentially devastating events. Of course, if we are at all a target for terrorism, it very much relates to the stance our federal government has taken in aligning us with George Bush and his government. While we need to ensure that our community is equipped to cope with such threats, we should never lose sight of the fact that governments and their police and security forces are potentially as great a threat, if not a greater threat, to the wellbeing of the citizenry.

I ask members of the government and the opposition to consider the experience and tradition of their own parties when considering laws which increase the powers of the state. The Liberal Party has traditionally been deeply suspicious of state power and has drawn support from Eastern Bloc dissidents and refugees who have directly experienced the abuse of state power. On the Labor side, there are, or at least there used to be, links to refugees from apartheid, Chile and Nicuaguara, for instance. Australia and South Australia are democracies with a much stronger tradition of freedom than those countries, but even here the old lesson that power is always abused is borne out. In Don Dunstan's time, we had the Salisbury affair, where the Police Special Branch kept files on unionists, community activists and homosexuals.

I support this bill because the provisions in isolation are reasonable, but I think we would be irresponsible if we did not consider how we can increase the checks and balances to counter the introduction of more and more security measures. One of those checks on abuse is an independent and well funded independent commission against crime and corruption to ensure that government and its instrumentalities are open to scrutiny because, once again, we have the police effectively investigating themselves if something goes wrong: it will be the same people as in the Complaints Authority but under a different name.

I believe we also need a new emphasis on educating people about their rights so that they can confidently challenge any abuse of those rights by public officials. Ben Johnson said, 'Whoever sacrifices their freedom for their security deserves neither,' and I ask members in this place to reflect on that. Applying the wisdom of history to populist legislation ought to be one of the key roles of the Legislative Council. I fear this is not happening. I urge members to keep this in mind when considering laws that seek to restrain the people. I indicate support for the second reading.

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

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (PENALTIES) 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.

In 2005 the Rann Labor Government introduced reforms that streamlined and modernised the administration of occupational health, safety and welfare legislation in South Australia. This legislation established SafeWork SA and the SafeWork SA Advisory Committee and came into effect on 15 August 2005.

At that time the Government indicated to both houses of Parliament that these amendments were the first stage in the Government's ongoing commitment to achieve reform in the area of occupational health and safety. This Bill will continue the Government's commitment and build upon the workplace safety initiatives already achieved.

The Bill has been developed largely in response to recommendations contained in the 2002 *Stanley Report Into the Workers Compensation and Occupational Health Safety and Welfare Systems in South Australia*. In particular, Recommendation 31 of the Stanley Report proposes that there be a review to consider increasing the current level of penalties.

The Bill has been developed through open and extensive consultation. In June 2006 the SafeWork SA Advisory Committee, which involves representatives of employers, workers and the Government, commenced a broader review of current penalties. The committee's recommendations are reflected in the Bill.

At the same time, SafeWork SA invited consultation from stakeholders on the level of fines and the structure of penalties under the Act, the offence of industrial manslaughter and the use of the current aggravated offence provisions. SafeWork SA consulted with some 75 organisations and individuals. A total of 18 written submissions were received and their high calibre and consideration of the issues is to be commended.

The key changes proposed in the Bill are:

- an increase in the maximum level of fines for corporations;
- a new offence of reckless endangerment; and
- clarification of corporate liability and conduct of officers.

The Bill proposes to treble the maximum fines payable by corporations across all of the divisional fines. Penalties under the Act were last amended in 2001. Since that time most other jurisdictions have amended their OHS legislation and increased the amount of their penalties. The Stanley Report recommended that penalties should be increased to be more in line with interstate fines.

A distinction has been made in the Bill between the maximum penalty that can be imposed on a corporation or an administrative unit, and an individual. Such a distinction is necessary to reinforce to employers that the development of a safety culture in their workplace should be a fundamental cornerstone of their business.

As a society we can no longer tolerate the idea that safety in the workplace is someone else's responsibility. It is in fact the responsibility of every person who is involved in, or has an interest in a workplace. From the shareholders to the Boardroom, the Chief Executive to the manager, supervisor, leading hand and the employee, all persons must understand the obligations that they have to secure the health, safety and welfare of persons at work. Given their role, the failure by a corporate employer or the public sector to develop and implement a culture of safety is particularly inexcusable.

Many members of the business community treat workplace safety seriously, and the Government commends these businesses for doing the right thing. Encouraging a positive and cooperative focus on

workplace safety amongst all employers, will lead to the reduction of injuries and deaths in employment, which is of paramount concern to this Government.

Increasing penalties for corporations and administrative units will act as a significant deterrent for those employers who disregard their obligations and duties under the Act. Further the differential in fines recognises the different economic capacity of corporate entities as compared to individuals.

South Australia remains the only State to not distinguish between bodies corporate and individuals. Most States and Territories have also significantly increased fines for OHS&W offences, in particular corporate offences. Presently, OHS&W fines for corporations in South Australia are comparatively low. Trebling the fines for corporate entities will put South Australia within the range adopted by the other States and Territories.

The Bill also creates a new offence, which replaces the current section 59 aggravated offence. With the new offence a breach of the Act occurs where a person knowingly or recklessly acts in a manner that may seriously endanger another person at the workplace.

The current aggravated offence provision requires proof of the person's state of mind. It requires proof that they knowingly contravened the Act *and* were recklessly indifferent to the consequences. This creates major evidentiary hurdles and there has not been a single successful prosecution under this section in almost 20 years of its operation.

Reckless endangerment is a more effective and powerful alternative to aggravated offences and industrial manslaughter. The new offence is applicable to the conduct of an individual or a corporate entity where it is demonstrated that there was a conscious or reckless disregard for the safety of others in the workplace.

The new offence is consistent with the principles underlying other offences in the Act. It is based on the existing concept that underpins our OHS legislation, that it is the exposure to risk of harm in the workplace, not the resultant harm, that forms the basis for a breach of the Act.

The new offence ensures that there is an appropriate and credible penalty for the most heinous offences that are committed in the workplace. This is reflected in a significant fine of up to $1.2 million in some circumstances, and potential imprisonment of up to 5 years.

This offence will have a deterrent effect on those employers and workers who believe that they can continue to flout workplace safety obligations and responsibilities and not be answerable to the courts and the community.

The Act is currently silent on the issue of dealing with corporate liability in regard to actual or implied knowledge of a corporation or administrative unit relating to the acts and omissions of directors, officers and employees.

The introduction of the provisions in the Bill will clarify the liability of corporations or administrative units based on the conduct of their officers, and the liability when a corporation or an administrative unit has breached the Act. The provisions in the Bill are related to, and assume more importance in light of, the introduction of separate penalties for corporations or administrative units and individuals and the trebling of penalties for corporations or administrative units and the introduction of the new reckless endangerment offence.

The new liability provisions of the Bill are not limited in their application to the new offence of reckless endangerment. The provisions will have wider application across the Act, including offences for a breach of the substantive duty of care provisions in Part 3.

The Bill contains provisions that represent a contemporary legislative approach to the issue of corporate liability. The provisions are consistent with current practice in relation to Acts in other jurisdictions and in the *Environment Protection Act 1993*.

The changes effected by the Bill will provide greater consistency with other States and bring penalties broadly into line with other jurisdictions. They build on the existing framework of the OHS Act, with positive additions that will benefit the community as a whole.

Every South Australian worker should have the right to believe that when they go to work each day it is with the prospect of returning safely to their home and family at the end of that working day.

A safe and healthy workplace fosters productivity, competitiveness and investment in our State and the changes contained in this Bill will deliver long-term benefits for South Australian employers, employees, the community and the economy.

The Government recognises the important contribution made by all organisations and individuals who contributed through the consultative process. This collaborative approach is a testimony to the capacity and commitment of all interested stakeholders and demonstrates that a cooperative approach results in better occupational health and safety outcomes and performance.

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 *Occupational Health, Safety and Welfare Act 1986*

4—Amendment of section 4—Interpretation

This clause amends section 4 of the principal Act to provide 2 different streams of penalties for defendants, 1 for natural persons and another for bodies corporate and administrative units. The proposed maximum penalties in relation to bodies corporate and administrative units are triple those for natural persons for each divisional penalty.

5—Substitution of section 59

This clause inserts a number of new sections into the principal Act as follows:

59—Offence to endanger persons in workplaces

This section provides that it is an offence for a person to knowingly or recklessly act in a manner in, or in relation to, a workplace that may seriously endanger the health or safety of another person.

The offence not only covers the situation where the conduct of the defendant actually causes harm to a person, it also covers conduct that has the potential for harming a person, thus allowing dangerous conduct to be prosecuted without the need for someone to first be injured.

The section does, however, provide a defence for the situation where the person had a lawful excuse for acting in such a manner. This covers situations where the work undertaken by the person is inherently dangerous to others.

59A—Imputation of conduct or state of mind of officer, employee etc

This sections provide a scheme for establishing corporate or administrative unit liability by imputing conduct or knowledge of an officer, employee or agent of the corporation or administrative unit to the corporation or administrative unit. A natural person who is convicted of an offence because of the operation of the new section is not liable to be imprisoned.

This provision, and those following, are based on provisions in the *Environment Protection Act 1993* relating to similar issues of corporate responsibility.

59B—Statement of officer evidence against body corporate

This section allows, in proceedings for an offence against the Act by a body corporate, a statement made by an officer of the body corporate to be admissible as evidence against the body corporate (which otherwise may be not be admissible due to the privilege against self-incrimination).

59C—Liability of officers of body corporate

This section creates an offence if a body corporate or administrative unit breaches the Act and the breach is attributable to an officer or employee failing to take reasonable care.

The section provides evidentiary rules and exceptions.

A person who is convicted of an offence because of the operation of the new section is not liable to be imprisoned.

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

ADDRESS IN REPLY

The PRESIDENT: I have to inform the council that Her Excellency the Governor has appointed 4 p.m. today as the time for the presentation of the Address in Reply to His Excellency the Lieutenant-Governor's opening speech. I ask

all honourable members to accompany me to Government House.

[Sitting suspended from 3.43 to 4.45 p.m.]

The PRESIDENT: I have to inform the council that, accompanied by the mover, seconder and other honourable members, I proceeded to Government House and there presented to Her Excellency the Address in Reply to the opening speech of the Governor's Deputy adopted by this council today, to which Her Excellency was pleased to make the following reply:

Thank you for the Address in Reply to the speech with which the Governor's Deputy opened the fourth session of the fiftieth parliament. I am confident that you will give your best consideration to all matters placed before you. I pray for God's blessing upon your deliberations.

EGG PRODUCTION

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I lay on the table a copy of a ministerial statement relating to caged egg production made earlier today in another place by my colleague the Minister for Agriculture, Food and Fisheries.

DEVELOPMENT (REGULATED TREES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 May. Page 52.)

The Hon. M. PARNELL: I will speak briefly to this bill because it is the same bill that we discussed in the last session of parliament. In my remarks on that occasion I pointed out what I saw as a number of shortcomings. At the heart of all those shortcomings was the fact that the regime appears not to increase the standard of protection for trees but, in fact, could be seen to undermine those standards. Since speaking to that bill in March this year, a number of other representations have been made to me—and I imagine made to other members, as well—and these representations universally have been critical of the bill, urging that we take this matter slowly to make sure we get it right.

I received one piece of correspondence from Councillor John Rich (President of the Local Government Association). His comments and summary were that further work on the bill would be desirable to address a number of issues. His organisation's call was that we should do more work and not proceed straightaway. I received a more extensive submission from the Conservation Council of South Australia—a copy of that organisation's letter to minister Holloway. In fact, that submission identifies over 20 amendments that the Conservation Council believes ought to be made to this legislation.

I am disappointed that we have before us now exactly the same bill that we dealt with in the last session and that none of these seeds of good ideas has fallen on fertile ground. The third submission that I received was from the South Australian Society of Arboriculture. Again, it is a submission that is critical of the bill. It states that its members firmly believe that the present system, though it has many flaws, is fundamentally better than the proposed two-tiered system. The society makes sensible suggestions in the submission about how we can make a single-tiered system work better to avoid the need for having two classes of protected significant vegetation.

My intention, if time allows, is to go through these submissions and to get a number of amendments prepared. I believe that the system can be improved, but I am not convinced, either on the basis of my own experience as a lawyer dealing in this area or the submissions, both old and new, which I have received, that this bill is the way to go. For now I am happy to support the second reading of the bill.

The Hon. A.L. EVANS: I rise to support the second reading of the bill and signal to the government that we see merit in the proposals contained in the bill. The bill seeks to amend the Development Act to, among other things, divide trees in council areas into two categories—regulated trees and significant trees. The regulated trees are those that, by their very characteristics such as circumference, become regulated by default. Trees that attract special attention are deemed to be those that are more than just regulated; that is, significant trees.

We have received a number of submissions on this bill, including from the Conservation Council. It expresses concern about the bill, and it may be that there are amendments to deal with these issues. I have received a letter from the City of Mitcham concerning the bill, but I believe its concerns about the eucalyptus trees in its council area can be readily resolved by the mechanism described by the minister; that is, if the trees do not meet the criteria to be described by default as regulated trees, those trees can be included as regulated via an amendment to the council's development plan.

The situation where people concerned about a tree had to obtain an arborist's report (as described in the minister's second reading explanation) is clearly unsatisfactory. Landowners and developers need more certainty as to what trees are or are not significant so that they are not bound by red tape. I see this bill as a move by the government to remove red tape—which we certainly support.

The Conservation Council has told us, in effect, that the division of trees into two categories will result in large trees being removed more easily, and it alleges that 'a significant number of other councils are likely to use the amendments to facilitate the removal of increasing numbers of large trees'. I would like very much to hear the minister's opinion on that because it is of concern if this bill will result in a massacre of trees.

Family First values the environment and the benefits that trees bring for families to enjoy landscapes, ecosystems and understanding of conservation of the environment. We understand that the minister is saying that this bill will streamline the process for determining the significance of a tree or a set of trees, so we ask the minister to answer the Conservation Council's fears about this bill.

I also note that it seems to us that there will need to be diligence on the part of the Conservation Council and concerned members of the Legislative Review Committee to ensure that regulations introduced under this bill are appropriate in achieving the aims of the bill. In relation to section 39(3a), I do think that the Conservation Council raises a very good point. It does stand to reason that those who provide would-be arborist advice on a tree ought not be the people who are also the tree loppers; that is, the people who have a vested interest in the trees and want to see them removed. Family First would appreciate the minister's input on this matter.

Family First likes the concept in section 50B of an urban tree fund because it ensures that revenue collected from

enforcing the tree laws goes towards restoring trees to the environment. I think it is a good principle, and I hope in areas such as speed camera fines and tobacco fines we see a similar return of investment to the sector that is being penalised rather than total absorption into general revenue. The Conservation Council has made the point to us that we would not want to see this clause used to see people 'buy' the right to remove a healthy tree.

Family First also thinks that it makes good sense for there to be 'make good' orders, with the court's power broadly stated in proposed section 106A of the bill. Given that section 106 of the Act deals generally with any breach of the Development Act, it is appropriate that the courts be given separate legislative direction as to the types of orders that parliament would like to see the courts making when there has been tree-damaging activity. We would be grateful if the minister could advise how many public servants are empowered to police legislation concerning tree removal and the number of successful prosecutions. In our view, the phrase 'tree-damaging activity' as defined in the bill deals sufficiently with the Conservation Council's concern that under this bill 'clearance by stealth' might occur, for instance, by doing root damage to the tree. Paragraph (e) of the definition in the bill covers that.

I must say that to date I have not seen any amendments, as were foreshadowed by the Democrats and the Greens in their second reading contributions. My office has checked and none were on file as of Monday 28 May. I know the government's legislative agenda has us all under pressure, but my colleague the Hon. Dennis Hood said earlier this year that amendments we receive late are not likely to be favourably considered. That is not to say that these amendments will not be agreeable, but I hope members can appreciate how hard it is at short notice to comprehend the full ramifications of an amendment to a bill. Given that amendments to this bill have been proposed by other members, and also given our questions to the minister in relation to the bill, we are happy to support the second reading but reserve our position on the third reading.

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

ADJOURNMENT

At 4.56 p.m. the council adjourned until Tuesday 5 June at 2.15 p.m.