LEGISLATIVE COUNCIL

Wednesday 1 August 2007

The PRESIDENT (Hon. R.K. Sneath) took the chair at 2.19 p.m. and read prayers.

PAPER TABLED

The following paper was laid on the table:

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

Report on the Review of the Natural Resources Management Act 2004.

QUESTION TIME

MEMBERS' INTERESTS

The Hon. D.W. RIDGWAY (Leader of the Opposition): I seek leave to make a brief explanation before asking the Leader of the Government in this place a question relating to political donations; in particular, with respect to the Minister for Agriculture, Food and Fisheries.

Leave granted.

The Hon. D.W. RIDGWAY: During the last election campaign—and perhaps slightly before—the member for Mount Gambier (the Minister for Agriculture, Food and Fisheries and Minister for Forests) circulated by post and also by personal delivery a flyer entitled 'Rory & Di. Long term locals' and on the back 'Re-election of Rory (and Di) McEwen. Saturday 18th March 2006. Support register'. Then follows a form for persons to fill out their name, and there are a number of boxes for people to tick, including boxes to indicate that you can assist on polling day, the preferred booth and time, and whether you can assist as a scrutineer.

More importantly, it invites people to, first, join the $100 club and, secondly, to assist with a donation. It then goes on to say, 'Cheques to be paid to the R.J. McEwen campaign account; please return in the enclosed envelope to Rory and Di McEwen, PO box. . . Mount Gambier'. Paragraph 49 of the ministerial code of conduct, gifts and benefits—and we all know that if you look at the word 'donation' in any dictionary in the nation it is defined as a gift—says, 'Ministers should not seek or encourage any form of gift from any person in their personal capacity.' Does the minister now concede that the Minister for Agriculture, Food and Fisheries has indeed breached the ministerial code of conduct by seeking gifts and donations from members of the public?

The Hon. P. HOLLOWAY (Minister for Police): I assume the Leader of the Opposition is suggesting that Independent members should never be able to become ministers. He is assuming that members such as Mr McEwen cannot—

The Hon. D.W. Ridgway: Come on!

The Hon. P. HOLLOWAY: The Leader of the Opposition is suggesting that there should be two rules. Is he seriously suggesting that the Liberal Party did not raise funds for the last election by putting out similar letters to such people? Independents are entitled to operate like parties in seeking funds for their re-election. Obviously in Mr McEwen's case it was successful as he received the support of the community. In relation to Rory McEwen's behaviour as a minister, it has been my observation around the cabinet room that he has always behaved impeccably in relation to the ministerial code of conduct.

The Hon. D.W. RIDGWAY: Has the minister breached your government's ministerial code of conduct by seeking donations during the election and before?

The Hon. P. HOLLOWAY: I believe I have answered that question.

MENTAL HEALTH PATIENT

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

Leave granted.

The Hon. J.M.A. LENSINK: I received an email on 18 July from a constituent who is understandably frustrated with his dealings with the mental health system, and I subsequently wrote to the minister on 24 July, and I appreciate the acknowledgment. The details of this case are as follows, and I quote from his email:

> On the 11th of July my brother was detained by his doctor and put in the Adelaide hospital. He was detained till Friday the 13th of July and then released to go home. On Saturday the 14th of July I visited my brother and I found him not that well but put it down to medication still to kick in. . . Sunday the 15th I had my brother help me with some work I was doing and found him to be very aggressive and threatening, he made threats against myself and others that were in the area, at that time I rang the eastern MAC number and had a recorded message, stating to leave a message and they will get back to me, but if it is urgent ring the ACIS number, which I did and was told that he was a client of eastern MAC, there was nothing the ACIS team can do for me and they will try to get someone from the eastern MAC team to call me back.

He then received a call from the eastern MAC team and had some disagreements about medication and his assessment of potential threats of violence as opposed to that of the person from the MAC team. He continues:

> . . . normally when he gets to this point, he is not far from causing some damage or hurting people. . . when he threatens me he is well and truly off the rails and he had threatened to come and break my door at home and cause damage. She [that is, the person from Eastern MAC] asked if I called the police and I told her that they suggested that I call Eastern MAC. I then asked that they acknowledge my concerns and she told me that she would talk to the doctor on Monday. I then left it with [the person] and hoped that there would be some action taken by the Eastern MAC team. Well, there was no action taken at all, as I discovered this morning when I rang for some answers.
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> On Tuesday night 17 July my brother made good on his threats and broke into my home while we were not home at the time. Using a pick axe he broke through the door and caused approximately $5 000 damage to my property. I then was alerted by the police that my brother presented himself to James Nash House that day and asked to be committed and he was sent away.

The Hon. R.D. Lawson interjecting:

The Hon. J.M.A. LENSINK: Indeed. He went on saying that he spoke to a person at James Nash House, who did not know about the calls to the MAC team. He continues:

> I also was told that they were going to see him today because there was a doctor available. My concerns are that if I was home with my wife and 14 month old son there could [have] been an injury or death to any one of my family and if the Eastern MAC team had acted on my concerns on Sunday and got my brother help or even on Tuesday morning when he presented himself to James Nash House there would be no damage to my house or there would be no other victim in the city as well as my brother now having to face charges.

He continues on. My questions for the minister are:

1. How is a situation like this allowed to happen?

2. Are the agencies actually talking to each other so that these sorts of events do not happen (because I get at least one of these serious issues a week)?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for her question. The honourable member is well aware that I will not discuss individual cases here in this chamber. These people are often our most vulnerable, and I have said on many previous occasions that I will not discuss individual cases in this chamber. The honourable member has, in the past, cooperated with that. She writes to me regularly on a number of matters, and she would also be well aware that I respond in a timely and comprehensive manner to any of her inquiries in terms of requesting information or regarding explanations or complaints about services. The honourable member also knows that I regularly brief her on a range of mental health cases—in particular on cases that pertain to individuals—and in the past have provided, and will continue to provide, briefings to ensure that any concerns she or her constituents may have are responded to and acted upon. I have done that, as I said, in a very timely way in the past, and the honourable member would have to acknowledge that.

In this particular case the honourable member says she wrote to me on 24 July. I am not absolutely sure of this. The honourable member says we have acknowledged this correspondence but, obviously, she has not received our reply as yet. As always, any individual case or concern raised requires a full investigation and response, and that will occur. I do not know the details of this particular case; there is an incident we are investigating at the moment but I am not sure whether or not it is the same one. Given that the honourable member only wrote to me on 24 July, and it is 1 August today, I believe that it is reasonable that she allows us, as we have in the past, to investigate fully and thoroughly any concerns that she raises and to respond appropriately.

The Hon. J.M.A. LENSINK: What assurances can the minister give me that James Nash House, ACIS, MAC and the police have any systems that talk to each other which might reassure constituents who keep ringing me and telling me about these problems?

The Hon. G.E. GAGO: That is a separate question again. The honourable member knows that we do operate a memorandum of understanding, which involves both our police and also our ambulance services. We know that the government is indeed very much committed to affirming the rights of those with mental illness, as well as upholding the community's expectation in terms of services and care. We are planning to introduce legislation to reform arrangements involving transportation and a response to the mentally ill who are involved in an incident or public disturbance, and that legislation is well under way.

In 2006, there was a review of the previous 2000 emergency services memorandum of understanding in regard to transportation of people with mental illness, including those who displayed behaviours of concern requiring health assessment. In February 2006, a steering committee, representing mental health services, SAPOL, SA Ambulance and also the Royal Flying Doctor Service, was convened and undertook a review process, and from that process a further memorandum of understanding was developed to reflect current practices.

The new MOU was signed by the chief executives of the four partner agencies in June 2006. This current MOU includes agreed communication processes that reduces the risks and improves safety for the individuals and the workers involved, and also for the broader community. There is an agreement regarding the use of standard documentation and communication processes to facilitate transfer of care between agencies that will help provide consistencies and, again, further streamline procedures. That was identified by the partners. The means of communication was considered a major issue, so that has all been redesigned.

The memorandum took effect on September 2006 and has been supported by ongoing training, monitoring and evaluation. It has also been supported by the establishment of local liaison groups across the state: police, ambulance, mental health and emergency department staff all meet together on a regular basis. Additionally, there is the provision of other key stakeholders who participate in these meetings, involving, for instance, GPs, some consumers, carers and other agencies, such as Disability SA and Drug and Alcohol Services SA. The aim is to assist consumers and partners in working together to resolve issues in an efficient way. Additionally, the local liaison groups have the provision to develop case management plans for working with persons who have complex needs.

So, as you can see, quite a deal of work has been done in bringing those partners together—the police, Flying Doctor, ambulance services—and they continue to work together to refine those practices so that they are able to reduce duplication, streamline communication and provide efficient and effective services in a timely way.

The Hon. J.M.A. LENSINK: I have a supplementary question. Is the minister confident that the MOU is working?

The Hon. G.E. GAGO: Those relationships continue to evolve and are refined, and they continue to develop and improve. I think it is a continuum of improvement. It is continually being evaluated and updated. Where improvements are identified, they are incorporated and adapted, as they should be.

COMMUNITY CORRECTIONS

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about community corrections.

Leave granted.

The Hon. S.G. WADE: Since 2001-02, reimprisonment rates for prisoners nationally have decreased from 40.1 per cent to 38.3 per cent. In the same period under this government reimprisonment rates in South Australia have increased from 36.4 per cent to 41.4 per cent. While national recidivism rates are decreasing, South Australia is moving against the trend, and, having had the second lowest rate in the nation, we now have the second highest rate of any state in Australia. Late last month, District Court Judge Wayne Chivell expressed concern that offenders at the Elizabeth Community Corrections facility are not receiving court ordered counselling. The Public Service Association was quoted as saying that there are lengthy waiting lists across the state, and the counsellors are buckling under the strain of impossible workloads. My questions are:

1. Can the minister advise the council of how many offenders subject to court ordered counselling are not receiving this counselling at Elizabeth and at other community correctional facilities across the state, and what is the average wait?

2. Given that judges and magistrates impose community-based sentences on offenders to stop criminal behaviour and on the assumption that offenders will receive the therapy that the court orders, does the minister accept that the government's soft on crime approach is putting the community at increased risk?

The Hon. CARMEL ZOLLO (Minister for Correctional Services): I thank the honourable member for his question. This government is not at all soft on crime. Community safety is paramount. I stress in the comments that were made, offender supervision is not affected. I also make it very clear that this is not a funding issue; it is an issue of recruitment and the retention of staff. We are talking about highly skilled people who are sought-after by a whole range of other agencies and the private sector in this state. It is a temporary issue, and it is being rectified through improved processes for staff attraction and retention. Community corrections is a priority for this government, and we are running very good programs. I understand that the honourable member will be briefed in a couple of weeks, and I am sure that, after that, he will be better informed—

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

The Hon. CARMEL ZOLLO: You do not think he will be better informed after he is briefed? I hope he will be. We are committed to running a full schedule of anger and violence management programs, but we do have at different times a shortage of specialist staff. In relation to the metropolitan intervention team, during the past 15 months the team's capability to deliver programs has been affected by high staff turnover and the departure of several experienced staff on prolonged leave or through transfer to other agencies.

As expected, there is significant competition right across the human services agencies for personnel with this type of experience, expertise and delivery of group programs. The department is currently developing strategies aimed at getting more staff and retaining those we currently have to ensure program delivery in community corrections. With a view to improving the stability and consistency of programs, the department is including group workers as a specific target in its drive to recruit social workers and psychologists, and it has commenced a new group worker at the Elizabeth Community Corrections. That person actually commenced on 23 July, so the appointment was already made and in-train well before the recent publicity.

In addressing challenges that are presented to us by the offender population, for example, a medium intensity alcohol or other drug program will be delivered in at least three community corrections facilities during 2008, following the training of psychologists and social workers. I know that the department is also working with Flinders University and the University of South Australia to promote employment within the department.

I have to stress that the program of delivery has nevertheless been maintained. I am advised that the number of programs delivered in metropolitan community correctional centres in most cases is actually more than the number that was planned. Four anger management programs were delivered in the Elizabeth Community Corrections Centre during the year. Out of these, 37 offenders began a program and a total of 26 completed their program successfully. In relation to the violence prevention program, in January this year a community-based violence prevention program commenced at the North-East Community Corrections Centre. In May this year a second community-based violence prevention program started at the Edwardstown Community Corrections Centre.

With these two community-based programs and the one being delivered at Mobilong prison, it is expected that around 60 offenders will undertake the violence prevention program each year. As I said, it is a priority of this government to help improve people's lives, with the aim, of course, of stopping re-offending.

The Hon. S.G. WADE: As a supplementary question, I was hoping the minister might clarify something. When she refers to group workers being employed at the Elizabeth Corrections Centre, do I take it that she is referring to offenders being no longer provided with individual therapy but with group therapy? If so, is that not a diminution of service and have judges and magistrates been advised that individual therapy will no longer be available?

The Hon. CARMEL ZOLLO: In most cases, people have to work one to one. Occasionally, people can work within a group. In relation, in particular, to anger management and violence prevention, it is normally a one-to-one case. The judge may also have been referring to psychology services rather than to these programs in his judgment, but we can check up on that.

GEOTHERMAL INDUSTRY

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the development of the geothermal industry in South Australia.

Leave granted.

The Hon. B.V. FINNIGAN: The community is keen to see power sources free of greenhouse emissions—

Members interjecting:

The PRESIDENT: Order!

The Hon. B.V. FINNIGAN: —and the geothermal sector has a lot of potential in this regard. How is the state government encouraging further development of the state's geothermal industry?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): This morning I had the great pleasure of welcoming delegates to the *Australian Journal of Mining's* third Hot Rock Energy Conference, all three of which have been held in Adelaide. The federal minister, Ian Macfarlane, also addressed the meeting after I had welcomed delegates. I commended the geothermal sector for embracing the challenge of securing clean, renewable base-load energy to compete for a share of Australia's energy markets. There is certainly much evidence of progress since the last Hot Rock Energy Conference in February 2006. In that time we have seen a staggering 250 per cent increase in the number of geothermal licence applications across the country, the majority of which, I am pleased to say, are here in South Australia.

We have seen the development of geothermal legislation in Queensland, Victoria, Western Australia and the Northern Territory, and that is based on the South Australian legislation. There has been an increase in the number of companies exploring for geothermal energy from 10 to 27. The combined market capitalisation for the six ASX-listed companies exceeded $500 million, and those companies include Geodynamics, Petratherm, Green Rock Energy, Geothermal Resources, Torrens Energy and Eden Energy. In that time we have seen encouraging results from drilling in a variety of

geological settings by Geodynamics, Petratherm, Green Rock Energy, Scope Energy and Geothermal Resources. We have seen Geodynamics purchasing a $32 million purpose-built drilling rig for the deep depths that are required to progress geothermal drilling.

We have seen the Petratherm-Beach Joint Venture at the Paralana Hot Rock Project and the formation of the Australian Geothermal Energy Group and its 10 technical interest groups. We have seen the federal government's Geothermal Industry Development Framework initiative, which will also include a technology road map, and we have seen increased federal and South Australian government funding for geothermal research and proof-of-concept projects.

These are all positive signs for an industry that is going from strength to strength. Put simply, South Australia has become the centre of geothermal exploration and research. Our state is blessed with vast natural hot rock resources; we have a supportive legislative framework; and, together with the risks posed by climate change, these are all key elements that will continue to drive geothermal energy investment in this state.

I am particularly delighted with the progress that the South Australian geothermal sector has made over the past six years. At the close of business yesterday, 197 geothermal licence areas had been applied for in Australia, of which 157 (80 per cent), covering about 70 000 square kilometres, are in South Australia. Over $580 million in work program investment has been posed by 17 companies in those 157 South Australian geothermal exploration licence areas, and this includes expenditure for demonstration plants and upscaling.

Officers of the state government's Department of Primary Industries and Resources (PIRSA) have taken major leadership roles in the development of geothermal energy in Australia. In particular, Barry Goldstein, Director, and Tony Hill, Principal Geologist, PIRSA's Petroleum and Geothermal Group, are doing a great job as the Chair and Vice-Chair, respectively, of the Australian Geothermal Energy Group (AGEG). Barry, Tony and Michael Malavazos, Chief Engineer, Petroleum and Geothermal Group, are also serving as AGEG technical interest group leaders. It is important to note that this group is just part of the growing expertise in our state which will help to ensure that we remain at the centre of the geothermal industry.

The state government recognises the potential of the geothermal sector, in particular, to generate wealth, create jobs and play an important role in retaining one of South Australia's Strategic Plan targets, namely, to reduce greenhouse gas emissions by 60 per cent by the year 2050. Cumulative expenditure on geothermal projects in South Australia since 2002 is forecast to exceed $130 million by the end of this year and $580 million by 2012, without taking into account the cost of demonstration projects. Hence, this estimate may be conservative. I see it as a significant measure of the growth of the industry and the confidence in the future of the South Australian geothermal sector.

The drilling collaboration program with industry under the government's Plan for Accelerating Exploration (PACE) provides up to $100 000 for drilling projects that have the potential to reduce uncertainties and increase exploration investment in South Australia. Since the inception of PACE, seven South Australian geothermal energy explorers have been awarded funds. At today's conference I was pleased to announce the opening of PACE Round 5. In total, the South Australian government has committed $30.9 million to PACE over the period 2004 to 2011. As I said, this drilling partnership funding is available for not only mining projects but geothermal and petroleum projects as well, if those projects are of merit.

As well as this, South Australia has also taken steps to foster linkages between local, national and international geothermal research. Based on the high quality outputs obtained from initial grants by the South Australian government to geothermal research at the University of Adelaide, South Australia made a further tied grant of $250 000 to the University of Adelaide's seed funding for the development of a major international geothermal energy research cluster. This initiative will foster collaboration on geothermal research of national and international importance and is designed to complement similar initiatives that other states, the Northern Territory and the federal government may implement.

The South Australian government is now consolidating stakeholders' submissions on amendments proposed to the Petroleum Act 2000 in a green paper which was released in December 2006. These submissions will form the basis for the new petroleum and geothermal act that will be tabled in parliament in 2008. I am confident that South Australia will play its role to foster the commercialisation of hot rock energy at maximum pace and minimum cost through this state's PACE initiative, our supportive legislation, the dedicated professionals in PIRSA, and our recent seed funding for a world-class geothermal energy research cluster.

MOTORCYCLE GANGS

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Police a question about the links between outlaw motorcycle gangs and other criminal elements to loan and finance companies.

Leave granted.

The Hon. NICK XENOPHON: The most recent edition of the *Sunday Mail* contains a series of reports by Nigel Hunt of Hell's Angels members having a substantial shareholding in Crown Home Loans Pty Ltd and also criminal elements being involved in short-term finance and loan companies. Further, in yesterday's *Australian*, an article by Andrew McGarry, entitled 'Drug dealer director of loan firm', reported that Antoine Bechara was made a director and company secretary of Adelaide-based Unique Loans Pty Ltd on 9 July 2003. At the time, Mr Bechara was under home detention following six years' imprisonment for heroin trafficking offences. The article reports that Mr Bechara was sentenced to 13 years' imprisonment, reduced on appeal to 10 years and later to a non-parole period of six years, after being convicted of heroin supply in a Perth police undercover drugs bust. The article stated that Mr Bechara was placed under home detention in South Australia in May 2004, some 10 months after his appointment to Unique Loans.

The *Sunday Mail* article also referred to senior police urging the public to use caution before entering into financial arrangements with relatively unknown money lenders. Assistant Commissioner Tony Harrison was quoted as saying, in relation to outlaw motorcycle gangs, 'There seems to be a deliberate intention to get into the short-term money lending areas.' My questions are as follows:

1. Given the police warnings about dealing with finance and loan companies with criminal links, what steps are being taken by the police to advise the minister and, in turn, the Minister for Consumer Affairs, of the identities of these

companies so that, at the very least and as soon as possible, an appropriate public warning can be issued pursuant to section 91(A) of the Fair Trading Act? Further, what is the likely time frame of such a public warning being issued?

2. Given the reluctance of individuals to come forward over the intimidation and threats used by loan companies linked to these outlaw motorcycle gangs and criminal elements, what level of police protection is available in such cases?

The Hon. P. HOLLOWAY (Minister for Police): I thank the honourable member for his question. The honourable member would be aware that other questions have been asked in this parliament (I think by the shadow minister) in relation to areas where outlaw motorcycle gangs are operating in this state, and I indicated that telecommunications and money lending were two of the areas where police were concerned about outlaw motorcycle gang interests. Indeed, the case the honourable member refers to covers both of those areas. The shadow minister, I think, asked me a question last week about details relating to that matter, and I think I offered to provide him with a briefing in relation to it.

I did not want to say too much publicly about those particular areas of operation because, clearly, the police are taking action and I do not wish to compromise in any way their investigations. Recent events and the particular case to which the honourable member refers have highlighted weaknesses whereby people can become directors of firms even though they have been convicted of drug offences. Indeed, I note that the article in *The Australian* yesterday reported that an ASIC spokeswoman confirmed that under the current law a conviction for drug offences was not necessarily an impediment to serving as a company office holder.

My colleague the Attorney-General has written to the federal Attorney asking that the federal government urgently change the law in that regard to ensure that a person must be fit and proper to hold directorships in companies. I note that the New South Wales, Queensland and Western Australian attorneys have also supported my colleague Michael Atkinson in calling for that change in the law. There is more information in relation to the portfolio of my colleague the Minister for Consumer Affairs and, in a moment, I will refer the question to my colleague the Minister for Correctional Services, who represents the minister in the other place in relation to those matters.

In answer to the honourable member's final point about intimidation of witnesses, the government and the Police Commissioner have made it clear that we have two particular concerns in dealing with outlaw motorcycle gangs: first, that these gangs operate under a code of silence; and, secondly, that they intimidate witnesses. Clearly, any effective strategy to deal with outlaw motorcycle gangs must effectively address those two factors.

The honourable member would be aware that the government is currently considering a package of legislation to deal with organised crime and, in particular, outlaw motorcycle gang behaviour. These gangs are practised in the use of intimidation, threats and violence and use these methods to coerce potential and current witnesses to withdraw all participation in the criminal justice system. We are well aware that, as a result of this, many outlaw motorcycle gang members circumvent the judicial process and evade conviction for serious criminal offences. I understand that the intimidation, threats or violence is not always carried out by the outlaw motorcycle gang member subject to the criminal charge, but often by others on their behalf, and that matter needs to be addressed.

One of the recommendations made by the Commissioner of Police and one being seriously considered by the government is to introduce legislation that creates a specific offence of 'intimidate a witness in a judicial proceeding'. In other words, the government is aware that this key issue of witnesses has to be addressed as part of any package in relation to dealing with organised crime and outlaw motorcycle gangs in particular. I know that my colleague the Hon. Carmel Zollo may have more information in relation to what the Office for Business and Consumer Affairs is doing in relation to loan sharking.

The Hon. R.D. LAWSON: By way of supplementary question, when was the minister first informed of bikie gang involvement in money lending activities in South Australia? Did the police seek from the government any specific powers in relation to money lending activities of bikie-related companies and, if so, what action did the government take in relation to that request?

The Hon. P. HOLLOWAY: When we discussed issues of outlaw motorcycle gangs with the Commissioner of Police earlier this year the government and cabinet had a number of briefings. The Premier, the Deputy Premier and I have had briefings from the Police Commissioner and during the course of those briefings earlier this year these matters were mentioned. That has been made public at a number of press conferences that were subsequently held with the Police Commissioner and Assistant Commissioner Harrison. The Premier and I were at those press conferences and have referred to these issues. We have known about it for some time and were advised as part of the whole discussion we were having in relation to outlaw motorcycle gangs. That is why we are seeking a comprehensive package to address these issues, and we hope to have that package ready when parliament resumes in September.

The Hon. R.D. LAWSON: By way of a further supplementary question, why did the government not warn the public of the activities of the money lending firm mentioned by Nigel Hunt when it became aware of those activities, rather than leaving it to the *Sunday Mail* to issue the warning?

The Hon. P. HOLLOWAY: If the police are investigating matters, it is not the role of the police force—and it is totally mischievous that the honourable member should suggest it—to put out press releases about any company being investigated by the fraud squad or any other section. The government became aware earlier this year that telecommunications and money lending are areas where a criminal element is involved. It is a bit like prostitution. Does anybody seriously believe that outlaw motorcycle gangs are not involved in prostitution in some way? Of course they are.

Loan sharking has traditionally been an area where organised crime is involved. Telecommunications is perhaps a new one, but certainly the other areas have been used for decades by organised crime to infiltrate. I do not believe it is the job of the police to issue warnings every time they are undertaking an investigation. They have to get a conviction, and it is not the job of the police to issue warnings. If they were to issue warnings about individuals under investigation before they have been charged, there would be outrage from people like the Hon. Robert Lawson QC protesting about a breach of civil liberties. Again, the Office of Business and Consumer Affairs has a different role in relation to that and

I believe my colleague the minister in another place has been issuing warnings in that area for some time. However, it is pretty obvious that if someone is offering you a cheap loan, and it is not a major bank, you should beware of it.

CLARE EMERGENCY SERVICES CENTRE

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the Clare Emergency Services Centre.

Leave granted.

The Hon. R.P. WORTLEY: The Clare Valley is an important rural centre in South Australia, and I note that the minister opened the Clare Emergency Services Centre at the weekend. Is the minister able to provide any details about the facility and the role it is to play in public safety in Clare and the beautiful surrounding Clare Valley?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his important question. I was delighted to be asked to officially open the Clare Emergency Services Centre last Sunday. This is a joint facility to house the Clare Country Fire Service brigade and the Clare State Emergency Services unit.

Members interjecting:

The Hon. CARMEL ZOLLO: It is a shame members opposite are not interested in our emergency services. This was a wonderful opportunity to join with volunteers, community and business leaders to acknowledge the work of volunteers in the area and the families and employers who support them. It was also another opportunity for me to discuss first-hand with volunteers their views on emergency services delivery in the state.

The Clare CFS brigade has a long history of firefighting in the region, with its origins going back to the 1930s, and the SES unit was established in Clare in 1965. Both the brigade and the unit have been at collocated premises since 1978, so they themselves have a quite significant history of working closely together to support the community.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: I heard that remark; I do not patronise anyone, with all due respect. I had actually visited both their premises on two previous occasions. These new premises in New Road will better meet the increasing demands on both services. Growth in the area, particularly in the wine-grape growing and tourism industries, means that the local brigade and unit are now amongst the busiest in the region. The new centre was built at a total cost of about $845 000 and will provide more appropriate modern training and operational bases for each service. This further builds on the government's commitment to providing well-resourced emergency services to South Australia. The continued collocation ensures that, where possible, resource sharing does occur. The centre has separate storage areas for CFS and SES appliances, and dedicated parking for volunteers attending training and call-outs.

I would like to acknowledge the contribution of the Clare and Gilbert Valleys Council for its support of the local SES unit and CFS brigade and for its help in securing and preparing the land for the emergency services centre. I wish Michael Matthew, the captain of the Clare CFS brigade, and Neil Gibson, the unit manager of the Clare SES, and their teams well in their new premises. I trust that the centre meets their needs and in some way demonstrates this government's commitment to supporting our volunteers.

TOBACCO LAW ENFORCEMENT

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question regarding smoking bans.

Leave granted.

The Hon. A.L. EVANS: The bans on smoking in South Australia's pubs and clubs come into effect on 1 November this year—which, I note, makes us the last state or territory to do so, other than the Northern Territory, which has no plan to introduce such bans. On page 25 of the *Sunday Mail* of 22 July 2007 I was interested to read that KESAB (Keep South Australia Beautiful) was concerned that the ban would drive smokers outdoors. KESAB argues that smokers will leave their cigarette butts on the ground and it alleges that these butts will find their way into gutters and waterways. KESAB also reported that 49 per cent of Australian litter is comprised of cigarette butts. My questions are:

1. Has the minister, in her capacity as Minister for Environment and Conservation, conducted an assessment of the potential environmental impact of the smoking ban?

2. Will the state government provide funds to enable more ashtrays to be placed outside pubs and clubs?

3. To bring home the need to quit smoking, and also to avoid the problem of cigarette butt litter, will the minister consider a total ban on smoking inside and immediately outside the entrance of licensed premises, as is the case now with publicly-owned buildings?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for his important questions. Indeed, South Australia has done a great deal and in many areas is leading the way in terms of its tough stance on cigarette smoking in an attempt to reduce smoking rates, which are on the decline, I am pleased to say, though clearly there is more to do. In relation to the complete bans that are about to come into place on 1 November—basically banning smoking from all pubs, clubs and the casino—we are aware that the issue of cigarette butt litter has been raised with KESAB. KESAB has looked at a number of initiatives to put in place.

One of the things that we are in the process of doing is writing to all clubs and pubs to make them aware that that could potentially become a bigger problem and encourage them to ensure that they have adequate receptacles for butt litter in those areas where smoking is still allowed, such as outdoor areas. So, we are in the process of doing that. The inter-ministerial council has looked at the issue of cigarette litter in the past and has looked at investigating initiatives on a national level which would promote and encourage tobacco companies to take greater responsibility for ensuring that the remains of their products do not become a litter nuisance, particularly in terms of pollution when they enter our water streams. So, work is being done on a national level as well. I would emphasise that South Australia was the first state to ban fruit-flavoured cigarettes—we led the way there, and a national approach has now been—

Members interjecting:

The Hon. G.E. GAGO: I know it does distress the lazy opposition that, in fact, we do lead the way in a number of respects. We are the first state to have banned fruit-flavoured cigarettes. We are also the first state, and one of the very few places in the world, that has banned cigarette smoking in cars when children are present. So, not only are we national leaders but, indeed, international leaders. In fact, recent information released by the police shows that the regulation

is working extremely well, and I think something like 21 notices have been issued by the police in the two or three months that the smoking ban has been in place. In fact, something like 14 infringements and a number of cautions have been issued, but I will double check those figures.

It is quite astounding that in a very short time that legislation has shown to be extremely effective. I know that the opposition whinged and moaned about it and said that it was going to be unenforceable, and it carried on, but the latest data shows quite clearly that it was, yet again, wrong, as it is so often wrong, and that in fact this legislation is enforceable, as shown by the fact that it is working very well at present. So, South Australia does lead the way in a number of areas, and we continue to develop strategies to bring down our smoking rates.

The Hon. A.M. BRESSINGTON: As a supplementary question, is the minister saying that the reduction in smoking in this state is a direct result of the legislation that has been put forward by the government, and would she describe here attitude towards legislation in this area as a zero tolerance approach?

The Hon. G.E. GAGO: It is quite distressing, because I have answered this question a number of times in this chamber before. It is the same old question that keeps coming out time and again. It is truly very distressing; words fail me. Here we are—

Members interjecting:

The PRESIDENT: Order! The honourable minister has the call.

The Hon. G.E. GAGO: We are in a situation where we have a trend of declining cigarette smoking rates. It is working, and yet members opposite are still whingeing. We are bringing down smoking rates. In particular, we are bringing down smoking rates amongst young people, and we know that that is really important. We know that it is important because most people who smoke who have strong addictions started smoking in their early years. We know that focusing on it and affecting youth smoking rates is a very important thing to do, and it is trending down. You would think that they would applaud us but, no, as usual, they are whingeing, whining, carping and griping.

The strategies that are currently in place are working; they are effective. It might kill the opposition to admit that, but they are working. They are working because it is a multi-pronged approach. I have never said in this chamber that I believe it is any one particular strategy that has generated this outcome. We are looking at a wide range of strategies that has brought about this response. They are happening at both national and state level. South Australia has been particularly aggressive in its legislation. We have more than pulled our weight. South Australia should be very proud. It is a multi-pronged approach and it does require cooperation both nationally and interjurisdictionally.

The Hon. A.M. BRESSINGTON: By way of a further supplementary question, can the minister explain how she contrived that nobody recognises that it is a good thing what the government has done about the tobacco legislation? What is her resistance to connecting her legislation to a zero tolerance approach?

The Hon. G.E. GAGO: I did not answer that part of the question this time because I have done it before—not just once but many times. Since the member is insisting, I will go over it again. I have said that, in terms of cigarette smoking, we have a harm minimisation approach. We do not have a zero tolerance approach. We have not banned cigarette smoking; it is obvious. It goes without saying that we have not totally banned cigarette smoking. I have said it in this chamber before and I am happy to say it again.

The Hon. S.G. Wade interjecting:

The Hon. G.E. GAGO: I am happy to answer the question when I am given an opportunity. As I have said in this chamber before and continue to say, we do not have a zero tolerance approach to cigarette smoking; we do not have a complete ban. We do not have a ban because of the advice we have received from organisations such as the Cancer Council, and so on. The Cancer Council's position is that we should not totally ban cigarette smoking, that all it does is romanticise it and, in some respects, makes it more attractive to young people. A total ban on these things has rarely worked on other substances throughout the world.

The advice is that this is not a good way to go. We have a harm minimisation program where we try to educate people and put certain restrictions in place to try to curtail smoking, particularly the impact of passive smoking on other people. That is why we put in place the new legislation in terms of banning cigarette smoking in cars where children are present. We have put a wide range of strategies in place. They are working, and members should be applauding the government for the extensive work that we do and the outcomes that we are achieving.

MEMBERS' INTERESTS

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the minister representing the Minister for Forests a question about conflicts of interest from the minister.

Leave granted.

The Hon. R.I. LUCAS: Page 5 of the ministerial code of conduct under the heading 'Nature of conflicts of interest' says:

> There are many circumstances in the context of a minister's position where conflicts of interest may arise. For example, a conflict may arise where a minister has a significant financial interest in a company with whom the government is contracting.

There are a further two dot points that are not relevant, then it states:

> A conflict of interest does not only encompass actual or direct conflicts of interest between a minister's public duty and private interest. A potential or perceived conflict of interest may also constitute a conflict of interest.

The Advertiser of 19 July explored the issue of Mr McEwen's family trust selling trees to one of his donors, along the lines that Mr McEwen outlined that he was involved in a family trust; it had sold pine trees to one of his election donors, Auspine; and he said that he had managed the trust, which had been wound up in the past year. On 24 July, in *Hansard*, the minister in response to a further question outlined that he was a shareholder in the trust. There was a contract between Auspine Limited and his family company or family trust, and the minister went on to say:

> My job (in terms of the trust) was to receive the moneys and distribute them to what were originally 13 shareholders of the trust.

So, the minister confirmed that there was a contractual arrangement between his family trust and Auspine Limited; that he was a shareholder and he actually received the moneys and distributed them to all the shareholders; and that he,

indeed, was one of the shareholders who received money. Page 5 of the ministerial code of conduct states:

> . . . a conflict may arise where a minister has a significant financial interest in a company with whom the government is contracting. . .

I remind members that here we have the Minister for Forests, responsible for forests in South Australia, conceding that he and his family company have a financial arrangement with Auspine Limited and that he received the moneys and also was one of the shareholders of the company. Approximately a month ago I submitted a freedom of information request to Forestry SA seeking information in relation to the minister's relationship between his department and Auspine. I sought copies of all documents including emails and notes of telephone conversations since 2006 that had been sent to minister McEwen or his department that referred in any way to Auspine Limited.

It will not surprise members that almost a month later I have still not received a response to that freedom of information request. My questions to the minister are as follows:

1. What decisions taken by Forestry SA or the Minister for Forests has the minister been involved in in any way and which impact in any way on the business operations of Auspine? In particular, can he refer to any logging contract entered into between Auspine Limited and Forestry SA?

2. As required by page 9 of the ministerial code of conduct, did minister McEwen report his immediate family members' investments on the members' register of interests and their interests being disclosed on the cabinet register, as required under the Shares and Financial Interest section of the ministerial code of conduct?

The Hon. P. HOLLOWAY (Minister for Police): Particularly in relation to the latter question, that is a question that is under the Premier's responsibility, and I will refer the question to him and bring back a response.

The Hon. R.I. LUCAS: As a supplementary question, my question was directed to the minister representing the Minister for Forests and the questions are directed to the Minister for Forests, not to the Premier.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): In relation to the code of conduct, I understand that both the Minister for Forests in the other place and the Premier have placed information on the record, and I would refer the honourable member to that. If any parts of the question that the honourable member has asked have not been responded to, I will ask the Minister for Forests in the other place to bring back some advice.

ROWAN, Ms D.

The Hon. M. PARNELL: I seek leave to make an explanation before asking the Minister for Police a question about justice for Dawn Rowan.

Leave granted.

The Hon. M. PARNELL: Twenty years ago, the Christies Beach Women's Shelter was shut down by the state government. This followed the publication by a review committee appointed by the then minister for community welfare, Dr Cornwall, of a report entitled 'Shelters in the Storm' and the subsequent tabling of that report in the Legislative Council of the South Australian Parliament on 11 August 1987. The report contained a list of unsubstantiated allegations primarily aimed at Dawn Rowan, who was the shelter's manager.

Despite being grossly defamed in this discredited report, Dawn Rowan and the Christies Beach Shelter were cleared by subsequent investigations by SA Police, the Ombudsman and a parliamentary select committee. Attempting to restore her reputation, Dawn Rowan fought for justice through the courts, with the South Australian Supreme Court finding overwhelmingly in her favour. Yet, despite being overwhelming vindicated and winning her main action (while representing herself in court against a line-up of seven top barristers), she is about to be bankrupted.

The commonwealth and state governments are now pursuing her for legal costs for a small part of the action that was overturned on appeal, whilst the perpetrators of the original injustice will not suffer personally in any way. While the commonwealth government is the primary party to the bankruptcy action, the state government has chosen to join it. The bankruptcy hearing is next due to be held on 24 August 2007, and Dawn Rowan is facing the shattering prospect of losing her family home. My questions to the minister are:

1. Why is the South Australian government perpetuating the injustice to Dawn Rowan which began in 1987?

2. What message does it send to the community when a citizen can be grossly defamed by the state yet still be treated so unjustly?

The Hon. P. HOLLOWAY (Minister for Police): I will refer those questions to the Attorney-General and bring back a reply, as this matter obviously comes within his jurisdiction. I am not aware of the current situation in relation to any court case against Ms Rowan, although I am aware that at some stage we incorporated a statement or declined to do so—I cannot remember which—in relation to her particular action.

An honourable member: We did.

The Hon. P. HOLLOWAY: We did, yes. That is right, we did incorporate it, but it was some years ago now. I will refer the question to the Attorney.

REPLY TO QUESTION

PUBLIC FINANCE AND AUDIT (CERTIFICATION OF FINANCIAL STATEMENTS) AMENDMENT BILL

In reply to **Hon. D.G.E. HOOD** (31 July).

The Hon. P. HOLLOWAY: I have been provided with the following information:

Section 23(2b) provides that a person who intentionally or recklessly provides the Auditor-General with a certificate accompanying the financial statements that does not comply with the provisions of section 23(2) of the *Public Finance and Audit Act 1987* is guilty of an offence.

The offence is specific, and limited to, the requirements of section 23(2). While a person who is guilty of an offence under section 23(2b) may also be guilty of other offences, this in itself does not represent duplication.

For example, section 6P of the *Public Sector Management Act 1995* imposes a general duty for senior officials to act honestly and provides a penalty for failure to comply with this provision. There may be circumstances where a person who is guilty of an offence under section 23(2b) may also be guilty of an offence under section 6P of the *Public Sector Management Act 1995*. However, these are two separate offences—an offence under section 23(2b) is a specific offence relating to a provision of the *Public Finance and Audit Act 1987*, while the failure of a senior official to act honestly has a broader scope.

Therefore, the proposed offence is considered to complement existing laws rather than being a duplication.

MATTERS OF INTEREST

DIABETES

The Hon. R.P. WORTLEY: Last Thursday, parliament's corridors came alive with over 40 young South Australians suffering from the effects of type 1 diabetes. Aged between two and 17, these passionate youth ambassadors representing the Juvenile Diabetes Research Foundation were eager to tell their stories of what life is like when you live with this debilitating disease. I doubt there was a single person in the other house last Thursday who was not touched by the words of the children and parents involved on the challenges they will face for the rest of their lives if a cure is not found.

Three brave sufferers, Timothy Ducker aged 14, Lucy Hamdorf aged 11, Josh Brown aged 17, and one parent, Lorraine Pitman, told their stories and recounted the harsh realities of type 1 diabetes. Lucy Hamdorf was only diagnosed with this disease last New Year's Eve. She hopes for a cure to not only give her the freedom that other 11 year olds enjoy but also ensure that no other family will have to go through the trauma that her family and friends have had to experience. Lucy and Josh Brown demonstrated how quickly children suffering from type 1 must mature to deal with this disease. Josh is a great ambassador for the Juvenile Diabetes Research Foundation, and he was able to outline the severity of this disease, as he has lived with type 1 for over 13 years.

The Hon. Carmel Zollo interjecting:

The Hon. R.P. WORTLEY: Apparently, Josh had quite an indepth discussion with the Hon. Ms Zollo. The fear of the complications associated with type 1 include blindness, heart disease and kidney failure. The main focus of Josh's speech was that he, like many others involved in Kids in the House, would suffer from a medical condition in his early 20s. The harsh realities that he expressed enforced why it is so important that a cure is found for type 1.

Kids in the House was organised by the Parliamentary Diabetes Support Group and the Juvenile Diabetes Research Foundation. I took on the role of chairperson of the Parliamentary Diabetes Support Group, as my niece was diagnosed with type 1 at the young age of 13. I have seen first hand the difficulties that families face in coming to terms with this life changing disease, and I have also gained a strong appreciation for how important it is to find a cure. This is why the establishment of the bipartisan South Australian Parliamentary Diabetes Support Group was so vital. A number of members from both sides of the chamber, especially the Deputy Chair of the PDSG (Hon. John Dawkins), will play an important role in raising awareness of diabetes and encouraging the development of policies that improve the day-to-day management of diabetes and its complications.

It is estimated that approximately 13 000 people in South Australia and around 140 000 nationally live with type 1 diabetes. The incidence of this disease in this country has almost doubled over the past five years, and every day more and more people are being diagnosed with the disease, usually children and young adults. Type 1 diabetes affects every aspect of a person's life, and it also has a large toll on the general community. Diabetes is estimated to cost the Australian community more than $6 billion a year. We can all make a difference to the hundreds of thousands of people suffering from this disease by simply raising awareness of type 1 and supporting researchers in finding a cure.

I encourage members of this chamber and their staffers to take part in two great South Australian events that will help find a cure for diabetes. Mr President, I invite you and the other members of this chamber to challenge diabetes and yourselves by participating in the City Bay Fun Run (or walk) on 16 September. The second type 1 awareness event is Ride for a Cure. For a number of years Jacob's Creek has sponsored the annual Ride to Cure Diabetes in the Barossa Valley. In 2008, the Junior Diabetes Research Foundation hopes to reach its target of 300 riders and $1 million. The Ride to Cure Diabetes will be held from 18 to 20 January 2008. If members are interested in either of these events, they can contact my office for an entry form. I look forward to the support of members of the South Australian parliament as either participants or sponsors of these two worthy events, because research is the only hope for a world free of diabetes.

QUESTIONS ON NOTICE

The Hon. R.I. LUCAS: I want to speak briefly this afternoon about the issue of Rann government arrogance and indifference to a number of issues.

The Hon. Caroline Schaefer: You can't do that in five minutes.

The Hon. R.I. LUCAS: No; I will have longer this afternoon. In particular, I want to talk about the issue of questions on notice. I have raised this issue each year for the past five years and, increasingly, the Rann government just snubs its nose at members of parliament and the constituents they represent by its refusing to respond to questions on notice.

Evidently, there are more than 500 questions on the *Notice Paper* that are unanswered. My staff tell me that 430 questions that I have lodged (some lodged five years ago, in December 2002) still remain unanswered. What we have is Rann government ministers who, on a whole series of issues, have just decided to snub their nose at the parliament, the members and the people they represent, by refusing to do as governments in the past (both Labor and Liberal) have always done, and that is to respond in a genuine fashion to questions on notice. When one looks at the topics, it is perhaps not surprising why the government will not respond to some of these questions.

Some of these questions relate to ministerial travel. Some relate to the role of departments in funding and supplementing staffing appointments in ministerial offices over and above the declared staffing levels by ministers in the budget papers. Some questions relate to long service leave and annual leave liabilities accruing within various government departments and agencies which, as many of us are aware, are ballooning out to potentially uncontrollable levels. Other questions relate to the appointment of (to use the Premier's term and not mine) fat cats within the public sector or executive level appointments, and the issue of whether or not contractors or persons who have taken targeted separation packages have been re-employed within departments and agencies as contractors—these are some that the Premier and ministers refuse to answer. There is a series of questions right across the board in relation to all of those issues which, as I said, the government has just refused to answer, sometimes for up to five years.

Some of the more recent questions that I have lodged are also, unsurprisingly, unanswered after just a brief period of some six months, and they are in relation to frequent flyer points accrued by Rann government ministers since 2002.

The simple questions are: first, how many frequent flyer points have ministers accumulated from taxpayer-funded travel; secondly, have ministers used frequent flyer points accumulated from that travel for travel by the minister or any other person; and, thirdly, if so, would the minister provide details?

To give credit where credit is due, two ministers out of 15 responded: minister McEwen (and, whilst I was critical of him earlier today in question time, he at least responded and indicated that he had collected 147 000 points and had used some of them to upgrade a senior public servant to business class on a flight); and minister Rankine. The big ticket items, in terms of frequent flyer points—Premier Rann, Deputy Premier Foley, minister Conlon and others like them—have refused to answer these questions. One can only ask the question: why have the Premier and the Deputy Premier refused to answer what are legitimate questions put to them in the public interest about their frequent flyer points and their usage of them?

In the absence of answers being provided, one can be cynical and suggest that perhaps the Premier, the Deputy Premier and other ministers have something to hide. They do not want to reveal to the people of South Australia the number of points because it may well be a reasonably large number and may well be indicative of a significant amount of travel at taxpayers' expense that those ministers have conducted. Perhaps there is something in relation to their usage of the frequent flyer points, for themselves or for others, that they do not wish to reveal to the people of South Australia. It is just another example of the arrogance and indifference of Mr Rann, Mr Foley and all representatives of the Rann government.

UNIONISM

The Hon. J. GAZZOLA: The member for Boothby suggested in an article on union bashing, published in *The Advertiser* recently, that any membership of a union as precedent for parliamentary office and power will see the public and the national wellbeing monstered by the cultural and economic jaws of some horrible Labor industrial past. One wonders in his fiction whether he would be willing to equally apply his test to the inequalities and failures of years of coalition government policy, given the number of business people and lawyers who fill the state opposition and federal government's benches. Evidently, in his view, the occupations and bearing of coalition members endow them with a peerage of political grace and social compassion beyond criticism. Trite argument in a throw-away syndicated Liberal advert such as this says a sorry lot about the intellect and fears of the member for Boothby and the anxiety of the federal coalition. This is refashioned, old school, Tory class warfare riding on personal attack, fantasy and just plain bad argument.

According to the member's fiction, industrial relations under a future federal Labor government is on the precipitous verge yet again as it faces the bloodsucking behemoth of intransigent, inflexible unionism, all 15 per cent of it. Has he been asleep at the wheel during the past two years as the coalition acts with unbridled thuggery and arrogance to ram through its industrial relations agenda and student unionism? In regard to AWAs, he says the following:

> I believe strongly that it is important to have wages set in the workplace and to have them set cooperatively between employees and employers.

Let us keep in mind what the reality of cooperativeness means under the federal coalition government. No doubt the member for Boothby has been following the committee's findings on the stronger safety net amendments with great care and conviction as to its findings. As Prof. Stewart from Flinders University points out in his submission to the Senate committee of inquiry on the stronger safety net and restoring family/work balance bills, a precursor to fairness is to be able to understand and consistently apply the legislation. Some 50 additional pages of the stronger safety net bill to a statute of I believe 1200 pages has made this a quagmire for both employers and employees.

This additional legislation, according to the federal government, was designed to assuage concerns in the community about WorkChoices. In reality it is a chaotic mess. So much for clarity, cost to business and fairness to employees. We also have the problem of excluded agreements made before 7 May. Under the fairness test, 342 000 workers on Australian workplace agreements lodged between March 2006 and May 2007 will be unable to claw back monetary or other compensation for previously excluded award matters. Many of these agreements will not expire until May 2011. Income threshold under the new test for those earning over $75 000 would exclude an estimated 1 million employees from application if they sign an AWA under the new fairness test. Surely a fairness test applies to all employees.

Then we have the failure in the new legislation to clearly and adequately define what fair compensation actually is. As Prof. Stewart points out, this will place an enormous burden on the workplace authority where, as the bill stands at the moment, some 600 inspectors will be enormously challenged to make consistent and predictable assessments on what are clearly meant by 'significant non-monetary compensation', 'personal circumstances' or 'employment circumstances' as they affect employees. Furthermore, decisions made by the workplace authority will be made in private, with no requirement by the authority to give reasons for its decisions, even to the parties concerned. Then there are the problems of unfairness and lack of protection for employees in regard to dismissal. Not only do these facts underline the mess and chaos that this bill entails but they also acknowledge the political expediency of the coalition government, the inequality for employees that will result, and the government's arrogant desire to hide this mess from the public gaze. This is what the federal coalition and members opposite would have us believe is fair play and cooperativeness.

Time expired.

REGIONAL GROWTH

The Hon. J.S.L. DAWKINS: I rise to speak in reference to an article in *The Advertiser* earlier this week by rural editor Nigel Austin about the population revival in the regions. I welcome this coverage of the resurgence of the state's regional areas, as well as the associated editorial. While the article by Mr Austin made a small reference to the work of the Murraylands Regional Development Board, it is appropriate to highlight the work of all 13 regional development boards across South Australia. It is my experience that each of these boards plays a leading role in assisting and coordinating much of the economic and community development that is vital to underpin any resurgence and growth in the diverse regions of our state. This work is effectively imple-

mented on modest budgets, funded by both state and local government. It is also done in cooperation with a variety of councils, industry organisations, state and federal agencies and residents, as mentioned in *The Advertiser* editorial.

The boards also work closely with local business enterprises and those which may be looking to establish in the particular region. The boards are also to be commended for working collaboratively for the benefit of all regional areas through their peak body, Regional Development SA. Since being appointed the parliamentary secretary to the Liberal leader for regional development in April, I have visited all of these boards and witnessed first hand the valuable work they are doing in their respective regions.

For the record, I would like to list the names of the boards and where I met, in many cases, with board members, chairs and CEOs. There was the Riverland Development Corporation at Berri, the Adelaide Hills Regional Development Board at Mount Barker, the Barossa and Light Regional Development Board at Tanunda, the Murraylands Regional Development Board in Murray Bridge, and the Yorke Regional Development Board at Balaklava. I also had two visits with the Northern Regional Development Board at its Port Augusta head office and at Coober Pedy, one of its two regional offices. I also met with the Whyalla Economic Development Board in that city, the Southern Flinders Ranges Development Board at Port Pirie, and the Mid North Regional Development Board at Clare. I visited Fleurieu Regional Development at Victor Harbor, the Limestone Coast Regional Development Board at Mount Gambier, the Eyre Regional Development Board at Port Lincoln, and the Kangaroo Island Development Board at Kingscote. I must also say that visits with both the chair of Regional Development SA, Mr Ian O'Loan, and the gathering of CEOs of all the boards that make up RDSA were of great value.

In my travels, and because of the valuable work of the regional local government associations in regional development, I met with the executive officers of the Central, South-East and Eyre Peninsula local government associations at Crystal Brook, Mount Gambier and Port Lincoln respectively. I also attended meetings of the Hills and Southern Local Government Association at Stirling and the Murray and Mallee Local Government Association at Cambrai.

In conclusion, I would like to go back to something I mentioned in my appropriation speech—that is, a number of regional development boards are currently excluded from the system of regional facilitation groups that are in operation in some parts of the state. I urge the government to ensure that the Barossa and Light, Fleurieu, Yorke, Mid North and Kangaroo Island boards that currently have no involvement in a regional facilitation group do get access to those groups. In addition, I believe it is very important that local government bodies, whether they be individual councils or representatives of the associations, are involved in those regional facilitation groups.

WILLIAM WILBERFORCE

The Hon. A.L. EVANS: I recently had the opportunity to watch a movie about the parliamentary reformer William Wilberforce as part of a Family First event. We were pleased to have 400 to 500 people attend this movie at the impressive new cinema complex at Mitcham last week.

This year, 2007, is the 200th anniversary of the abolition of the slave trade in Great Britain, and William Wilberforce was the British politician who led the parliamentary campaign against slavery in that land. He was first elected to the House of Commons at the age of 21 and dedicated the rest of his life to leading the fight to abolish slavery. The film *Amazing Grace* chronicles the fact that every year in Wilberforce's parliamentary career he would introduce a bill for the abolition of slavery. Despite his bills repeatedly being defeated, he worked passionately to catalogue evidence of the crimes of the slave trade, collecting 390 000 signatures against slavery and relentlessly introducing anti-slavery bills. After almost 20 years of leading the British abolition movement, Wilberforce finally succeeded in seeing the abolition of the slave trade throughout the British Empire in 1807.

William Wilberforce made an extraordinary contribution to the world, with the film centring on the 20-year fight to abolish the British slave trade. Wilberforce was also instrumental in passing legislation to abolish slavery throughout the entire British Empire, a victory he won just three days before his death in 1833.

A prime source of Wilberforce's opposition to the slave trade was his strong Christian faith. Wilberforce grew up in a church pastored by John Newton, a reformed slave trader who confided that he was haunted by the ghosts of 20 000 slaves who died in his care. Newton wrote the hymn *Amazing Grace* after converting to Christianity in 1748 and abandoning his participation in the slave trade. He later noted:

> Only God's amazing grace could and would take a rude, profane, slave-trading sailor and transform him into a child of God.

Wilberforce incorporated Newton's confession into his parliamentary speeches calling for abolition. The vote to abolish the slave trade passed in 1807, the same year that John Newton died. Following the abolition of slavery, Wilberforce tackled prison reform, fair care for prisoners of war, improving hospitals and the lot of the poor, the prevention of cruelty to animals, and societal reforms in India and around the world. He was a founding member of the Church Missionary Society, as well as the Society for the Prevention of Cruelty to Animals (now known as the Royal Society for the Prevention of Cruelty to Animals). William Wilberforce's life is an inspiration to parliamentarians worldwide who seek to change this world for the better, and I strongly encourage all members to see the *Amazing Grace* film.

CORPORATE COLLAPSES

The Hon. B.V. FINNIGAN: I rise today to speak about the issue of corporate collapses and, in particular, the recent spate of capital companies that have been offering interest rates that have collapsed and the impact that that is having on those who have invested in them. Regrettably, over the past year or so we have seen over $1 billion of losses from the collapse of property development companies. There are a few that I would bring to the attention of the council: Fincorp is a well-known one, along with Westpoint, and recently there was the collapse of the Australian Capital Reserve group, or at least the voluntary administration of that company.

There are many people who have invested in these companies, and particularly lots of 'mum and dad' investors or people who are retirees, some of whom are known to me, who have invested very hard-earned money in these sorts of companies and have seen that money go down the drain. Hopefully, in some cases, the assets of the company are enough to ensure that there will be some recovery or some return to investors, but that cannot be guaranteed. The problem as I see it with these companies is that the way in

which they advertise encourages people to believe that they are a fairly secure investment and one that has a certain guaranteed return.

We know that investment is a risky business for anybody, particularly any investment beyond the simple bank account, which is reasonably secure so long as the bank stays solvent, but even that can be problematic. We know, however, that if you put money into shares or you invest in a new company or opportunities like that then there is an element of risk. So, on one level one could argue that people who invest in these companies are taking a risk in the free market, that they have elected to invest in these companies and they have been on the wrong end of the glory of capitalism because the company has collapsed and they have lost their money.

I think that argument is a little too simplistic in the case of some of these companies, because the way they have advertised is as if they are a bank account. The fact that a lot of these companies advertise—and I am sure we have all seen the advertisements in the press which advertise an interest rate and a fixed term—leads investors, I believe, to think that they are some sort of bank account or term deposit rather than a highly speculative investment.

I highlight the case of Australian Capital Reserve, which was advertising interest rates of almost 10 per cent with a line in the advertisement stating, 'Up to an amazing 9.55 per cent for 10 years'. In other advertisements that I have seen for these sorts of companies the wording is quite clever in that it does not say that it is a guaranteed or secure investment, but it does normally use phrases such as 'enjoy peace of mind' or 'rest easy' with some sort of investment, which I think is designed to lead investors, particularly small investors, to a belief that they are investing in a very secure type of investment when, in fact, it is very insecure and it is a speculative investment based on property development.

I think there is a role for the Australian Securities Investment Commission and the federal government to look into this matter and to examine the way that these funds advertise, in particular, and to ensure that action is taken not after they have hit the wall but, rather, before that. The federal government has indicated its great willingness to intervene in areas of state responsibility using its vast tax revenue, but this is one area for which it is actually responsible. I encourage the federal government, and particularly ASIC, to look at the question of these capital companies that advertise in such a way, I believe, as to encourage investors to think that they are a very secure investment, that they are offering an interest rate for a fixed term, which suggests that it is some sort of term deposit or bond when, in fact, it is an investment in a property portfolio that can collapse. I implore ASIC and the federal government to ensure that they take steps to do what can be done to protect small investors into the future from these sorts of collapses.

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION) (PROHIBITION OF OTHER NUCLEAR FACILITIES) AMENDMENT BILL

The Hon. M. PARNELL obtained leave and introduced a bill for an act to amend the Nuclear Waste Storage Facility (Prohibition) Act 2000, and to make a related amendment to the Radiation Protection and Control Act 1982. Read a first time.

The Hon. M. PARNELL: I move:

That this bill be now read a second time.

This week marks the 62nd anniversary of the nuclear bombs being dropped on Hiroshima and Nagasaki. It is a timely reminder to us all of the horrific capabilities of the worst weapons of mass destruction that have ever been devised. Earlier this year I introduced in this place the Nuclear Facilities Prohibition Bill 2007. When the parliament was prorogued that bill lapsed. I made a lengthy speech on the introduction of that bill, and I will not repeat my remarks again now. But, I urge all members to refresh their memories by looking at the *Hansard* of 14 March, because the bill that I introduce today is very similar.

Since March, when I introduced my earlier bill, a number of developments have occurred and new information has come to hand. In an interview with *The Age* newspaper of 5 April this year, former WMC boss Hugh Morgan indicated that he was in the nuclear business 'for the long haul'. So, the big guns are circling. It is not just Hugh Morgan. Before that we had Pangea, then we had the United States proposal to lease Australian nuclear fuel before it was used and then returned to Australia for disposal. As a state, our ability to say no to these schemes becomes much harder if we are awash with uranium dollars from our exports.

On 29 April this year the ALP national conference marked the death of principal Labor Party opposition to the nuclear fuel cycle. In June this year the Liberal Party federal council voted to support the development of a global nuclear waste dump in Australia. The federal Liberal council passed the following resolution:

> That federal council believes that Australia should expand its current nuclear industry to incorporate the entire uranium fuel cycle, the expansion of uranium mining to be combined with nuclear generation and worldwide nuclear waste storage in the geotechnically stable and remote areas that Australia has to offer.

I think that is code for South Australia. On 16 July this year there was a massive radioactive leak in Tokyo Electric's giant nuclear plant as a result of a magnitude 6.8 earthquake and, just four days later, Prime Minister Howard flagged his intention to sign a nuclear pact with President Bush. This Howard move will inevitably bring Australia under pressure to become a global nuclear waste dump. It will increase terrorist focus on Australia and will create a direct incentive for nuclear power plants to be built in Australia. As you would know, Mr Acting President, time and again when possible locations for future nuclear plants are mentioned, the top of the list is usually South Australia's Upper Spencer Gulf region. So, we cannot deny that we are front and centre to the debate in Australia over the expansion of the nuclear industry.

I want to speak very briefly about previous bills that have dealt with the nuclear question. In the past, South Australian governments from both the Labor and the Liberal sides of politics have acted appropriately to prevent the expansion of the nuclear industry in our state. In 2000 the Olsen government deserved the praise that it received when it moved to prevent nuclear waste being stored in an above-ground storage facility, through the Nuclear Waste Storage Facility (Prohibition) Act 2000. When the Rann Labor government came to power in 2002, one of its first bills led to the subsequent passing of the Nuclear Waste Storage Facility (Prohibition) Amendment Act 2003, which strengthened the original Olsen government legislation. So, the bill that I am introducing today builds on that earlier work, therefore it takes a different approach to the bill that I introduced last time whilst reaching the same outcome.

Effectively, rather than throwing out those earlier pieces of legislation, I am seeking to keep them and to build on them. I think that is a respectful approach to take. The other aspect of my bill is that it is very much a minimalist approach. The bill is very simple in its operation. The first thing it does is insert two new definitions into the legislation, that of enrichment and that of nuclear facility. The bill expands the rest of the act to apply beyond nuclear waste storage facilities to all nuclear facilities. As my bill includes enrichment in the definition of a nuclear facility, it is possible to remove section 27 of the Radiation (Protection and Control) Act 1982, as that section is now made redundant.

I fully expect this bill to have the support of the Rann Labor government, in particular, because it is consistent with frequent public statements made by the Premier and others in government against nuclear power. If we look elsewhere in Australia, the Queensland Beattie government in the past couple of months has passed laws prohibiting nuclear power, joining the states of Victoria and New South Wales which have longstanding laws against nuclear power dating back to the 1980s, and the Western Australian Carpenter government made a strong public commitment to introduce laws prohibiting nuclear power, especially if the commonwealth sought to impose a facility in that state. So, to a certain extent we are lagging behind the other Labor states. I therefore see no reason why the Rann Labor government would not support this bill when clearly it represents a consensus position of all the other Labor mainland states.

In conclusion, I think there is the potential in this state for the ideological zealots to push nuclear power onto a reluctant South Australia—that is a real risk. This bill, through its amendment of the earlier acts, would send a crystal clear message that South Australia will not welcome nuclear power or the nuclear enrichment industry. The use of laws to prohibit such an outcome is sensible and prudent, particularly with the recent move by Queensland to join Victoria and New South Wales in passing similar laws. With those brief words, I commend the bill to the council.

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

STATUTES AMENDMENT (PLAY TRACKING TECHNOLOGY) BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Casino Act 1997 and the Gaming Machines Act 1992. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

In the course of the debate on poker machine numbers at the end of 2004 in this place, an amendment was moved by the Hon. Angus Redford in relation to having a report on the effectiveness of gambling rehabilitation programs and I moved an amendment about the possibility of implementing smartcard technology with a view to significantly reducing gambling addiction. I am grateful for and acknowledge the support of the opposition and crossbench members in relation to that particular inquiry. Whatever differences I may have had with members on the issue of gambling, there was sufficient support for that amendment to be carried in order to have this inquiry by the Independent Gambling Authority with respect to the use of smartcard technology. I acknowledge again the support and suggestions of the Hon. Angus Redford at the time, for which I was and am grateful.

The report was prepared by the Independent Gambling Authority within six months, and in a media release of 5 December 2005 the then minister for gambling (Hon. Michael Wright) summarised (I think fairly) that the report recommended that the legislation be introduced into parliament for the implementation of a mandatory system to enable the tracking of a person's play, the setting of limits and exclusion from play. The minister on behalf of the government said at that time—to paraphrase—that it is effectively too complex, that such a system does not exist anywhere else in the world, and that the costs of a smartcard system are 'unknown and the benefits are unproven'. To me, that ignores the very comprehensive report provided by the Independent Gambling Authority. In the two years since that report was handed down, we know that the technology has improved even further. It was feasible then to introduce that technology to operate poker machines in this state, and it is now even more feasible and more cost effective to do so because of the advances in technology.

Honourable members know my position, that is, I do not believe that there should be any poker machines in this state. However, I believe that, short of getting rid of poker machines altogether, the implementation of smart card technology, as recommended by the Independent Gambling Authority, is the next best thing in that it offers significant hope to reduce significantly the levels of problem gambling in this state. The Centre of Economic Studies, in a report commissioned by the Independent Gambling Authority about the level of problem gambling in this state, suggested that 2.8 per cent of adults are problem gamblers, which is much higher than the 1.6 per cent government estimate in 2005.

The Centre of Economic Studies report states that it is 'incontrovertible' that poker machines are to blame for 'a substantial increase' in problem gamblers. The report puts the number of problem gamblers in the vicinity of 33 000 in total in the state, with 25 800 in metropolitan Adelaide; 4 000 in regional cities; and 3 000 in rural areas. The report calculates that the average problem gambler loses $10 500 a year and that the social cost to the state is between $6 230 and $19 300 for each problem gambler. So, it is a significant problem. This bill proposes to pick up on the Independent Gambling Authority's report and to implement it in a legislative form for player tracking technology.

I urge members to read the Independent Gambling Authority report into smart card technology to see how this bill effectively mirrors that report. The overriding objective of the bill is to significantly reduce the levels of problem gambling in the community. Whilst I understand that the government is proposing trials, having an optional system of smart card technology just will not do it in the context of dealing with problem gambling. If we are going to have a system of using smart card technology, it should be all in rather than simply being an optional system. If it is an optional system, problem gamblers can easily circumvent it by using cash. Having this cashless system would help overcome that problem, and that is the only way to do it.

There are a number of safeguards in the bill for the authority and regulators in terms of dealing with this. The core aim of the bill is to ensure that, if a person has a gambling problem, there are mechanisms there for that person to be barred either by themselves, the venues or family members. Anyone who has dealt with problem gamblers knows about the impact it has on their families. I again point out the Productivity Commission's findings that, for every problem gambler, seven people, on average, are affected,

which indicates that it is a very serious problem with very wide ramifications.

I also acknowledge the work of Sue Pinkerton, who is the President and Convenor of the organisation Duty of Care. Sue has gone through the trauma of being a problem gambler, from which not only she has recovered but she has now become a very powerful advocate for problem gamblers and for reform. I am grateful for her research in relation to this matter. I also point out that Tracy Schrans, an independent consultant from Focal Research Consultants in Nova Scotia, prepared a comprehensive report in February this year in relation to player tracking systems. Again, if honourable members want a copy of that report, I am more than pleased to provide it.

That report indicates the effectiveness of the technology and the fact that it does work. My concern is that the government has been stalling on this. It has set up yet another working party to deal with the problem, notwithstanding the fact that the Independent Gambling Authority has provided a comprehensive report with respect to the implementation of this technology. If honourable members want to do something substantial about reducing the levels of problem gambling in the community, I suggest that smartcard technology, short of getting rid of poker machines, offers a very real alternative in terms of reducing levels of problem gambling in the community, and I commend the bill to honourable members.

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

STATUTES AMENDMENT (LOCATION OF GAMING VENUES) BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Development Act 1993 and the Gaming Machines Act 1992. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

In 1997 the then Olsen Liberal government announced moves to ban the location of new poker machine venues within the confines or precincts of a shopping centre, and the definition of the legislation included sharing a common carpark or being under the same roof as a shopping centre. The rationale then and now for that is that it is undesirable to link a poker machine venue with a shopping centre, where people spend their disposable income on the staples of life—a supermarket and retail shops. That was the rationale and it was a small but good step in the right direction in terms of tackling problem gambling, notwithstanding that a number of venues are already located within shopping centres. It was not retrospective, but it puts a break on the further link between poker machines and shopping centres.

Members would be aware of the arguments at the time, but essentially I refer to the argument presented by the Hon. Malcolm Buckby, the then minister for education and children's services, who made the point on 9 December 1997:

> It is unacceptable that household money set aside for staples could be diverted on a whim to gaming because of the temptation and the attraction of gaming venues located enticingly in shopping centres, or in single shops for that matter.

That is what the bill was about. Since that time there have been further developments where it can be argued that there is a way of circumventing this. If you accept the principle that you ought not to have a link between poker machines and shopping centres, it has been approached in a couple of high profile cases and developments the other way around, where there is already a poker machine venue in place but there are proposals to put a shopping centre in the same venue or in the area, or sharing the same car park as a poker machine venue. The first example that comes to mind is in relation to a development proposal with respect to the Stirling Hotel, and that is still the subject of ongoing argument about having a supermarket located in the same complex as an existing poker machine venue.

The more recent example relates to the major project status granted to the development known as the Highway Inn, whereby there is a proposal for a major shopping centre development and a residential development at that location on Anzac Highway. The principles are the same. This bill needs to deal with it by way of an amendment to the Development Act, in addition to the Gaming Machines Act. It is a philosophical issue. If honourable members believe that it is not appropriate that we have any new poker machine venues within the confines of a shopping centre, then my argument is that they should also support the principle that a shopping centre is not located within an existing poker machine venue. That is the nub of this bill. There is a major development process in relation to the Highway Inn development, and I wait with interest the outcome of that. Again, in terms of the previous bill I have spoken on, we know that the impact of problem gambling from poker machines is a very significant social issue in this state and, indeed, nationally, apart from Western Australia which only has certain poker machines within the confines of the Burswood Casino.

This bill is about tackling what I see as an anomaly. I do not believe that it was contemplated back in 1997 that new shopping centres would be collocated within close proximity of a poker machine venue. Times have changed, and it is appropriate that what I see as an anomaly be rectified with this legislation.

The Hon. D.G.E. HOOD secured the adjournment of the debate.

SUMMARY OFFENCES (MEDICAL EXAMINATION OF SUSPECTS) AMENDMENT BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953, and to make a related amendment to the Victims of Crime Act 2001. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

This bill came about as a result of my being approached by Laurie Bais, the Managing Director of B&C Services, a security firm. Late last year, the firm had something like 112 full-time casual employees. The firm provides security services in the city. My contact with Mr Bais goes back some two or three years before that in that Mr Bais was very supportive of mandatory drug testing of security industry staff. In fact, his business has been a pioneer in relation to this in that he has strict controls in force where his employees are made to undergo tests on a random basis, as I understand it, to ensure that they are not under the influence of any substances in the performance of their duties.

The Hon. R.I. Lucas interjecting:

The Hon. NICK XENOPHON: The Hon. Mr Lucas says that he gave me preference in the election. I thought that he

gave preferences to the Liberal Party way ahead of me but, in the end, those preferences were not required.

An honourable member interjecting:

The Hon. NICK XENOPHON: They were not required but, of course, I am grateful for all preferences—but that has nothing to do with this bill. I think that I was way down on the list of preferences, as I was with most, but I will speak to the Hon. Mr Lucas about that privately. The issue here is quite a serious one. Mr Bais and others in the security industry are particularly concerned about the issue of being exposed in the course of their employment and duties and the risk of communicable diseases. Indeed, this would also apply to others such as ambulance and police officers and those who, in the course of their work, have to deal with circumstances in which they could be exposed to blood or saliva.

Mr Bais experienced a quite terrifying incident in November 2006, when he was exposed to blood in his face and mouth after an incident with a patron at a city hotel. I will be circumspect in relation to that because I understand there are matters arising out of it, but I understand that Mr Bais behaved appropriately at all times and took all reasonable action. Mr Bais did not know whether the person, whose blood was sprayed on him and into his mouth, had a communicable disease and he had to wait 12 weeks before he could have an HIV test.

Current laws do not require mandatory blood testing, and this adds to the uncertainty and stress pending a test result. As I understand it, the sooner you know whether you have been exposed to the HIV virus—or, indeed, another communicable disease—the better it is in terms of getting appropriate medical advice and treatment with retroviral drugs, instead of waiting for what can be a relatively long window period. Obviously, a negative blood test of the person responsible would need to be followed up with other tests three months later, but if that person does have a communicable disease such as HIV it would at least allow the affected person to get medical advice and treatment as soon as possible, and that is the intent of this bill.

The bill is intended to alleviate some of the uncertainty and stress experienced by affected persons. It is intended to cover police, emergency services workers, volunteers and security industry personnel. The amendments include the insertion of section 82A in the Summary Offences Act which provides that a medical examination can be authorised by a police officer of or above the rank of inspector if satisfied that a request has been properly made, the suspect is over the age of 16 years, and a medical examination is reasonable in the circumstances. The bill has a number of provisions and safeguards in terms of how examinations are to take place. It includes mechanisms for how evidence relating to, or information obtained as a result of, the conduct of a medical examination is not admissible in any criminal proceedings against a suspect other than proceedings for an offence against clause 6, which makes it an offence to obstruct or resist a medical examination authorised by the bill.

This bill is really intended to alleviate some of the uncertainty and stress of those who work in the security industry, as well as our ambulance and police officers and emergency services personnel who put themselves at risk for the benefit of the public and who occasionally face this additional risk. It will give them some certainty and the ability to seek appropriate treatment at the earliest possible opportunity. The bill also contains a related amendment to the Victims of Crime Act which proposes to amend section 11, relating to victims being informed about access to health and welfare services, so that, if a victim of an indictable offence may have come into contact with any bodily fluid from the offender, the victim must be informed about the right to request a medical examination of the suspect. I believe the time for legislation such as this is overdue. It is something that needs to be dealt with sooner rather than later, and I commend the bill to the council.

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

STATE GOVERNMENT

The Hon. R.I. LUCAS: I move:

That this council condemns the Rann government for its arrogance and inappropriate and unacceptable behaviour.

I move this motion for two reasons, and the first is as a service to other members of the Legislative Council. Its general nature and drafting will allow other members, during the remainder of this session, when inevitably they run into further examples of arrogant, inappropriate or unacceptable behaviour by the government and/or its ministers, to speak to this generic motion. So, as I said, one of its purposes is to act as a service to other members of the council. The second purpose is to allow me—at the five-year mark, essentially, of this government—to summarise, at least from one particular viewpoint, the very many examples of arrogance of this government and inappropriate and unacceptable behaviour by the Premier, its ministers and its staffers.

At the outset, I want to note that the view that some of us have had of the Premier, his senior ministers and the government being arrogant has been held for a long time. Certainly, after the 2006 election, part of the strategy adopted was to tag, label or properly describe the Rann government and its ministers as arrogant and out of touch. I note an article written in the *Adelaide Review* by Mr Michael Jacobs, who was critical of that particular strategy, under an article headed 'Liberals running a risk by branding Rann "arrogant"'. Mr Jacobs went on to say:

This feeds into the apparent opposition strategy, partly in defence of the council [Legislative Council], to try to paint Mr Rann, or the government generally, as arrogant.

He concluded:

The Liberals' focus on words like 'arrogant' may reinforce the faithful, who can be expected to include those who will never be too happy with or about the Premier. But the Liberals will need to find themes that resonate with many more people than the remaining faithful if they are to make any headway. Calling a man arrogant at just the moment he is all sweet reasonableness is unlikely to be one of them.

That is obviously Mr Jacobs' view but, as I said at the outset, it is certainly not the view that I have or, I am sure, the vast majority of my colleagues have in relation to the Premier, his senior ministers and the government generically.

I will quote just a couple of comments from independent commentators, I guess, over the past 12 months to indicate that the view the Liberal Party has of this government is now being shared by an increasing number of commentators and, we think, some of the community as well. Greg Kelton, in an article last year under the heading 'Arrogance. Personal attacks a lowlight in the house. Cocky MPs selling their party short', said:

Perhaps he should have [the Premier]. Unless the current excesses are curbed, this government will be vying for the title of the most arrogant I have seen in 35 years of covering politics.

That comes from, as I said, the senior political commentator from *The Advertiser*, a man not noted for jumping to excessive conclusions in relation to governments of all persuasions and, indeed, that was a biting, damning and cutting criticism of the Premier and his government.

It is not just the senior reporter from *The Advertiser*, because late last year Mike Smithson, Channel 7's political reporter, and Paul Starick, who is the new deputy editor of *The Advertiser* but at that stage was the chief reporter, appeared on ABC Radio and looked at the year that was, and Mike Smithson said:

> . . . in parliament, there has been a certain arrogance with Messrs Foley, Conlon, Atkinson, the Premier, to a degree. . . that doesn't come as a great surprise. . . if you've got the numbers, you can do what you want.

Matt Abraham then said:

> It actually comes as a surprise to me. . . I have watched Mike Rann in politics since he was working for Don Dunstan, certainly when he was the press secretary of John Bannon, and his entire time in opposition. . . the first term we had to negotiate a deal and I thought to myself, 'This bloke's smarter than that. This bloke would not let a huge majority go to his government's head, that he would exert a discipline over his team.' And maybe it's just too hard to do that, but there's something about the mindset of a second term, really guaranteed a third term unless they do something incredibly . . . stupid. . . they've got a huge majority. . . you almost can't stop that from getting into your head.

Mr Smithson then went on to make some comment. Mr Starick from *The Advertiser* was asked for his view. He said:

> I think the perception of arrogance or whether it is indeed arrogance and the Premier's lack of control over that. . . it is interesting to contrast that with the federal scene. John Howard's been in power for many years, also spent a long time doing the hard yards of opposition but he has been extremely keen at every opportunity to hammer down on any perception of arrogance or hubris in his government, sometimes to the point of going to extremes, but for whatever reason, the Premier hasn't been able to create that public perception after one landslide victory.

There are many other recent examples, but I just highlight Mr Kelton, Mr Starick and Mr Smithson as three commentators on public affairs in South Australia who have started to share the view and also to put the view publicly that this government—this Premier and senior ministers—are indeed guilty of arrogance; and, as I have said, for the first time we are now seeing some of that being publicly reported.

As I said at the outset, this is not news to many of us involved in politics; we have seen it over many years. I highlighted in the matters of interest today the arrogance of this government—the Premier and others—in relation to questions on notice. Some 400 or 500 questions on notice in the Legislative Council are left up to five years because the Rann government and the Premier are saying, 'Well, we don't have to answer questions from the duly elected members representing the people of South Australia. If we don't like your questions and if we don't want to provide the answers, we don't have to, and we won't'. Sadly, that is the attitude adopted by the Premier and his senior ministers. We have seen that in relation to question time in both houses but, in particular, this council. I have said before and I say it again: I have seen some of the most flagrant abuses of question time in this chamber by this government and its ministers that I have seen in all my time associated with the Legislative Council and watching parliament.

In the last parliament we had the extraordinary situation where government backbenchers actually asked dorothy dixers of upper house ministers on issues not relating to their portfolio interests. We had government backbenchers asking questions about portfolio interests of lower house ministers, and asking upper house ministers to read out, in essence, the press releases from those lower house ministers. At least, after criticism, the ministers and the backbenchers' dorothy dixers now relate to particular portfolios. We saw earlier this year an embarrassing circumstance where the Leader of the Government was answering a dorothy dixer reading from a press release, and the opposition was parroting every word, because it was going word for word, until the Leader of the Government realised that the opposition was reading out exactly the same press release at exactly the same time, enraged as the Leader of the Government was. That, to me, is an abuse of question time.

We have a situation where ministers in this upper house, in an arrogant way, are abusing the privileges of the upper house, the privileges of upper house members, and the requirements of members of the opposition and also the crossbenches to ask questions in the parliament on behalf of their constituents. I will not go into all the details about that; I have touched on some of them before, but they are things that we can recall. Certainly, the abuses in relation to freedom of information processing are well known to any who have actually been through that particular process, and it has become much worse in recent years.

I think the change that we are seeing, at last, as I said, is that the media, or some commentators, are noticing this. Certainly, some in the community are recognising this and, hopefully, we will see more recognition and reporting of the arrogance of the Rann government by the media and commenting by the community. Perhaps through that mechanism we can achieve change in terms of the Premier's and the government's response to the criticisms that they are starting to receive. The next manifestation of this government's arrogance has been the both public and private verbal assaults on any individual or group that either opposes or questions any aspect of what this government does or is about.

In the past 24 hours I have put together a list of 10 or 15 examples of that, the first of which is the Land Tax Reform Association. Mr John Darley, a very respected former valuer-general in South Australia, together with a group of others, came together to protest against land tax. The Hon. Mr Xenophon assisted, as did a number of other members, in their push for reform of the land tax system in South Australia. I do not think that anyone could rationally criticise the Land Tax Reform Association and Mr Darley as being anything other than interested in genuine reform of the tax system because they believed that it was not in the public interest and, of course, they did not believe that it was in their own interests in terms of investment properties here in South Australia.

Some members will be aware of the occasion in March 2004 when Mr Darley and a number of other members of that group met with the Treasurer and a number of senior officers and staffers in the Treasurer's office. Mr Darley recounts in a statutory declaration that he was told that the meeting would go for approximately half an hour. He says that the first 20 minutes of that meeting the Treasurer took up by abusing him and others for criticising the Commissioner of State Taxation for a particular issue and that the Treasurer took the opportunity to abuse Mr Darley for what he alleged were his associations with the Liberal Party and with me, in particular, as the then shadow treasurer. Mr Darley made quite clear that he was not a member of the Liberal Party nor a member of the government party and that he had made representations to all parties in relation to land tax reform.

The harrowing aspect of this particular tale is not the abuse that Mr Darley had to go through but the threat at the conclusion of the meeting. Mr Darley said in his statutory declaration that, as they left at the conclusion of the meeting after some 60 minutes, as it turned out, the Treasurer had turned to him and said, 'There will be further consequences for you.' That was how the Treasurer concluded a vigorous and verbal discussion with Mr Darley and others in the Land Tax Reform Association, with a clear intimidatory threat from him personally to Mr Darley that 'there will be consequences for you.' Mr Darley had the courage to stand up to that and sign a statutory declaration and the issue was taken up. As we will see with a number of these claims, the Treasurer, on this occasion, said that he could not recall having made that particular statement.

There are a number of other examples. In 2003 the Cora Barclay Centre was abused and attacked because it questioned the government's decision and, in particular, Mr Foley's part in it. With regard to the DPP, I do not think I have time to go through the many examples of where the government's very own appointment, its very own Eliot Ness, has had the courage to stand up to what he believed originally was a verbally abusive phone call, as I understand it, from the Treasurer in relation to funding and budget issues, and how, on a variety of other occasions too numerous to mention in the past year or so, he has continued to be pilloried by the government and its ministers.

The hotel industry and investors have been attacked as 'robber barons' and a variety of other words and descriptors have been used to attack them. As to lawyers in particular and judges generally, we have had 'mullet-headed lawyers' and a variety of other descriptions applied to the legal fraternity. Mr David Holst, on behalf of Dignity for the Disabled, someone who worked tirelessly for that organisation prior to the election, was accused by government representatives of being a front for the Liberal Party. In more recent times the real estate industry was described by the government as real estate barons in a grab for cash, in terms of their approach to a particular issue.

There are many other examples, including the RAA, which the government, prior to the election and then soon afterwards, decided that it was going to abuse verbally and attack. Just one example of that is when the Hon. Mr Foley on 28 April last year described the RAA as follows:

> The RAA, who is nothing but an anti-government pro-Liberal lobby in this state, keep putting out misinformation when it comes to what the government may receive from GST revenue.

Further on he described the RAA, again, as a front for the Liberal Party or a Liberal Party anti-government lobby group. There is a consistency in the abuse from the Treasurer, in particular, that anyone who is opposed or questions is a front for the Liberal Party, associated with the Liberal Party or a Liberal Party lobby group, whether that be the RAA, Dignity for the Disabled or, indeed, anyone—they are attacked verbally both publicly and privately. I am referring here in many respects—although in some cases I will refer to private attacks—to public attacks, which pale into insignificance compared to the verbal attacks that go on over the telephone or one-to-one from the government and its representatives.

Another example is the Victoria Park grandstand issue. Again, I will not go into great detail, but this issue was raised as a matter of privilege in the House of Assembly. There was the infamous meeting in Rundle Mall on a weekend as a result of which a number of people signed statutory declarations complaining about the behaviour of the Treasurer. A Mr Hudson signed a statutory declaration which states:

> The Treasurer at one stage turned around from the cameras and shouted, 'I'll get you. I'll fix you.'

These words seem strangely familiar. This is the Treasurer attacking one of the protesters—'I'll get you. I'll fix you'. Another statutory declaration from a Mr Groves who attended the meeting said:

> Mr Foley reacted violently at one stage, threatening members of the public around him stating, 'I'll fix you. You're the rudest group I have ever encountered.'

There was another statutory declaration as well. As I said, there is a consistency from the Treasurer and from the government—that is, 'I'll fix you. I'll get you'—and there will be consequences in relation to the position that you happen to have adopted. One of the more famous examples in recent times is what is called the industry leaders advertisement, which was raised by *The Australian* journalist Michelle Wiese-Bockman back in June last year. It took some courage from the journalist to write that article as a reference to the article will highlight. The journalist said:

> Premier Mike Rann allegedly tried to blunt private sector dissent over a new bridge by making abusive phone calls to industry leaders interpreted by some executives as a potential threat to funding for the South Australian Freight Council.

Just to remind members, this advertisement was from a group of industry leaders. It was a March 2005 advertisement signed by the RAA, the South Australian Freight Council's Chairman, Business SA's Chief Executive, the then president of the South Australian Farmers Federation and the South Australian Road Transport Association's Executive Director. The advertisement related to the opening bridge down at the port. The opposition had been critical of the wasting of up to $100 million on an opening bridge as opposed to a fixed or closed bridge.

These industry leaders took out an advertisement and the government was very unhappy with it. Michelle Wiese-Bockman spoke to one of those industry leaders, and he was quoted as saying:

> The message we took from those phone calls, that is, from the Premier, was, 'Don't go to the media again if you want funding for the freight council to continue.'

That came from an industry leader among a group briefed by some of the executives. The article further states:

> 'We decided it was better to have a freight council that was muted than no freight council at all', said the industry leader who described the calls as 'abusive'.

It was interesting because in her article Michelle Wiese-Bockman also said:

> The Premier's chief spin doctor Ms Bottrall threatened to sue *The Australian* if it published the allegation about the calls. 'Our legal advisers tell us if you are going to print an unsubstantiated allegation we would have little choice but to pass any article printed into the hands of our lawyers', she said in an email.

Surprise, surprise, that bullying and intimidation did not work—at least not in that case. *The Australian* printed the story, and it is my understanding that the newspaper has not been sued in relation to it. I will turn to what happened a little later on, because there was retribution—there always is when the Rann government does not get its way in terms of spinning a particular story.

The final example in terms of any group that has the temerity to question or oppose any aspect of what the government does relates to the revered Salvation Army, an organisation which is much loved, I am sure, by all members

of parliament. However, the Premier, in all of his arrogance, labelled one of the Salvation Army's officers a liar; he accused the officer on FIVEaa of lying to the people of South Australia about a particular issue. To his credit, this particular Salvation Army officer stood up to it and, indeed, took up the issue. Unsolicited, he rang the Pilkington/Conlon FIVEaa radio breakfast program and forcefully rebutted the claim made by the Premier that he had lied. I cannot believe that any premier would have the temerity to attack the Salvation Army by calling that organisation a liar or accusing it of having told a lie about a particular issue. However, the arrogance of the government knows no bounds and, as I have said, the Salvation Army joins a long list of those who, if they do question the government, are both publicly and privately attacked and abused.

What happened as a result of that incident is that there was a fearsome row in the FIVEaa talkback studios. Mr Rann, who was at the studio for his regular fortnightly discussion with Pilko and Conlon, believed that he had been set up by FIVEaa, with the Salvation Army person ringing in. Pilko and Conlon professed their innocence and said that it was indeed not the case. This person had phoned in unsolicited and he had been attacked, so the producer made a decision to put the person to air. Mr Rann, it is fair to say, did not believe that and engaged in verbal abuse of Pilko, Conlon, the producer and anyone else who was within earshot, and stormed out of the studio. We are indebted to John Blake, the resident comedian or funny man of FIVEaa, who went on to do an interview with the Leon Byner program, outlining the fact that Keith Conlon had said words to the effect of 'on your bike', and Rann had stormed back into the studio and there was another vigorous verbal stoush between the Premier and Mr Conlon and Mr Pilkington.

The Hon. Sandra Kanck interjecting:

The Hon. R.I. LUCAS: Well, very touchy and very sensitive. I put all those incidents together, and I am sure all honourable members will be able to add other examples of non-government organisations in particular that have taken the verbal abuse, criticism or attacks quietly, whether it be from a minister, the government generically, or one of the government's spin doctors or others—because whenever anyone at any stage questions an aspect of government policy there is retribution from this government.

We have seen a number of examples where the government has attempted to bully or intimidate sections of the media. I return to the example of Michelle Wiese-Bockman and the story she ran where she accused the Premier of having verbally abused a number of industry leaders. She was threatened with being sued by the government, I assume, if she ran the story. What happened is that the government then cut off Michelle Wiese-Bockman from the fax stream and from any invitation to government-run press conferences. So, here you have a political journalist in the media in South Australia who, because she wrote an article the government objected to, was threatened with legal action, which was, of course, just verbal intimidation and bullying.

The government did not carry out that threat, but what the government did do was to cut her off and not invite her to government press conferences. Faxes were not sent in terms of government press releases. For the remaining period of time that she was in Adelaide (she is now overseas) she had to operate on the basis of ascertaining information from other sources—other members of the media or members of parliament—about where a government press conference was or what a particular press release might have been about.

This was not the only time that Michelle Wiese-Bockman had crossed paths with the government. During the early part of 2006, just before the election campaign—this was not her fault—the Strewth column in *The Australian* made reference to the fact that the Deputy Premier and Treasurer, Mr Foley, had been holidaying in Port Lincoln with his then girlfriend, Emma Forster, a local TV presenter. At the January press conference in relation to the mid-year budget results, Michelle Wiese-Bockman (who was not responsible for the Strewth story) turned up and the Hon. Mr Foley, in front of all the journalists assembled there, demanded to know why *The Australian* was present at the mid-year budget review press conference. He barked at Michelle Wiese-Bockman, 'Did you get an invite?' to which she replied, 'Yes, we did.' The Deputy Premier then turned to his press secretary and told him to make sure that *The Australian* was never invited again. That was because a columnist in *The Australian* had referred to the Deputy Premier holidaying with his then girlfriend, Emma Forster, on the West Coast.

The next example I cite in terms of media attacks and media manipulation is in relation to the Bevan and Abraham show on ABC Radio. Members will probably not realise that this is approximately the 12 month anniversary of the last time the Premier agreed to go on the Bevan and Abraham show to be interviewed. The last interview recorded was on 21 July when he rang in from a COAG meeting in Canberra and, since that date, he has refused to be interviewed by Matthew Abraham and David Bevan.

This is an interesting story in itself, and I am sure Mr Rann and Mr Abraham would not deny it. Going back 20 or 30 years, Mr Abraham and Mr Rann were much closer friends. During his period in the early days of the parliament (and I will stand corrected if this is not entirely accurate), it is my understanding that, when Mr Abraham was on ABC Radio in Canberra, on occasions Mr Rann stayed with the Abraham family at their place in Canberra, so there was a reasonably cordial working relationship or friendship between Mr Abraham and Mr Rann.

In the early days of this government those of us who watched from the opposition would have known about and seen the very close connection that Mr Rann had with that particular program. He was always available for live interviews and there were any number of occasions when Mr Abraham, in particular, was in a position to indicate that on that day in cabinet the government was going to undertake a particular action or implement a particular policy. Those of us who were watching from afar believed then, and still do, that Mr Abraham was getting his information about cabinet from the Premier, directly through early morning telephone calls. To Mr Abraham's credit, he manages to get offside with all governments, because he asks vigorous questions. There were members of the former government who were particularly unhappy with him and there are now members of this government who are particularly unhappy with him and his colleague, Mr Bevan.

We noticed after a year or two that the live interviews became pre-recorded interviews because Mr Rann was not available to do a live interview. I have looked at five years of transcripts of the Bevan and Abraham show involving Mr Rann and can see a definite sequence, where it moved from regular live interviews to less regularly, but they were always pre-recorded interviews. While Mr Rann is available for every other program for live interviews, he always had a pre-recorded interview with the Bevan and Abraham show. That was stage 2.

We have now moved to stage 3. Since 21 July last year Mr Rann is so upset with the Bevan and Abraham program he has refused to go on the program or be interviewed. In any other state that could be a story of some significance. If the Prime Minister of the country refused to go on the John Laws program for a year, or on the Neil Mitchell program in Melbourne (whatever you think of Messrs Bevan and Abraham they are one of the pre-eminent programs in terms of political commentary), it would be commented on by other sections of the media. I gave an earlier example of how Michelle Wiese-Bockman was treated because she had the temerity to question the government. One of the criticisms I have of the media—and one of the dangers for the media—is that they do not publicise these issues enough in my view, so they can be picked off as they need to be by the government and its spin doctors if they have the temerity to criticise. Exclusives and access disappear and you are not invited to media conferences, and so on.

It is not just Mr Rann who has been upset by Messrs Bevan and Abraham; they have also upset the Deputy Premier. The last occasion the Deputy Premier was interviewed by Messrs Bevan and Abraham was the day after the budget last year. I am talking of September last year, nearly 10 months ago. On the Friday after the budget Mr Foley went into the Bevan and Abraham studios and he was very unhappy. I will not put it on the public record, but he was very unhappy. It involved his then girlfriend Emma and a view he believed had been expressed by Mr Abraham on her appearance at the budget lock-up that day, which I agree with Mr Abraham was unprecedented. I cannot recall a partner or spouse attending a budget lock-up for the media, but that is an issue for Mr Foley.

Staff and others at the ABC heard Mr Foley in loud and vigorous verbal dispute with Mr Abraham as he went into the studio that morning. The interview was conducted and he has not been seen again. We now have a situation where both the Premier and the Deputy Premier for periods of 10 and 12 months have refused to be interviewed, such is the arrogance of this government, by two of the more senior political journalists in South Australia. They take the view that they do not have to be interviewed or answer to the people of South Australia. If Messrs Bevan and Abraham ask difficult questions, they will not give them interviews, and other journalists ought to learn the lesson to ask questions they want to be asked or ask their questions in a limited fashion. Most other interviews are generally truncated in some form or other, whereas the Bevan and Abraham program and the morning FIVEaa program which has also extended interviews are less capable of being managed or manipulated by the Premier and his senior ministers.

The next example I turn to relates to the Premier's senior political adviser, Ms Bottrall, an example which was highlighted by Amanda Blair in July this year. Ms Blair took a phone call on Friday afternoon at 4 o'clock from Ms Bottrall, who wanted to know what angle she was going to take in her Sunday column (which she writes each week), whether she was going to go in hard on Governor Marjorie Jackson-Nelson, and, if so, whether she would refrain from doing so. So, here we have the government spin doctor coming in hard—before the article is even written—suggesting to a particular columnist that the government wanted her to refrain from being critical of the government's position on the hospital.

The interesting thing about Amanda Blair's column is that the following week she wanted to talk to the Premier about homelessness. She had left several messages on Ms Bottrall's phones and she left messages with her secretary, but Ms Bottrall refused to answer the telephone calls. On Friday, Ms Blair called Ms Bottrall from her mobile phone and it went to message bank. She then immediately called Ms Bottrall's mobile phone from her home phone and it again when to message bank. She then had the idea of ringing from a mobile phone which was not hers, or identifiably Amanda Blair's—'I wonder whether I can trick Ms Bottrall into answering her phone then'—Amanda Blair is a smart cookie. So, she borrowed her friend's mobile phone and called and, what do you know—'Hello, Jill Bottrall speaking.' 'Hi, Jill, it's Amanda Blair here.' There is the secret for all journalists, and others, who are being frozen out by the government; that is, do not use your home phone or your work phone number; borrow a mate's mobile phone to ring the government's spin doctors.

This is an example of the arrogance of this government and its ministers: 'Okay, if you criticise, we're just not going to answer telephone calls. We're not going to respond. We don't have to answer questions from you as members of the media.' By and large, the government believes that the media will not highlight it. To Amanda Blair's credit, she actually highlighted it and made both Jill Bottrall and the government look like gooses, or whatever the appropriate word is.

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

The Hon. R.I. LUCAS: The Hon. Mr Dawkins advises me that it is 'geese'. She made them look like geese. It is just another example. Yes, it is trivial in relation to the issue, but it is indicative of a pattern of behaviour by the government, its spin doctors and its staff right across the board. The next example I want to turn to is something which received some publicity on YouTube. *The Advertiser* had the temerity to write a story, featured on the front page, which highlighted that some government spin doctors received pay rises of up to 16.8 per cent. After being removed from the position of chief of staff, Mr Chataway is on $180 000, receiving a pay rise of over $20 000 for the privilege of being moved into an adviser's position.

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

The Hon. R.I. LUCAS: Mr Alexandrides got a big pay rise, and a number of others received pay rises of between 8 and 16.8 per cent. After Mr Owen from *The Advertiser* had the temerity to print that (highlighting it on the front page), another government spin doctor, Mr Lachlan Parker, rang up and engaged him in a vigorous verbal dispute. There are a couple of references to that. Mr Abraham had this conversation with Mr Starick, who is now the deputy editor at *The Advertiser*:

> Abraham: How much flak did you get. . . just take us behind the scenes here. . . what was the response to that story from the government?)
>
> Starick: There was quite a long shouting match between one of the media advisers and the journalist concerned.

It was Mr Parker. Mr Starick went on:

> . . . this was not perhaps unusual except for perhaps the strident tone and it seemed to last for a fair while.

Hendrik Gout, in *The Independent Weekly*, went on to describe it as follows:

> Rann media adviser Lachlan Parker. . . had words with *Advertiser* journalist Michael Owen over his news reports on an issue that the government is very sensitive about—the high number and inordinate salaries of the Premier's personal staff. Owen reported the story as fact and without comment. While on the phone to Parker, Owen stood up for the paper.

To paraphrase, Owen piously—but absolutely accurately—told Parker, 'I'm responsible to my readers, you're responsible to the Premier. Don't tell me how to do my job.' At the end of the conversation the newsroom erupted in spontaneous applause.

Video of the animated conversation was then somehow placed on YouTube, and Mr Gout said that there were 'thousands of hits before it was mysteriously removed days later "by the user"'.

My understanding is that there was a vigorous complaint from the government that this particular altercation had been placed on YouTube and, as I said, it was then removed. Mr Gout says:

Next, in weighed the Premier's other media adviser, Jill Bottrall (new salary $141 833). She threw petrol on the fire and unpleasant words were spoken between her and a senior editorial staffer.

That was the reference to that particular altercation. The final one I referred to in relation to the media again related to the Premier, his advisers, and Mr Owen from *The Advertiser* in a recent incident at the Santos building. To summarise, Mr Owen was keen to 'doorstop' the Premier, who was going to open the Santos building, and the Premier (a) did not want to be doorstopped; and (b) did not want to talk to Mr Owen from *The Advertiser*, in particular. My understanding of what occurred on that occasion is that, when Mr Owen went to doorstop Mr Rann and put a microphone in front of him to ask him some questions, Ms Bottrall placed her hand on his arm and physically tried to stop him from going ahead with the interview. Mr Owen brushed Ms Bottrall's arm away and said words to the effect, 'You can't stop me from interviewing or asking questions of the Premier.' Mr Alexandrides, the newly promoted chief of staff, then hip-and-shouldered, or physically tried to move, Mr Owen out of the way (and Mr Alexandrides is a big man, much bigger than Mr Owen) to prevent him interviewing Mr Rann.

So, here we have one media adviser grabbing hold of a journalist by the arm and another one hip-and-shouldering him out of the way—I am not suggesting he knocked him to the ground, but physically getting in the way of the journalist, moving him out of the way, so that the interview could not go ahead. Mysteriously, somehow someone laid a complaint—and I know whom I suspect, and that is the government's advisers. I do not know whether that was directly or through Santos security, but police were called. Mr Owen was out on the steps, on a public footpath outside Santos, and he was advised by the police to move on. Obviously, he asked under what authority (and I am not sure of the exact words because I was not there and I have not spoken to Mr Owen about the issue) and quite appropriately pointed out that it was a public place and he did not have to move on just because either the Premier or his advisers—or someone sympathetic to them—had called in the police to move him on because he was inconveniently wanting to ask the Premier questions about an issue the Premier did not want to be asked about.

That has been referred to by Mr Gout in his story in *The Independent Weekly* but surprise, surprise: *The Advertiser* has not touched the story. Obviously, there were very vigorous words from the government to editorial staff of *The Advertiser*—and I know a bit more about the nature of some of those discussions and what actions *The Advertiser* editorial staff took, but at this stage I will not put all those on the public record. Nevertheless, there was a vigorous verbal response from the government in a complaint to *The Advertiser* in relation to the actions of one of its reporters who was trying to undertake the job he was paid to do—that is, to ask questions of a senior political leader. I can imagine what would have happened with our media group if the Prime Minister's senior staffers had done exactly the same thing to a senior journalist from one of the newspapers. Do you think that would have been quietly jettisoned to the pages of history, or would it have been highlighted through any number of media outlets? The accusation would have been of arrogance and excesses of the Prime Minister's staff, if that had occurred. They are just a number of examples. Anyone who has been in politics for a while will have heard many other examples of the bullying and intimidatory behaviour of not only government ministers but also of the government spin doctors in relation to the media.

I want to turn to arrogance and abuse as it extends to MPs. The first example I want to give of that—and there are many examples, but time does not allow me to go through all of them—is in relation to the Attorney-General Mr Atkinson. Members will remember the claims made against Mr Atkinson about bullying one of his own government backbenchers, Ms Frances Bedford, Labor MP, in relation to discussions he had with Ms Bedford, and confirmation that a staff member for Ms Bedford had actually organised a Telstra bar on Ms Bedford's phone to stop unwelcome calls from Mr Atkinson. Copies of emails and a number of other documents are available to back up the particular claims that were being made and which to this day Ms Bedford has never responded to. She was asked on a number of occasions by the media whether or not these claims that were being made were true, and she has, to this day, refused to comment, and I can understand why—because they are accurate. Here is a Labor MP being bullied by one of her own ministers in relation to particular issues and, as I said, the complaints became public because of various inquiries over the past three years or so.

If you are talking about bullying, the pin-up boys for the government are the Deputy Premier and minister Conlon. I refer to the relatively well reported example of the Hon. Mr Conlon and the Hon. Mr Foley's behaviour in parliament towards the Hon. Mr Xenophon. I refer to an interview with my colleague the Hon. Ms Bressington on ABC Radio, which is available on the ABC website under the heading 'Claim a drunk senior Labor MP abused Nick Xenophon MLC in a Parliament House bar'. The transcript states:

Yes, it is. . . it was a disgusting display of out of control behaviour.
Bevan: You have worked in bars in previous lives, have you ever seen anything like that and in your opinion, how would that person have been treated if he'd turned up in one of your bars?
Ms Bressington: Well, there's two points to make to this. In a bar. . . and I worked in bars for 15 years so I've seen quite a bit and I've seen quite a few changes over the last 15 years. . . bar staff are required to cut people's drinks off when they get to a point of being abusive or bullying. . . this is a breach of any workplace practice that's out there. Bullying, abuse, out of control behaviour and consumption of alcohol.
Abraham: And was parliament still sitting?
Ms Bressington: No, I think parliament had finished sitting at that stage.
Abraham: . . . they've had a few drinks, I mean, what are we talking, a little bit bleary, slurring or are we talking absolutely blotto?
Ms Bressington: Well, in my opinion, pretty much blotto. . . it's not the drinking so much as the behaviour that went with it. . . I think if people can't control their behaviour when they've been drinking, then perhaps they should drink at home. . . the other thing was, that it was work-related matters, private matters that were being discussed in that bar and the abuse was just, it was phenomenal. Every second word was an 'f' or a 'c'.
Abraham: Right. . . we're going to go to very base language here. . . there was an MP who was involved in the swearing altercation with Mr Xenophon, there was another MP there who was really gone, really shot.

Ms Bressington: Yes.
Abraham: And you say that an MP couldn't even find his hand when he went to shake hands, is that right?
Ms Bressington: . . . well, there was another fella came in out of the chamber—

that other fellow was another member of the Legislative Council—

and went in to try and calm things down and shake the MP's hand and he said to me, 'He couldn't even find my hand to shake it, he was so drunk.' So, you know, I think parliament. . .

And it then goes on for another page and a half of the interview on that program, and also on FIVEaa on that particular day. There was also a reference in Mike Smithson's column a week or two later. He stated:

New Greens Mark Parnell caught some of the heated exchange and claimed that he would have been nervous if he'd seen the alleged offenders rattling their keys ready to drive home.

'It was gutter language not to be used in parliament, in a bar, in the street, or anywhere else' he said.

'I hope this is a wake-up call. Whether it's a work premises or parliament, politicians' behaviour can get out of control when alcohol is involved.'

An intriguing thing in relation to all of this is a story by Michelle Wiese-Bockman, the journalist who, I think, originally broke the story in *The Australian*. In an article of 3 July she stated:

She [Ms Bressington] wrote to Mr Foley the next day urging him to control his alcohol consumption 'and find more appropriate ways to address your concerns other than in an obvious drunken state'.

Intriguingly, Mr Conlon was asked by *The Australian* to comment. The same article continues:

Asked if he had been intoxicated, Mr Conlon responded: 'Quite a few other people I was with didn't think so, but there's not much I can do if someone claims otherwise'.

A cute response—if I can describe it that way—but it does not really answer the question at all. Then, Ms Wiese-Bockman put in the knife, I suppose. She wrote:

As an Opposition frontbencher in 1998, Mr Conlon had his driving licence suspended for six months after he blew nearly twice the legal limit.

That is another example of press reporting of that story.

We have also seen more recent examples involving the Hon. Mr Foley and the Hon. Mr Conlon. In an article dated 19 July in *The Advertiser* this year there was a reference to a recent event in a public place which occurred with Property Council drinks here at Parliament House, after which they extended to the hotel across the road later in the evening. In the article, journalist Mr Michael Owen—I do not think that he will be on the Christmas card list for some of the government ministers—reported:

After the Parliament House function, some Property Council members, including Executive Director Nathan Paine and member relations manager Chris Hagi, went across the road to Stamford Plaza Adelaide's Swish Bar for more drinks.

After a few drinks, Kevin [Foley] had a heated exchange—described as verbally aggressive by some witnesses—with senior Property Council staff over whether his relationship with 24-year-old—

his then girlfriend—

Lisa [Holmen] was appropriate. From this point versions differ greatly. Witnesses have told *The Advertiser*—

these are Property Council people—

hotel security asked Kevin to leave, which he did, but only after he is said to have asked them if they knew who he was. Kevin denies being kicked out of the bar. He says he left, and then tried to return to see if his now ex-girlfriend wanted a lift home. Hotel security refused him access, he says, so he left before midnight.

Then everybody else refused to comment on the particular story.

Certainly, my sources tell me that the first version of the story is much more accurate than the second version. When you think about the second version of the story, it does not hold much water at all. The first version of the story is that, having had a little too much to drink, Mr Foley, as is his wont, engaged in a very vigorous verbal disagreement with a number of people on the issue that has been highlighted, and perhaps other issues as well, knowing the Deputy Premier. Property Council sources have indicated that he was asked, because of his behaviour, to perhaps move on and leave the bar, and he did.

If one looks at Mr Foley's story, he says that he left the bar of his own volition; he was not asked to leave. Then he decided he wanted to go back to his now ex-girlfriend to see whether she wanted a lift and was refused entry. Now, why would security staff at the Stamford Plaza refuse entry to the Deputy Premier of the state of South Australia? That is an obvious question that no other member of the media or anyone has thought to actually pursue with the Deputy Premier. That is his story. He was not asked to leave; he was not booted out. He left voluntarily and then decided he wanted to go back, and they refused him entry. Why would security staff at a bar refuse entry to the Deputy Premier of the state of South Australia? I ask the Deputy Premier (not that he is likely to answer me) to give us an answer as to why they would do so—unless, of course, they did not believe that his behaviour was suitable for him to be left in a public place in their bar.

That is why I believe, when one thinks about it, that the first version of the story—that is, that he was asked to leave because he was becoming verbally aggressive and abusive in his conversation—is much more likely to be accurate. Indeed, given many other examples that I have heard in recent times, it does not surprise me that he said something like, 'Do you know who I am?' I understand the security guard said, 'Yes, I do, and you can still nick off'—or words to that effect (the words might have been more colloquial; I am not sure). Certainly, Mr President, I think you can understand the message that the security staff gave the Deputy Premier in relation to his behaviour in that public place.

The PRESIDENT: Like you, I have no idea.

The Hon. R.I. LUCAS: I am very surprised, Mr President. As I said, I have watched Mr Conlon and Mr Foley over the last pive years. I personally attended a function at Ayers House soon after Labor was elected to government, where Mr Conlon proudly boasted that he had been sharing a bottle of French champagne with a particular person. As is the way when someone has had a little too much to drink, he continued to repeat the same aspect of the story in the speech as he went on. A number of the people who were with me on that occasion—senior business executives—raised their eyebrows and referred to the obvious fact that Mr Conlon on that occasion had certainly had a drink or two before he had risen to speak in that public forum.

A number of other stories have certainly been reported in the media and to the opposition in relation to Mr Conlon and Mr Foley that have never seen the light of day—at a banking briefing; at the West Lakes Hotel in the early years after election; and Mr Conlon, in particular, in relation to behaviour at the casino over this period of five years. I will not go into all the details in relation to them. Certainly, if one speaks (as have some people) to former members of minister Conlon's staff (and there are many people who are former

members of Mr Conlon's staff, I can assure members; they seem to come and go with great regularity and great frequency), there are a number of examples, and they are concerned about the behaviour of a senior minister of the government in public places.

We are talking here not about behaviour in a private place, which is the point that the Hon. Ms Bressington made in her criticism. We are not talking about what someone does in their own place at home; that is essentially up to them and their family, friends and relatives. We are talking about senior ministers and their behaviour in public places. To summarise my concerns about the behaviour of the government—and Mr Conlon and Mr Foley, in particular—I certainly see them as the Brendan Fervola and Chris Tarrant of the South Australian parliament. Their behaviour, when it occurs on a number of occasions fuelled by the consumption of excess alcohol, has led to inappropriate and unacceptable behaviour on their behalf. In my view, their behaviour on a number of occasions, which I have highlighted (and others which I have not), demeans them, the Rann government and the parliament, the institution that we all represent.

I think that members of the Rann government—and the Premier, in particular—need to think through whether they are prepared to accept a continuation of the behaviour of those two ministers in public which we have seen, as I said, over five years, and which is now increasingly being reported. This is a major problem for the Rann government. The arrogance of a government starts at the top with the premier and its senior ministers. What we are seeing, and what I have attempted in one speech to put together, are just some examples of where, in public, senior ministers, and then extending down to members and staffers and, in particular, spin doctors, all adopt the persona of the leadership of the government. If the leadership of the government is arrogant and out of touch and engages in inappropriate and unacceptable behaviour, it is not surprising that some staff members will adopt exactly the same approach to any group that either opposes them or expresses concerns.

Increasingly, this behaviour is being publicly reported—not to the degree, perhaps, it would be in Canberra and other states, but increasingly we are seeing some sections of the media poking their noses above the parapets and being prepared to highlight some of the issues. They are being bullied, attacked and intimidated, but some of them are prepared to continue to raise some of these issues. It is not in the public interest that this behaviour continues and, certainly, in my view, it will lead to the downfall of individual ministers unless these excesses at the top of the government are not curtailed.

The PRESIDENT: Sometimes I think people take extreme advantage of the privilege afforded to members of parliament, and I wonder whether they would take what they say in this council outside on the steps and repeat it.

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

INDEPENDENT COMMISSION AGAINST CRIME AND CORRUPTION BILL

The Hon. SANDRA KANCK obtained leave and introduced a bill for an act to establish the Independent Commission Against Crime and Corruption; to define its functions and powers; and for other purposes. Read a first time.

The Hon. SANDRA KANCK: I move:

That this bill be now read a second time.

In introducing this bill I continue a proud Democrat tradition of campaigning for openness and accountability. The Democrats have introduced a bill to produce this outcome—the name varying on occasions—on three different occasions (in 1989, 1992 and 2005) through my former colleague, the Hon. Ian Gilfillan. He was unsuccessful on each of those occasions, thus highlighting a parallel tradition of the major parties—their unwillingness to subject themselves in government to such accountability. The Hon. Ian Gilfillan copped a lot of flak on the first occasion. The role of the ICACC was not understood and the police thought it was targeted at them specifically and they reacted very badly. However, over the years the Hon. Ian Gilfillan persisted and now, when one hears the term ICACC, most informed people know that it means that we are talking of an instrument of accountability of government and all its agencies.

So, why do we need an ICACC? An ICACC puts the spotlight on activities that have the potential to be corrupt. No lurking in the shadows is possible when an ICACC is around. In South Australia we need to obtain evidence about the level of threat from organised crime. Currently, we are deluged with media releases and bills about bikies but, so far, the information is anecdotal and it is difficult to extract the facts from the spin. In fact, I remind members of the bill that the previous government introduced through the Hon. Mr Atkinson about bikies barbequing cats and, of course, he ultimately had to stand in parliament and apologise because all the premises upon which that bill were based were completely wrong. Nevertheless, the bill passed.

As I say, it is difficult to extract the facts from the spin, and that is an indicator of it. We do not know whether the government is responding to a major problem or whether the activities of triads, the Mafia and other groups constitute a greater threat than bikies. Queensland, New South Wales and Western Australia have all set up similar bodies and all of them have exposed corruption. South Australia cannot be any different. We are similarly made up of human beings, with all our frailties and weaknesses. I received an email from a constituent last year, I think it was, and I will just read the first paragraph of that, which states:

> I come originally from New South Wales, where there is an Independent Commission Against Corruption. I now live here in South Australia where there doesn't seem to be any equivalent. I have looked at what can be complained about to the Ombudsman, but it excludes the actions of ministers of the Crown, so I am making this complaint to you.

So, there is a point where people cannot get satisfaction with their complaints with the current systems and organisation and a lot of people want an ICACC, including ALP members, such as the member for Port Adelaide, Rod Sawford, and Senator Penny Wong; former ALP Senator Chris Schacht; political commentator Dean Jaensch; the head of the Aboriginal Legal Rights Movement, Neil Gillespie; the former Law Society president, Alex Ward; Adelaide University criminologist Allan Perry; and the leader of the South Australian opposition, Martin Hamilton Smith. Interstate anti-corruption fighters have warned that no modern democratic society can do without an independent crime commission, and I suspect that that is because of the way that crimes can be covered up, particularly when we are talking of white collar crime.

Western Australia's Commissioner Kevin Hammond says that a higher level of exposure of misconduct has been found

in states that have anti-corruption bodies, and he has been supported by the head of New South Wales' Independent Commission Against Corruption, Jerrold Cripps QC, who said:

> To be effective in fighting against corruption, it is necessary to have a body like ICACC.

Comments just a few months ago by former auditor-general Ken MacPherson after he retired highlighted the need for an ICACC in South Australia. He took on that role, a role in which I think he overstepped his brief, but he claimed that he did so because there was no other body to do that in the state. Stephen Pallaras, the Director of Public Prosecutions, when interviewed on Radio 891 a couple of months ago, waxed quite lyrical about an independent commission. He said:

> Can I give you the words of two Americans who, when asked a similar question as to why we needed a corruption inquiry, Benjamin Franklin said 'Sunlight is the best disinfectant,' and I think that probably sums it up; and Colin Powell, the US Secretary of State said 'Corruption results from a variety of economic, institutional, political, social and historical factors. It flourishes when democratic institutions are weak, laws are not enforced, political will is lacking and when citizens and the media are not allowed to be partners in democracy. Corruption and unethical behaviour by public officials are serious threats to basic principles of democratic government. They undermine public confidence in democracy and threaten the rule of law.'

So, we know which people want an ICACC, but who does not want it? Our Premier, Mike Rann, does not want it. He claims that the role is adequately filled by the Auditor-General, the police or the Solicitor-General. I note the comments from former ALP member and consultant Geoff Anderson in the *Adelaide Review*. It is quite extensive but I think it is worth hearing in relation to what Mike Rann says about the role of an ICACC being filled by existing officers or bodies. The article states:

> Short of some special one-off inquiry or a royal commission, the only body that can investigate allegations of misconduct or corruption in South Australia is the police, through the Anti-Corruption Branch. This has a number of problems. Given the often intense political debate that surrounds any allegation, it inevitably draws the police, and particularly the Commissioner, into the arena of partisan politics. The process by which the allegation is investigated is completely opaque and focused on the potential for criminal charges. Finally, the result, particularly if it comes as a one-line statement that there was insufficient evidence to warrant taking the matter further, can be entirely unsatisfactory to all concerned. There are far greater problems if the allegations involve the police themselves, as these are, of course, investigated by other police. Current laws prevent the reporting of cases dealt with by the Police Disciplinary Tribunal, although we do know from the police department's annual report that there were 46 major investigations into the conduct of police officers in the 2004-05 financial year. There have also been reports of a drug trial being compromised by the actions of some police, and last year an officer was arrested in relation to drug- related charges.

The Premier says that the Auditor-General is one of those groups that suffice to play the role of an ICACC. So, what exactly is the role of the Auditor-General? The powers of the Auditor-General stem from the Public Finance and Audit Act, which gives the Auditor-General a mandate to conduct three types of reviews: financial and compliance audits; efficiency and economy audits; and examinations of publicly-funded bodies and projects. Now, I note there is no reference to crime or corruption. The powers of the Auditor-General are restricted to public authorities or entities in which a public authority is the major shareholder, and some projects that get public funding if the Treasurer requests an investigation.

The Port Adelaide Flower Farm was one of those rare occasions when that happened, but private enterprise is definitely not within the ambit of the Auditor-General. I know that most members of parliament will receive numerous complaints about police corruption, with complaints about the methodology of their investigation. Clearly, there is a lack of confidence in the police investigating themselves. The exposure of corruption in other states by their versions of ICACC demonstrates that the work of the Auditor-General, the police and the Solicitor-General is not enough to contain crime and corruption.

The government will no doubt argue cost as a factor when it opposes this bill, and it will cite New South Wales as an example of that cost. However, I caution whichever honourable member speaks on behalf of the government that New South Wales has four times the population of South Australia. So, if you are going to compare costs you will need to divide the New South Wales figure by at least four. The question to be asked, however, as to whether cost is a factor in an argument is: does the money that goes into these bodies produce results? Well, clearly for those states that already have a commission it does. If you prevent crime from happening in the first instance, this is surely a positive. The difficulty, of course, is to put a monetary value on that. The government of the day would determine the level of funding, so there is no reason that it would have to equal New South Wales. There is a potential area of cost saving in using public servants. Clause 15(3) quite explicitly provides:

> The Commission may—
>
> (a) with the approval of the minister administering an administrative unit of the Public Service, make use of the services, facilities or staff of that unit; or
>
> (b) with the approval of the minister, after consultation by the minister with the Commissioner of Police, make use of a police officer.

This brings me to the question of what an ICACC would be investigating. Well, obviously, organised crime would be the first thing, as well as bikie gangs, drug lords, and so on. But I think about a whole range of issues that have happened here in South Australia which are not directly crime but more in the line of corruption and which are good examples of why we should have an ICACC. For example, the way in which the police investigated the McGee case and, once again, the inappropriateness of police investigating police.

In relation to the allegations surrounding the Atkinson/Clarke/Ashbourne affair and the 'stashed cash' affair, an ICACC would have seen those two issues referred straight away and it would have stopped the grandstanding of the opposition—because there is no question that the opposition did grandstand on these issues. It surprises me that, when there is, in effect, an out for government to stop that sort of politicking, it will not support the setting up of an ICACC.

In recent times, we have seen issues such as undisclosed election campaign donations. In the time of the Liberal government, we saw the matter of the Hindmarsh Soccer Stadium, where the then minister for tourism, Joan Hall, had to carry the can for her party, and I think parliament lost a good minister because of that. Back in 2005, we saw allegations of paedophilia being made against a state MP, and that would have been cleared up very quickly, without all of the endless media speculation, if we had been able to refer the matter to an ICACC.

Going back still further into history, there were allegations about the tender process in regard to water privatisation. Maybe that is why the Labor Party does not want to support an ICACC. I remember being part of the select committee

that was looking at that tender process, and the Premier (Hon. Mike Rann), who was at that stage leader of the opposition, regularly sat in on meetings of that committee and, with a signal to the media, then went out and had a media conference each time the committee met. So, as an opposition, the Labor Party was able to gain some brownie points.

There is always the potential for corruption in development application processes, and we have seen allegations about the abuse by MPs of allowances, which could have been referred to an ICACC. Basically, police investigate criminal behaviour; they do not investigate unethical behaviour. Hence, the body I am establishing with this bill refers to both crime and corruption, but there are other roles an ICACC can play. In New South Wales, the ICACC provides ongoing advice to government and government departments about appropriate procedures to reduce risk of corruption, and it also has a preventative role.

My bill includes similar requirements, and I see this as being an important role for an ICACC to perform. These functions appear in clause 11 of the bill, and the first function is investigating complaints. However, when we go to paragraphs (e) to (l) of clause 11(1), there are a whole range of things regarding prevention. For instance, it provides:

> (e) to examine the laws governing, and the practices and procedures of, public authorities and public officers, in order to facilitate the discovery of corrupt conduct and organised crime and to secure the revision of methods of work or procedures which, in the opinion of the commission, may be conducive to corrupt conduct or organised crime;
>
> (f) to instruct, advise and assist a public authority, public officer or any other person (on the request of the authority, officer or person) on ways in which corrupt conduct or organised crime may be eliminated;

As I have said, paragraphs (e) to (l) refer to this particular function of an ICACC, which I think is very important.

So, how would the ICACC be appointed? The persons who are appointed commissioner or assistant commissioner(s) need to be eligible to be appointed as a judge (or a retired judge) in any jurisdiction in Australia. They are appointed by the Governor for a five-year term, but they can also be removed by the Governor during that time if it becomes necessary. Independence is vital, so, unless approval is given by the minister, those commissioners and assistant commissioners cannot take up any other paid work.

The commission would operate on the basis of a complaint or of its own volition or referral from either house of parliament. The question then arises: who can make a complaint? The answer is that anyone can. To make it clear that it is anyone, clause 19(1) provides:

> A complaint about a mater that concerns or may concern corrupt conduct or organised crime may be made to any person or body of persons.

There is a rider in clause 19 to discourage people from making nuisance complaints. Clause 19(8) provides:

> A person must not, in making a complaint under this section, wilfully make a false statement to, or mislead or attempt to mislead, the Commission or an officer of the Commission.
>
> Maximum penalty: $2 500 or imprisonment for 6 months.

The commission would have powers to summons people to give evidence, and an arrest is possible if they do not turn up. People can have legal representation. The hearings would be open to the public unless the commissioner determines that it should be heard in private, and the commission would have the power to search and seize. Its role would not be to lay charges or prosecute. It would work with a variety of other agencies, such as the Auditor-General and the police. Its job is to form an opinion and to advise the Attorney-General of the opinion that they have reached. In some ways it is comparable to the Coroner's court, in that it will not be able to make any determination about whether anyone is guilty of anything.

In addition, the bill sets up an operations review committee and the commissioner is a member of that committee and must meet with it at least once every three months. The operations review committee would look at the investigations taking place and advise whether a particular one should be discontinued and whether new references should be investigated. We then come to the question of how we ensure that the commission is itself accountable. There is a requirement for an annual report to parliament. It is very important that this annual reporting occurs, because the body that is there to expose corruption must always have the spotlight shining on it.

In addition, this bill establishes a new standing committee of the parliament called the Committee on the Independent Commission Against Crime and Corruption. That committee, just like any other committee, is answerable to the parliament. It is a monitoring committee and is made up of six lower house MPs and three upper house MPs, none of whom can be a serving minister, because there is the potential, of course, for their office or department to be under investigation. Clause 69 spells out what the powers of that new standing committee are. Clause 69(1) provides that the functions of the joint committee are:

> (a) to monitor and to review the exercise by the Commission of its functions;
>
> (b) to report to both Houses of Parliament, with such comments as it thinks fit, on any matter relating to the Commission or connected with the exercise of its functions to which, in the opinion of the Joint Committee, the attention of Parliament should be directed;
>
> (c) to examine each annual and other report of the Commission and report to both Houses of Parliament on any matter appearing in, or arising out of, a report;
>
> (d) to examine trends and changes in corrupt conduct or organised crime, and practices and methods relating to corrupt conduct or organised crime, and report to both Houses of Parliament on any change that the Joint Committee think should be made to the functions, structure or procedures of the Commission;
>
> (e) to inquire into any connection with the Commission's functions referred to it by a house of Parliament, and report to that house on that question.

In conclusion, this is the fourth time the Democrats have introduced a bill of this nature. Public opinion and the views of opinion leaders in this state are now firmly on the side of establishing an ICACC. Everyone wants an ICACC it seems, except this government. It would rather close its eyes to the threats of corruption. Isobel Redmond, the shadow attorney-general, told *The Australian* last year of her support for an ICACC. The Leader of the Opposition, Martin Hamilton-Smith, says he supports an ICACC. Neither of them has taken the action, however, to introduce a bill to back up their words. This bill will be a test for the opposition and I challenge it to support it.

The mining and development booms in this state mean that a lot of money is being thrown around in South Australia, along with a lot of pressure on government authorities to make decisions that favour these investors. We saw that in relation to the so-called WA Inc. inquiry, where some members of government were not able to resist all those pressures. The time is right for an ICACC. It is in the government's best interests to ensure that all is above board.

Things should be squeaky clean and be seen to be squeaky clean, and the public must have the confidence that this is so.

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

GREENHOUSE STRATEGY

The Hon. M. PARNELL: I move:

That this council notes the covering letter accompanying the recently released South Australian greenhouse strategy.

I was disappointed not to be able to say everything I wanted on the climate change bill when we discussed it a month or so back. Members will be disappointed to know that I was only two hours into what could have been a four-hour contribution and I was prepared to leave it at that, until I became aware of the Premier's letter sent out to South Australian citizens accompanying the 'Tackling climate change; South Australia's greenhouse strategy 2007 to 2020' document. Seeing that covering letter raised my ire and I resolved to put back on the agenda this issue of greenhouse targets to correct some of the misinformation contained in that covering letter.

In short, the covering letter is no less than Orwellian spin. I will read a number of sentences from that letter. In talking about the climate change legislation, following the listing of targets contained in the legislation, the Premier's letter states:

I am disappointed that a fourth target, an interim target to not exceed 1990 levels of greenhouse gas emissions by 2020, was defeated in South Australia's upper house, the Legislative Council. This tough target would have brought South Australia into line with Governor Arnold Schwarzenegger's law in California. After a series of political manoeuvres that saw the opposition advocate and then abandon another interim target that was unrealistic, the opposition (strongly supported by the Greens member of parliament) then combined to vote against the Schwarzenegger interim target. I am currently seeking legal advice as to whether I am able to reestablish the government's interim target by regulation, given that the climate change sceptics in the upper house seemed resolute.

These claims are outrageous at a number of levels and I wish to explore why that is the case. The first thing that is outrageous about the Premier's claim is his equating the South Australian government's proposed interim greenhouse target with Arnold Schwarzenegger's target in California.

Whilst it might be the case that both South Australia and California use the same words in their targets—that is, at its most basic level, 1990 levels by the year 2020—the impact is in fact worlds apart. The impact is radically different. California is currently well above its 1990 pollution levels. In 2002, California was 11½ per cent above its 1990 levels, and it is increasing every year. So, the legislation that that state passed in 2006—to return California to 1990 greenhouse levels—was a major and an exciting commitment to the global battle against climate change.

Meanwhile, South Australia is currently well below—in fact, 6½ per cent below—1990 greenhouse pollution levels. Therefore, a return to 1990 levels—had that clause been passed—would mean a legislated increase in greenhouse gas emissions. I will say that again, because it is important. What we are being asked to do in this parliament is to legislate for an increase in greenhouse gas emissions. So, whilst California has a legislated target that will require a massive reduction in its greenhouse gas emissions over the next 13 years, Premier Rann's target is to increase the state's greenhouse pollution over that same time period.

To equate the two targets—the Californian target and the Rann government's target—is, to be kind, tricky. It is pure spin and it is misrepresentation of the worst kind. It might be that the same words are used, but the effect is completely different. While California will be helping the world avoid dangerous climate change, it appears that the Premier is planning for South Australia to go in the opposite direction. No matter how much the Premier tries to spin this, he cannot get around the fact that the greenhouse pollution target for the year 2020, proposed by his government, is a licence to increase—not decrease—the state's emissions.

The second gross misrepresentation in the Premier's covering letter is his attempt to rewrite history regarding the debate on climate change in this place. The Premier's letter implies that the upper house somehow fought tooth and nail to keep an interim target out of the bill because we are a nest of 'climate change sceptics'. Members would recall how the debate proceeded. On the question of interim targets, four different options were put forward and everyone—apart from Labor—initially agreed to that 20 per cent reduction target (below 1990 levels). In the end, however, the Liberals—and I have expressed to them privately and publicly my disappointment—caved in, but other members of the Legislative Council were keen to push harder on the question of an interim target.

[Sitting suspended from 5.59 to 7.47 p.m.]

The Hon. M. PARNELL: Before the dinner break I was commenting on the Premier's observation in his letter that we in the Upper House are some sort of nest of climate change sceptics, and I started to remind members that when we discussed the climate change bill and looked at interim targets for the year 2020 there were, in fact, four different options put forward by honourable members, and everyone, apart from Labor, agreed to that 20 per cent target. Whilst the Liberals did end up caving in—no doubt related to pressure by the Prime Minister, not to mention a leadership change locally—other members of the council were keen to push for tough targets.

The government's interim target of returning to 1990 levels totally ignores the latest report of the International Panel on Climate Change which urges immediate and deep reductions to carbon dioxide levels so that they peak by 2015, in order to avoid a 2 degree Celsius rise in global temperature. That is the amount commonly regarded as the trigger for dangerous climate change. So from the Greens' perspective, to enshrine a target such as the government's, which thumbs its nose at the International Panel on Climate Change, and put that into legislation is simply unacceptable.

By voting against the strong but achievable 20 per cent reduction target by the year 2020, which was the target the Upper House passed, Premier Rann has rejected the advice of Tim Flannery, David Suzuki, Nicholas Stern and over 2 000 of the world's leading climate change scientists. These people all argue for short-term 2020 targets much greater than the Premier was prepared to accept.

Now it seems that, because of a tenuous link to common wording in a target that Arnie Schwarzenegger proposed, the Californian governor has surpassed them all as the name-drop du jour. Despite the Premier's spin, the act has little more impact on South Australia's greenhouse performance than a policy document, and I note the Premier's letter, in which he boldly states:

The new climate change act will:

- reduce greenhouse gas emissions in the state by at least 60 per cent of 1990 levels by the end of 2050;

It will do no such thing. It sets a target, but the act itself, as members would appreciate, does not contain any actual measures that guarantee that that target will be reached. That is the role for us and for those who follow us.

The legislation contains no mandatory measures. There is no comeback. If the government or the community do not meet the targets the legislation will not force the government to meet any interim target that it sets if it does not want to. So, whether we set an interim target in the bill or not matters much less than whether the government is truly committed to meeting the target. The government can announce at any time its aim to reach a return to 1990 levels as an interim target. It can build that into all its policy and all its programs; it is a policy choice the government is free to make with or without the climate change legislation.

An inadequate target set in legislation now would have decreased the pressure on the government to act for a decent interim target in the near future when the urgency for immediate action will only increase. By way of conclusion—and you are not going to get the other two hours that I was prevented from delivering last time—

Members interjecting:

The Hon. M. PARNELL: I am terribly sorry to disappoint you. What I think I can say is that South Australians want to hear less talk and they want to see more action. They would have liked to see something in the budget; they would have liked the budget to acknowledge climate change and put in place infrastructure spending that helps us to meet these targets. I think South Australians hate it when politicians are tricky with the truth. I will say that the Premier has done some good things on climate change. He is better than other premiers that we have had in this state, but he does himself a disservice when he attempts to spin positive but tiny steps as somehow being world beating or world famous. I think the danger is that an approach like that lulls people into a false sense of security.

The reality is that the task ahead of us all to avoid dangerous climate change is monumental. It will involve significant changes in the way we live our lives. It will involve changes in our homes, our cars, the food we eat and what we buy. The critical thing for us is to start now, not in 13 years, because every year that we delay it just gets harder. Yet, the Rann government's target is to do no better than maintain the status quo. Many leading scientists are telling us that that will well and truly be too late and too little. If every state of Australia and every nation state justified its lack of greenhouse action by using our Premier's argument, which is, 'Please allow us 10 more years of mining and economic expansion before we start to reduce our emissions', we would be in deep trouble, because as a rich and capable state we can do much better.

I want to put on the record that the Greens supported the overall bill, but we could not vote for a target that runs counter to our global responsibilities and the best available scientific evidence. I urge the Rann government to spend less time and energy spinning its climate change advances and more time committing to and, most importantly, funding, the deep, sustained changes that are required because, after all, we are all in this together.

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

TRISTAR

Adjourned debate on motion of Hon. M.C. Parnell:

That this council notes—

1. the long running industrial dispute at Tristar Steering and Suspension Australia Limited; and

2. the location in Adelaide of the company's owners and directors,

and calls on the Premier to convene a meeting of the parties to the dispute, with a view to assisting in its resolution.

(Continued from 25 July. Page 472.)

The Hon. NICK XENOPHON: I rise to support this motion. The Hon. Mr Parnell has already outlined quite comprehensively in his contribution on 25 July, when he introduced this motion, the reasons for and the circumstances of the Tristar dispute, and the impact that it has had on the workers at Tristar in Sydney. Whilst this is primarily a federal issue, I see no harm in supporting a motion calling on the Premier to convene a meeting, for the Premier to use his officers, the imprimatur, or the Premier's office to convene such a meeting. I believe that no harm will come of it and that it could actually be a catalyst for a speedy resolution to this dispute.

It is not unprecedented for politicians to try to assist in such disputes. In fact, there is an argument that sometimes they should be more involved, given what has occurred in some recent industrial disputes in South Australia, in terms of a more hands-on approach. Given what has occurred to the workers at Tristar, I think that this is a commendable motion by the Hon. Mark Parnell; therefore, I support it.

The Hon. D.G.E. HOOD: I also rise to support this motion, which asks the council to urge the Premier to use his influence to mediate between the Adelaide head office and Sydney employees and their representatives in the redundancy dispute concerning Tristar Suspension and Steering Proprietary Ltd, a car parts manufacturer situated in Marrickville in Sydney. I begin by recalling that the names Family First and Tristar have some connection. Family First senator for Victoria, Senator Steve Fielding, introduced a bill which successfully amended the WorkChoices legislation to double the protection period for workers' redundancy pay after their workplace agreements are terminated.

Family First's bill, which passed the Senate on 20 June 2007, extends the protection period from one year to two years. Our understanding is that Tristar was trying to slash its redundancy bill from $4.5 million to $1 million. The Tristar employees agreement expired in February. Tristar appears to believe that if it keeps the employees working for one year—that is, working past the 12 month anniversary of the expiry of their workplace agreement—they only need to pay just over $1 million. In contrast, had the workers been given a redundancy when to the fair-minded observers' eye they were truly made redundant they would have then received a net total of some $4.5 million in redundancy payments.

Tristar's actions are reprehensible, and the federal government is right to be prosecuting Tristar for its behaviour. Senator Fielding's bill for Family First ought to prevent such a reprehensible act happening in future, because another employer in Tristar's situation would have to keep the workers employed for the two years, not 12 months, as is currently the situation, in order to reduce the redundancy entitlements in a similar way. Our hope in respect of the economic case for a business in a situation such as this is that it simply ought to pay the entitlements.

On that note, I might add for the cynics that Family First's original bill was to increase the protection substantially; that is, to make the redundancy period a payment for five years. But, in the face of a lack of support from federal parliament, two years was the agreed compromise, and, indeed, that is the measure that passed the federal parliament. I think it is also incorrect to suggest that Tristar is keeping its workers 'working'. The Australian Manufacturing Workers Union's Industrial Officer, Martin Schultz, said outside the Federal Court on 16 July that workplace duties now include playing cards, reading the newspaper, and making model aeroplanes. Since Tristar apparently has precious little work to offer the workers, they are in fact already redundant, and they ought to be redundant under law.

In accordance with the redundancy slashing scheme that I have described, by January this year Tristar had reduced its staff from 350 to some 35, and it was accused of keeping on workers with an average of 30 years of service to avoid large redundancy pay-outs. Mr Schultz, again in that doorstop interview at the Federal Court, said the following:

> You've got workers there that are mid-50s to mid-60s, they for the most part have never worked anywhere else, they're from non-English speaking backgrounds, they don't know anything different. When they leave Tristar most of them will have no chance of finding a job somewhere else. . . What they're fighting for is their very future. Their redundancy package represents, to them, their entire future. That's why for them this is so important.

I pause to reflect that this is a disturbing trend in Australian society, and it is hard to know where to point the blame. It seems to me that this is symptomatic of the way in which loyalty is rewarded in modern day Australia. Gone are the days of appreciation for being a longstanding employee or customer of a given institution. Now, for 30 years' service, people are treated poorly and forced to keep going to work in the hope that they will receive at least some form of redundancy payment. Tristar's behaviour is mean-spirited and there is, indeed, a much larger principle at stake which must be upheld. I think it is also worth pointing out that, really, this has nothing to do with WorkChoices. The WorkChoices system is quite outside the situation at Tristar, and this would have been the situation at Tristar regardless of WorkChoices.

Members interjecting:

The Hon. D.G.E. HOOD: There seems to be some dispute in the council about that fact. However, certainly, that is our position—and we can debate that later. In the end, we think that asking the Premier to intervene in this situation is certainly not asking too much. All the motion does is ask him to use his influence to at least convene some meetings and, hopefully, reach a conclusion. We think that is a reasonable request and, as such, Family First supports the motion.

The Hon. SANDRA KANCK: As this chamber has already heard, 29 workers in Sydney are being forced to turn up to Tristar's empty factory every day, because that will cost the company less than giving its employees the redundancy packages to which they are otherwise entitled. That is a very humiliating way to treat any workforce. The treatment of one of those employees, Mr John Beaven, was particularly shocking. The company was quite prepared to let Mr Beaven, a loyal Tristar employee for 43 years, go to his death without the redundancy payment that would have helped to provide for his children. After an intense public campaign against the company, Mr Beaven finally received a payment, quite literally, on his deathbed.

However, in the context of this motion, it is the reaction of the Rann government that is most disappointing. In an election year, where the issue of the rights and dignity of workers will be one of the most important issues, he has cast his lot with the corporate pirates. It appears that the Rann Labor government would rather pop champagne corks in the VIP tent with the directors of Arrowcrest and other A-list high fliers than spend time with and stick up for working people. The Rann government is accepting money from Arrowcrest, Tristar's parent company, but closing its eyes to Tristar's treatment of workers.

We know that the Labor Party has abandoned any pretence of being a party of civil liberties and social reform, but to have it turn its back on the workers, the very reason for which the Labor movement came into being a century ago, is deeply disturbing. Despite treating his workers with contempt, Mr Gwinnett, the Chairman of the Arrowcrest group and a director of Tristar, has been reappointed to the board of the Art Gallery of South Australia. How is it that a reward like that is given out by the Rann government? Whilst Tristar has not broken the law, it has certainly not behaved morally. However, I observe that it was bad law in the first instance, and that is why the Democrats opposed WorkChoices, because it could lead to this sort of shabby treatment.

I know that Tristar is a New South Wales operation and, clearly, we do not have a significant influence on it. However, we must do what we can, and what we can do is show our disapproval, articulate our values to the community and apply moral pressure to people who breach those standards. Given the close relationship between Mr Gwinnett and the Premier, asking our Premier to take action to convene a meeting to deal with the issue is entirely reasonable, and I indicate the support of the Democrats for this motion.

The Hon. R.D. LAWSON: I was not scheduled to speak on this motion, but I believe there are a couple of points that ought to be made. It is interesting to note there are no Labor members scheduled to speak and none of them has put their head above the parapet. Here are these courageous defenders of workers' rights yet, when their Premier is asked to stand up for an interstate dispute, we do not see any of them prepared to make any contribution at all.

It is undoubtedly true that the honourable member's motion will highlight the hypocrisy of the South Australian Labor government in relation to workers' rights. As was mentioned earlier by another speaker (Hon. Mr Hood), this particular dispute has nothing to do with the federal WorkChoices legislation, as it was previously called. But, when one hears comments made about the loyal and wonderful workers of Tristar over the years and how they have served the company so brilliantly, people tend to forget that it was only a couple of years ago that the striking workers at Tristar brought the whole of the Australian automotive industry to a halt because of their irresponsible strike action and, not surprisingly, as a result of their action, the company went broke and is out of business.

The reason the Premier will not come to the assistance of these particular workers in this dispute is that he himself heads a government that has a number of people who are surplus to the requirements of the government sitting in various departure and transit lounges run by Mike Rann's government, and it is administering to those public servants the same treatment as is being suffered by the Tristar workers: the people in question are sitting in a room with a computer, being invited to apply for jobs elsewhere but not

being given any work. Many of them are asking for a TVSP so that they can retire in accordance with the usual provisions. They are not being given those TVSPs. The government is seeking to win a war of attrition against them so that they will resign without those entitlements and go and find a job elsewhere. It is the height of hypocrisy for this government to be presiding over that situation and for members opposite to be sitting there silent and not interested at all in the workers and unions that put them here in the first place.

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

NATURAL RESOURCES COMMITTEE: DEEP CREEK

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

That the report of the committee on Deep Creek be noted.

(Continued from 25 July. Page 475.)

The Hon. M. PARNELL: I was very interested in this inquiry of the Natural Resources Committee, because I first came across this issue eight or nine years ago in my capacity as a lawyer with the Environmental Defenders Office. I was approached by Kevin Bartolo and Mr and Mrs Wollaston, who gave evidence to the committee, and they asked me for help around some legal questions about the impact of plantation forestry on the diminishing flows of water in Deep Creek. I was incredibly impressed with the work that these Fleurieu Peninsula locals had done. They had explored old archives, dug out aerial photos and land use maps over the decades, and made a compelling case that the decline in stream flow in Deep Creek was directly attributable to the increase in plantation forestry in the upstream catchment. It was a very pressing case that they made. I was convinced back then, eight or nine years ago, and I am pleased now that the standing committee is convinced as well. The standing committee reported:

> Evidence gathered by the committee confirmed that there has been an appreciable reduction in stream flows in the upper Deep Creek subcatchment. This was not primarily the result of dam construction—indeed, there are no dams in the upper Deep Creek subcatchment area—reduced rainfall or an increase in traditional farming activities, as asserted by government agencies. What has become clear is that reduced stream flows within the upper Deep Creek subcatchment have coincided with and are causally related to the expansion and growth of local forestry.

My legal advice to my clients back then, who were campaigning for the government to take some action over declining flows, was that the main problem they had was that the Water Resources Act (as it then was) did not recognise forestry as 'taking water.' That was the wording used in that legislation. We all know that trees drink water, that trees prevent recharge to ground water yet, under legislation, they were not regarded as 'taking water.' Even in prescribed water areas, you did not need a licence to extract the water if you were using the medium of trees to extract it, even though your trees could take more water than the pumps, the dams and other methods that are recognised as taking water. So, I note and support the committee's recommendation 4, which says:

> The Minister for Environment and Conservation include commercial forestry activities within the Deep Creek catchment as a prescribed water-affecting activity pursuant to section 127(3)(f) of the Natural Resources Management Act 2004.

I would support that recommendation and think about expanding that elsewhere. I acknowledge that in other parts of South Australia the minister has in fact made a declaration such as that sought by the committee. I also note from the committee's report that it foreshadowed that this issue is bigger than just Deep Creek. As the committee says in its preface:

> Broader issues arise in relation to water use and forestry in South Australia. The looming prospect of carbon trading and what it may mean for forestry proposals in sensitive environments needs urgent consideration.

On that point, I would remind members that when we resume after the winter break we will be debating in this place a bill that directly relates to forestry and water in the South-East. I would also acknowledge that the minister, in her statement in parliament only yesterday, recognised that the planting of some forests in the South-East will now trigger the need for a licence. So, we have come a long way and I think that inquiries like the Deep Creek inquiry help inform us that trees are a water-affecting activity, they take water, to use the language of the old legislation and, when we are considering the Penola pump mill after we come back and we are looking at that question of the expansion of forestry in the South-East, we must have a mind to this report and to its findings.

The final thing I would say is that, again in my previous life as a solicitor with the Environmental Defender's Office, I spoke at a number of workshops not long after the commonwealth had declared the swamps of the Fleurieu Peninsula to be a critically endangered ecosystem. In fact, I understand that they are probably still the only commonwealth-listed critically endangered ecosystem in this state. I used to have clients come to me saying that there was a blue gum plantation being proposed for an area very close to one of these commonwealth-listed wetlands and yet the systems in place under the Development Act, under the now Natural Resources Management Act, were not able to cope with properly regulating those activities. Again, I would support the committee's recommendation 6, which says:

> Relevant state government agencies, when assessing applications for activities that might impact on Fleurieu Peninsula swamps as listed under the commonwealth Environment, Protection and Biodiversity Conservation Act 1999, inform the appropriate federal government agency.

That is a call I made five, six or seven years ago trying to get state agencies to play ball, if you like, basically to take some responsibility for helping the commonwealth's environment protection regime to work; because, unfortunately, the reaction we were getting from state agencies was, 'Well, it's not our job to refer these activities to the commonwealth. If they want, they should have their own inspectors; they should be the ones identifying issues that need to be referred.' I urge all state government agencies to have regard to recommendation No. 6. With those remarks, I support the noting of the committee's report.

Motion carried.

NATIVE VEGETATION

The Hon. M. PARNELL: I move:

That the regulations under the Native Vegetation Act 1991 concerning clearance exemptions made on 29 March 2007 and laid on the table of this council on 24 April 2007 be disallowed.

I first put this motion on the *Notice Paper* some time ago, but it has taken me a little while to get to it, because I have been in consultation with the government and members of conservation groups. I acknowledge the vigilance of the Conservation Council, which first drew this to my attention

just a few days after it was gazetted. In fact, I was reviewing my file the other day and the first email to one of my staff members came only a few days after the notice appeared in the *Gazette*. The email states:

> Is Mark aware this amendment sneaked through last week? This is serious. It is a significant amendment. There has been no consultation. . .

And the email goes on. In fact, I moved disallowance for two main reasons: first, that the regulations were introduced with no consultation; and, secondly, I believe they represent a dangerous watering down of the regime for protecting vegetation in this state. I will say that, despite having had some assurances and some further explanation from the minister's staff, I am not proposing to abandon this motion, and I will proceed to explain why I believe disallowance is still appropriate. I would say also at the outset that the introduction of important regulations that affect our natural heritage with zero consultation is really an appalling way for a government to behave.

The government knows that the issue of native vegetation clearance controls is important to many stakeholders. It is important to farmers, it is important to the development industry and it is also important to the non-government conservation community. I think it is very poor of government to force disenfranchised stakeholders to conduct their campaign around regulations in the media or here in the parliament well and truly after the horse has bolted. As members would know, these regulations take effect from the date they are gazetted. In fact, explanatory literature is also on the government's web site explaining how these new regulations work.

So, to a certain extent, we get to look at these things far too late. I would say that, in the past, the government has not always behaved like this in relation to native vegetation regulations. In the past it has consulted widely before introducing new regulations, and that raises the question: what is so different about this case? What was the urgency? What favoured development was the government so keen to fast track that these changes could not have been properly consulted on first?

I note that, since I moved this motion of disallowance, a number of other organisations have weighed in. I note that recent correspondence from the Planning Institute of Australia states:

> The Planning Institute of Australia (SA) Environmental Planning Chapter Committee is supportive, in principle, of recommendations made by the Conservation Council regarding the native vegetation regulation (5)(1)(ab). We feel that broader consultation on the processes involved are likely to result in better outcomes for both developers and the environment.

I will come later to the suggested changes from the Conservation Council. However, I think the point here is that I have had no explanation at all as to why the community could not have been consulted. That lack of consultation of itself would have been enough for me to have moved for disallowance as a reminder to government that it does hold our natural heritage on trust and that the public deserve to be consulted. It would have been enough for me to say, 'Throw out the regulations and make the government do it properly through consultation.'

I want to talk about the merits of these regulations, and I will need to briefly explain how these regulations work and what they do. The starting position is that, under the Native Vegetation Act, people are not allowed to clear vegetation unless they have a permit. However, you do not need a permit if the clearance you are proposing falls within a situation that is covered by exemptions, and the exemptions are set out in the regulations. The regulation for which I am moving disallowance today is part of that regime of exemptions. So, they are the circumstances in which you do not need approval under the act.

The situation we are looking at here is where land is subdivided for housing. Until these regulations came into force, having development approval for a subdivision did not give the owner permission to clear the land. In other words, subdivision was regarded as an exercise of drawing lines on a map and, even if your subdivision had been approved (that is, where the roads and house blocks were going to be situated), that did not give you permission to clear. What you had to do was wait until you had the building approval for the buildings, the homes and the infrastructure, and then the exemptions under the regulations kicked in and a person could clear an amount that was necessary for the house, the outbuildings, fire breaks, access tracks, fence lines, etc.

Under this new regulation, clearance can occur on a subdivision even before a single house has been approved. Presumably, this is because it is cheaper and easier to clear land as a job lot rather than in association with each individual house site. However, it is not as if it is as straightforward as that because the regulations are crafted in a way that there are some checks and balances. The first check and balance is that, if you have approval for a subdivision, you then have to satisfy the Native Vegetation Council that the clearance will be limited to what is reasonably required to erect a dwelling on each block. Secondly, you have to satisfy the Native Vegetation Council that there is no other practical alternative that would involve no clearance at all or the clearance of less vegetation. Finally, you have to provide something called a significant environmental benefit, which can involve protecting or replanting vegetation somewhere else, or you can pay money into a fund.

I note that there is also within this regulation the capacity for the Native Vegetation Council to not require any replanting anywhere else and not to require any payment of money into a fund. However, if it is satisfied that it is appropriate, the council can accept someone's agreement to pay money into a fund as a way of providing some compensation for the vegetation to the cleared. You might say, 'Well, there are so many checks and balances, what are the Greens worried about here?' However, I remain unconvinced. I would say that this concept of significant environmental benefit, whilst attractive at one level, attracts a large amount of criticism in the community because, at its heart, is the philosophy that every piece of vegetation has its price and, as long as you come up with that price, you will be allowed to clear.

However, the best way for me to explain my concerns about this up-front clearing of vegetation at the subdivision stage is to look at some examples of where it can go terribly wrong. Honourable members might be aware of the example in Queensland where the Bjelke-Petersen government approved of the subdivision and sale of large parts of the Daintree Rainforest into freehold title. If regulations such as those we now have in South Australia were in place then, it is possible that the bulldozers would have gone in and clear-felled vast tracts of that wet tropics Daintree Rainforest. Instead, to its credit, the Douglas Shire Council resisted mains electricity being moved into the area and, as a result, a lot of these blocks remained fully vegetated with rainforest and we now have special public funds to buy back these blocks of rainforest, block by block, square metre by square

metre. The public are being asked to contribute to undo that shocking subdivision decision that was made.

What that says to me is that, whilst a subdivision may well appear to be an eventual death knell for vegetation, let us postpone until the last possible moment the actual clearance, because land developers do go belly-up and their projects do collapse. If, in the meantime, we have cleared all the vegetation, then we are all the worse for it. It is a lose-lose situation: you lose the vegetation but the development does not go ahead and you end up basically with unnecessarily cleared land.

Another example (which I have been told about but do not have documentary evidence of) is that on Phillip Island in Victoria. Some decades ago, a previous government subdivided much of the fairy penguin rookery. These penguins are much favoured by Japanese tourists, who go along to the penguin parade on Phillip Island. It is a tourist icon. Again, they had to buy back, block by block, land that had been subdivided. If South Australian regulations had been in force, perhaps that would have all been cleared in advance. To give a South Australian example, one of my correspondents from Kangaroo Island wrote to me urging me to try to do something about these regulations. This constituent wrote:

> This regulation change also has implications for the glossy black cockatoo. Subdivision for housing is a threat identified in the recovery plan. If residential housing developments are given the go-ahead and habitat is cleared, habitat (which is listed as critical) will be lost. Given the government's stance during the days of John Hill—

meaning when he was minister for the environment—

> it is a bit of a turnaround to now have the changes to the regulation brought in and further weaken protection for these areas. Just out of interest, areas in American River were subdivided for residential purposes many years ago and the land was subsequently sold. The subdivided land contains critical feeding habitat for the birds. It makes you wonder what would happen to these areas if the residential subdivision occurred today. Mind you, as it stands, those subdivided areas are as good as gone in the long term when the owners decide they want to build their houses—death by a thousand cuts.

Really, it might seem that subdivision is the death knell, but I say let us postpone the clearance for as long as we possibly can. A number of other people have written to me about these regulations. I alluded before to the Conservation Council and, whilst it is still fine-tuning its submission to government, as I understand it it takes the view that you can, in fact, provide more certainty for developers not through these regulations but by rejigging them to actually have the conversation around appropriate land clearance much earlier in the process; so, not after the subdivision has been approved but perhaps before that subdivision has been approved. I note that the Conservation Council and the Planning Institute are having dialogue around how that might work. The point here is that the community can be trusted to act responsibly in a consultation phase when it comes to regulations like this.

The Conservation Council in particular is keen to work with the government and ensure that we get the right balance. We have to remember that the reason we are one of the first states to introduce bans on the wholesale clearance of native vegetation is that in our settled areas, relative to other states, we have so much less of it left. Yorke Peninsula is 90 per cent cleared for agriculture, which is why we hold these native vegetation laws so dear to our hearts. My plea to members is to disallow the regulations and encourage the government through that process to enter dialogue with all stakeholders, and that way we are more likely to get regulations that have the support of the community.

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

MURRAY-DARLING BASIN

Adjourned debate on motion of Hon. Sandra Kanck:

That the Natural Resources Committee conduct an inquiry into uses of the waters of the Murray-Darling Basin and their impacts in respect of South Australia, with particular reference to:

1. The forms of agriculture which are consistent with the sustainable use of water resources (including relevant riparian, groundwater and artesian sources);
2. The extent to which the natural processes of the basin are being altered to suit the needs of irrigation, and the impact this has on South Australia's water supplies;
3. The economic value of agriculture and its impact on water and environmental sustainability;
4. Alternatives to water-intensive primary industries including:
   (a) Strategies for their continuation or cessation, and
   (b) What assistance would be required by communities and individuals reliant on crops that are identified as unsustainable;
5. The impact of managed investment schemes and large corporate agribusinesses on downstream small irrigators, rural communities and the environment in South Australia;
6. The amount of water allocated to 'sleeper licences' and the proportion of that water which is not being used;
7. The risks of and need for appropriate regulatory controls for the expansion of water trading across the basin; and
8. Any other related matter.

(Continued from 20 June. Page 374.)

The Hon. I.K. HUNTER: The government will oppose the motion to set up this inquiry. The reason given for this inquiry by the Hon. Sandra Kanck is to investigate the extent to which natural predators of the basin are altered to suit the needs of irrigation and the impacts it has on South Australia's water supplies. It should be understood that irrigated agriculture operates within a government mandated licensing system that limits water use and imposes conditions on licence holders. As far as I am aware, no jurisdiction attempts to tell farmers what types of crops they should be growing. The system is managed to meet the needs of all water users and, with the Living Murray initiative, includes active management for environmental outcomes.

The impacts of irrigation water demand on River Murray flows has already been well documented, as has the economic value of agriculture by the Murray-Darling Basin Commission, and it hardly warrants an additional inquiry. The national water initiative, to which South Australia is a signatory, is based on the development of well defined property rights underpinning the water market. The intention is for water to trade to its highest value use. Pricing and planning policies can deal with environmental impacts and externalities to ensure sustainability.

The issue of managed investment funds' tax advantage is a matter for the commonwealth. The national water initiative agreement specifies the outcomes sought from water markets and water trading arrangements. They need to recognise and protect the needs of the environment as well as provide appropriate protection of third party interests. Schedule G of the agreement specifies further principles for trading rules. It outlines that restrictions on extractions, diversion and use of water resulting from a trade can be put in place to manage environmental impacts, delivery constraints, impacts on water quality and other risks.

Schedule E of the Murray-Darling Basin agreement also provides a number of safeguards for water trade, addressing issues such as salinity, flow management, third party water users and environmental impacts. Water accounting at both the state and national level is a current focus of the national water initiative and the Prime Minister's water security plan; water trading is also the subject of active work by all jurisdictions of the Murray-Darling Basin, in particular those in the southern connected system (New South Wales, Victoria and South Australia), with a high level of scrutiny by individual states, as well as the Murray-Darling Basin Commission.

South Australia does not have sleeper licences; it has water licences, with either water taking allocations or water holding allocations. The water holding allocations cannot be used unless converted to a taking allocation and are mostly a temporary measure to facilitate water allocation transfers. In 2005-06, holding allocations were only 1.2 per cent of the total allocation for irrigation.

In South Australia, around 80 per cent of the volume of water allocated to irrigation is used, with the majority of the unused water allocation held by a few large irrigation trusts. Most licensees use close to 90 per cent of their water allocation. It makes sense for irrigators to have an unused water allocation buffer to deal with seasonal variability and to avoid exceeding their allocation. The maturing water market and expansion of water trade in the basin will ensure that large amounts of sleeper water will be a thing of the past.

Activation of sleeper water interstate mostly affects the security of allocations of other licensees in those states. Activation should not affect South Australia's water security, but it can affect the volume of unregulated flow reaching the state. Issues such as salinity, flow management, environmental impacts, third party impacts, delivery constraints and cultural values are recognised and dealt with already in the agreements and schedules. There are appropriate regulatory controls for water trade across the basin, and potential risks have been identified and addressed. The regulation of the River Murray ensures that South Australia has a reliable water supply compared with what it would have under natural circumstances. The government does not support this motion.

The Hon. M. PARNELL: I move:

Paragraph 1—Leave out the words '(including relevant riparian, groundwater and artesian sources)' and insert the words 'within the Basin'.

Paragraph 2—Leave out the words 'South Australia's'.

Paragraph 5—

After the word 'rural' insert the words 'and urban'.

After the word 'environment' delete the words 'in South Australia'.

Paragraph 6—After the word 'sleeper' insert the words 'and non-secure'.

After paragraph 6—Insert new paragraph as follows:

6A. The methodology in regulating the use of water by way of a 'non rural-secure' licence;

These amendments are very much of a mechanical nature, and I think they clarify the terms of reference for this proposed inquiry without substantially modifying their intent. I will speak briefly in support of the motion. None of us here can be in any doubt that the fate of South Australia in an economic sense—through our rural industries, or even the viability of Adelaide until we wean ourselves off the River Murray—is very much dependent on the appropriate use of the water of the Murray-Darling Basin. I can think of no better time for a committee of this parliament to inquire into the uses of the waters of the Murray-Darling Basin. It seems to me that, rather than setting up a select committee to do that task, the Natural Resources Committee is in fact well placed to undertake that inquiry. Whilst not a member of that committee, if this motion is successful, I will be following its progress. I daresay I will make a submission to the inquiry, because it really is one of the most important issues facing the state. I think that for this parliament not to have what should really be a standing reference on this topic will not reflect well on us. With those brief words, I support the motion.

The Hon. NICK XENOPHON: I rise briefly to support this motion. I commend the Hon. Sandra Kanck for introducing and moving this motion. There is no doubt about the importance of the Murray-Darling River system to the fate of South Australia. This motion looks at the big picture issues. It looks at issues that the Natural Resources Committee ought to be looking at. My concern is that there has been too much crisis management in recent times; we need to look at long-term issues concerning the viability of the River Murray and the Murray-Darling Basin. I believe that only good will come out of this reference to the Natural Resources Committee.

A number of months ago, I attended a forum organised by the Hon. Sandra Kanck in relation to Lake Bonney—the save Lake Bonney Committee. At this forum, a number of matters were raised about irrigation practices and the like, which shocked me, because they were not being addressed. I think we need to do all we can in respect of this matter. I do not think there is anything more important for the Natural Resources Committee to do, in the short term, than deal with this issue. I support the motion.

The Hon. SANDRA KANCK: I found the Hon. Mr Hunter's contribution rather strange. So that he understands what this is all about, this committee was originally set up as part of the passage of the River Murray Act—in fact, I think it was originally called the River Murray Committee. It was only as other things were added within a short space of time that it became the Natural Resources Committee—so it seems to me that an inquiry dealing with the Murray-Darling Basin is absolutely the bread and butter of the Natural Resources Committee. The River Murray Act is part of the source of the structure and existence of the Natural Resources Committee, so we should be investigating it.

While I was listening to the Hon. Mr Hunter I was thinking that there appeared to be some sort of remonstration there telling me that I did not understand the issues and that everything is okay as it is. Well, I do not think it is okay. I went to a meeting of the Murray-Darling Association in Dubbo last month, where Professor Mike Young was one of the speakers. He gave a very interesting talk from the perspective of 2020, and he began by telling that audience about what had happened in the first six months of 2007 in South Australia—in other words, the history we have just gone through in terms of decisions about Lake Bonney, the barrages and Wellington, and all the rest of it. You could see lights going on in the minds of some of the people from the other states.

It was also interesting that the meeting was held in Dubbo (which is part of the Murray-Darling Basin) where there are no water restrictions. I have to say that I stood in the shower and wondered whether I would have a longer shower just because there were no water restrictions or whether I should look at it from the perspective that the water saved might actually get down to Adelaide.

The other states clearly have no knowledge of the dire situation we are in. We had a presentation from the Victorian government that, I think, got the dander up of anyone who was not a Victorian. Again, I consider the contribution of the Hon. Ian Hunter in that context. Quite clearly the situation is not okay. Victoria would be part of what the Prime Minister wants in the water plan if it thought there was something in it for that state, but it is clearly using so much of the resource that it has an advantageous position by not entering into the Prime Minister's water agreement.

The facts on the ground do not support the line that the Hon. Mr Hunter was taking that basically everything is okay. It is not okay, and I think it is really important, as I said in my speech when I was introducing this motion, that the committee makes itself familiar with the land use and irrigation practices in the other parts of the Murray-Darling Basin. We know about South Australia but we also need to know about what is happening in other parts of Australia so that we can make some recommendations. Obviously, the recommendations we make will only have an impact in South Australia, but we will certainly be able to make recommendations to our respective ministers to say, 'We want you to take this into COAG,' for instance.

I thank all the members who have supported the motion. I am supportive of the amendments moved by the Hon. Mr Parnell. I think this is a very gutsy motion for the Natural Resources Committee. It is a committee that I think has been getting better and better all the time. The noting of the Deep Creek inquiry, which we have just voted on, is an indicator where we have, as a committee, come up with recommendations with which the government will not be happy but which are really important for both the economic and environmental future of South Australia. I believe that this particular reference, similarly, is going to produce some results with which not everyone will be happy but which I think will make this committee well and truly worth while.

Amendments carried; motion as amended carried.

SUMMARY PROCEDURE (PAEDOPHILE RESTRAINING ORDERS) AMENDMENT BILL

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. R.P. WORTLEY: On behalf of the Minister for Police, I move:

Page 2, lines 14 to 19—

Delete subparagraphs (i) and (ii) and substitute:

(i) is required to comply with the reporting obligations imposed by Part 3 of the Child Sex Offenders Registration Act 2006; or

(ii) has been found—

(A) loitering near children; or

(B) using the internet to communicate with children or persons whom the defendant believed to be children (other than children or persons with whom the defendant has some good reason to communicate), on at least two occasions and there is reason to think that the defendant may, unless restrained, again so loiter or so use the internet; and

Amendment No. 1 achieves two purposes. First, it confines eligibility to be subject to a restraining order in relation to those who are still subject to reporting requirements under the Child Sex Offenders Registration Act 2006, rather than all of those still subject to the act. Secondly, it makes sure that the criteria for the new grounds of using the internet to communicate with children match those which now apply with the current ground of loitering physically near children.

The Hon. D.G.E. HOOD: Family First supports the government amendments to our bill. I think it is probably an improvement on the bill we put forward and tightens up the definitions, which is appropriate. So, Family First supports the amendments.

The Hon. S.G. WADE: What class of person will be caught as a person with a reporting obligation, as opposed to a person who is a registrable offender?

The Hon. R.P. WORTLEY: I cannot define the actual class of person. I understand that we have had discussions with Mr Hood, and that he is satisfied with the amendment.

The Hon. S.G. WADE: Mr Chairman, the opposition comes to this committee with goodwill. We indicated at the second reading stage that we are intending to support it, but we actually want to participate in a committee, not just be advised of deals between the government and Independent members. I have a number of questions, and I would like answers to them.

The Hon. P. HOLLOWAY: Mr Chairman, it is a private member's bill; it is not the government's role to explain it.

The CHAIRMAN: It is not a government bill; it is a government amendment.

The Hon. S.G. WADE: Yes; that is exactly my point. I have already had an opportunity to ask questions of Mr Hood in earlier stages, but these are the government's amendments. I would have hoped that they would have the opportunity to explain their impact.

The Hon. D.G.E. HOOD: The government has tightened the definition, if you like, in that my original provision specifically applied to people who have been—

The Hon. S.G. WADE: With a registrable offence, and the government's amendment makes it apply to persons with reporting obligations. We just want to know the impact.

The Hon. D.G.E. HOOD: That is right; okay.

The Hon. S.G. WADE: Again, I stress that the opposition comes to this bill with goodwill. If the government has not come armed with advisers or someone who knows the impact of these amendments, the opposition will not delay this bill on that account. We will express our grave disappointment, and we hope that each of our questions will be answered as soon as possible in writing. We are not trying to filibuster; we are trying to clarify the impact of the legislation. On the face of it, I indicate that the opposition will be supporting all of these amendments, but we do want reassurance on questions. We would certainly prefer that before we actually have to pass these amendments. As I indicated, we have come to this bill with goodwill, and we are disappointed that the government is not equipped to defend its own amendments.

The Hon. P. HOLLOWAY: If I can explain the purpose of the government amendment, it confines eligibility to be subject to a restraining order to those who are still subject to reporting requirements under the Child Sex Offenders Registration Act rather than all of those still subject to that act, in other words, in the original bill. The eligibility would apply to everyone who is subject to the Child Sex Offenders Registration Act, even if they were not subject to a reporting requirement. So, obviously, on the advice (and this has been negotiated with the Attorney-General, and relying on the judgment of his law officers), the government's view is that those to be subject to a restraining order should be just those who are still subject to reporting requirements rather than the

more broad category of all those who are still subject to the act.

The Hon. S.G. WADE: It is becoming a little tautologous, but perhaps I could take it on notice that, if my understanding is correct, the people who would fall out of the new category as opposed to the old category would be people whose registration had lapsed or had been suspended under the act. Perhaps the government could undertake to advise the opposition if my understanding is incorrect. I am happy to leave it at that.

The Hon. P. HOLLOWAY: That would be my understanding but, obviously, it would be preferable to obtain advice from the legal officers who are responsible for this piece of legislation. I guess we can take it that, if the position is other than that put forward by the Hon. Mr Wade, we will let him know. But that is my understanding of it.

Amendment carried.

The Hon. S.G. WADE: Again, we come to this bill in a spirit of goodwill. We believe that the government's amendment is an improvement on our own amendment.

The Hon. P. HOLLOWAY: I move:

Page 3, after line 6—Insert:

(c) owning, possessing or using a computer or other device that is capable of being used to gain access to the internet.

This amendment simply allows the court to order that the defendant not own, possess or use a computer to access the internet. I think it is fairly straightforward.

The Hon. S.G. WADE: I seek an assurance from the minister that, in the context of that clause, the term 'computer' is limited to a computer that is, in fact, internet enabled. In other words, a computer that does not connect with the internet will not be subject to that clause.

The Hon. P. HOLLOWAY: I am not a lawyer, but it states 'owning, possessing or using a computer or other device that is capable of being used to gain access to the internet'. How one would deactivate that device I am not sure. Obviously, that would involve some judgment. However, I think it is wise to have it in those terms; that you cannot own it if it is capable of being used. I suppose if it was just a simple software change, or something, it may well be capable of being used to gain access. Again, that is a fairly technical legal point.

The Hon. S.G. WADE: I am not fussed about the capable bit because, if a computer is capable of being connected but is not currently connected, I think it still should be subject to this clause because someone could just reconnect it as soon as the person leaves. What I am more concerned about is those computers that it is just not possible to connect. I suppose I was seeking an assurance that the legal interpretation of that clause would be that the word 'computer' is limited by the issue of being able to access the internet. For example, there are computers in cars and fridges and so many other devices nowadays, and we would not want this clause to be written so broadly. Presumably, from what the minister has said, the computers that are covered by this clause are only those that are able to access the internet.

The Hon. P. HOLLOWAY: That is the general understanding, but I imagine the definition of 'computer' would be that which would apply in the original act, and here we are amending the Summary Procedure Act, so that might rely on a definition of 'computer' somewhere. Given that this bill has to go to the House of Assembly ultimately, anyway, I am sure that it is something we can ask the Attorney-General to address at that stage.

The Hon. D.G.E. HOOD: In response to the Hon. Mr Wade, the advice I had from the government when these amendments were presented to us was that this amendment was included to take into account things such as mobile phones, for example, that can browse the internet these days, so it is just to broaden the definition. But, obviously, the intent is to restrict paedophiles' access to the internet.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 3, after line 8—Insert:

(3a) Section 99AA(3)—after paragraph (3) insert:

(ea) any apparent pattern in the defendant's use of the internet (if any) to contact children;

This amendment inserts a new criterion to guide the discretion of the court, namely, any pattern used by a defendant on the internet to contact children. The criterion will be relevant to any ground for making an order, although it will clearly be more relevant to making an internet order than any other kind.

The Hon. S.G. WADE: I was interested to see the contrast between this clause and the current clause, clause (3), which immediately precedes it if it is passed. That clause is similar in that it refers to 'any apparent pattern in the defendant's behaviour, any apparent connection between the defendant's behaviour in the presence of children and any apparent justification for the defendant's behaviour'. I notice that subparagraph (ea) only has the first part, 'any apparent pattern in the defendant's use of the internet (if any) to contact children'. I wonder why the government felt that the qualifications in (e) are not relevant to the proposed (ea).

The Hon. P. HOLLOWAY: I can only repeat from the explanation that this new criterion to guide the discretion of the court has been put in there to make it clear, and we refer to any pattern in the use by a defendant of the internet to contact children. It is just a criterion that I would have thought adds to the court's discretion in giving one of these orders. It just provides more clarity for the court. Again, given that this bill is going to the House of Assembly, I can assure the member that this and any other question he raises can be addressed by the Attorney during that debate.

The Hon. S.G. WADE: I thank the minister for that assurance and look forward to that consideration. I do not see it as providing clarity; I see it as providing a lack of clarity, because I cannot understand why a defendant's non-internet behaviour could be unjustifiable but a defendant's internet behaviour is incapable of being justified. I thank the minister for the assurance that it will be considered between the houses. The opposition will support the amendment.

The Hon. D.G.E. HOOD: The advice that Family First had from the government during the drafting of the amendments was that that was put in for the reason the Hon. Mr Holloway said, but I think that the Hon. Mr Wade makes a good point. Perhaps it is not as clear as it could be. Nonetheless, that is the reason we were given.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 3, line 9—Delete subclause (4) and substitute:

(4) Section 99AA(4)—delete subsection (4) and substitute:

(4) For the purposes of this section, a defendant *loiters near children* if the defendant loiters, without reasonable excuse, at or in the vicinity of a school, public toilet or place at which children are regularly present, whether or not children are actually present at the school, public toilet or place.

This amendment deals with the decision of the Supreme Court in McIntosh v Police (2007)SASE24. In that case

Anderson J. declined to rule on a defence submission that there had to be children present for a person to be loitering near children. This amendment is designed to make it clear that the real question is whether children are regularly present at the place, whether or not any happen to be actually there at any give time.

The Hon. S.G. WADE: The opposition supports the amendment.

The Hon. D.G.E. HOOD: Family First supports the amendment.

Amendment carried; clause as amended passed.

Clause 5.

The Hon. P. HOLLOWAY: I move:

Page 3, after line 22—Insert:

(1a) If the defendant is aware that, in order to gain access to data stored on a computer or other device being inspected or removed by a police officer under this section it is necessary to enter any password, code or other information or to perform any function in relation to the data, the defendant must provide the police officer with that password, code or information or assist the police officer in performing that function.

Maximum penalty: Division 5 imprisonment.

(1b) If a person is convicted of an offence against subsection (1a) in relation to a computer or device that is owned by the convicted person, the computer or device is forfeited to the Crown and may be dealt with and disposed of in such manner as the minister may direct.

This amendment achieves two things. First, it ensures that if data on a computer used by a defendant is protected by a password or something similar, or encryption, the defendant is obliged to tell the police how to access the data if the method is known to him. Secondly, it says that failure to disclose will result not only in the commission of an offence but in forfeiture of the computer if owned by the defendant.

The Hon. S.G. WADE: In these circumstances would the onus be on the defendant to know of their obligation to provide a password or would a person be committing an offence only if, when requested by a police officer, they failed to provide the password?

The Hon. P. HOLLOWAY: As it says in the explanation, the defendant is obliged to tell the police how to access the data if the method is known to him so, if they had the suspicion that the suspected paedophile was using a computer and had illegal material on it and if the police were unable to have immediate access to it, I guess the police would be entitled to seek from the defendant the information about how they could gain access to the computer so they could check whether or not another offence had been committed. Clearly, if you do not have this power, the police would probably have power to seize the computer, but clearly, from a police point of view, it would result in a significant waste of time of police resources.

I know that there are methods by which they can get around the encryption, but that would be a lengthy and time-consuming process and could be used as a means for people not to assist the police with their inquiries. I would see that what we are doing here is making it an offence for almost hindering police in their inquiries by refusing to provide the information that police would need to check whether an offence had been committed in terms of having child pornography or some other material on their computer.

The Hon. S.G. WADE: The opposition is happy to support this amendment on our understanding of the minister's response that the obligation is an obligation to respond to a request from a police officer.

I do have another question on the same clause but with respect to a different matter. The opposition is concerned about the forfeiture provision being apparently mandatory. In other words, if the conditions of the clause are met, the computer or device is forfeited. We can envisage circumstances where it may not be appropriate for the computer or device to be forfeited. For example, other members of the family or the workplace might rely on the computer; or, for that matter, it may be a public asset. Let us say the person was using a private sector internet kiosk or, alternatively, a public library to engage in this behaviour. We think it is a little harsh to have what seems to be a mandatory forfeiture provision.

The Hon. D.G.E. HOOD: New subsection (1b) provides:

If a person is convicted of an offence against subsection (1a) in relation to a computer or device that is owned by the convicted person. . .

That would therefore rule out publicly-owned computers.

The Hon. S.G. WADE: Fair enough.

Amendment carried; clause as amended passed.

New clause 6.

The Hon. P. HOLLOWAY: I move:

After clause 5—Insert:

6—Amendment of section 99I—Offence to contravene or fail to comply with restraining order

Section 99I—after subsection (4) insert:

(5) If—

(a) a person is convicted of an offence of contravening or failing to comply with a restraining order under section 99AA; and

(b) the offence involved the use of a computer or other device capable of being used to gain access to the internet that is owned by the convicted person,

the computer or device is forfeited to the Crown and may be dealt with and disposed of in such manner as the minister may direct.

This amendment states that, if the defendant breaches the restraining order and if that breach was done by computer, the breach results not only in the commission of an offence but the forfeiture of the computer if owned by the defendant.

The Hon. S.G. WADE: The opposition supports the amendment.

The Hon. D.G.E. HOOD: Family First supports the amendment.

New clause inserted.

Title passed.

Bill reported with amendments; committee's report adopted.

The Hon. D.G.E. HOOD: I move:

That this bill be now read a third time.

I thank the Hon. Mr Wade, who was very quick off the mark to identify a couple of key areas in the bill which he mentioned this evening. To be honest, we had not considered those at the same level as the honourable member had. He highlighted a couple of areas to Family First that he thought could be improved upon, and we thank him for bringing those matters to our attention. I also thank opposition members for their spirit of cooperation on this legislation. They have done everything possible to consult with us to get a positive resolution.

Under current law, our courts have the power to restrict paedophiles from physical access to children they may prey upon. However, they do not have power to restrict them from on-line access to children, and this bill will give the courts that power. As I said a moment ago, this is one of the first

jurisdictions to do so. There are a few jurisdictions in the US and parts of the UK where this is possible as well. Nonetheless, I think members would agree that this is a good initiative.

I will provide some statistics before I conclude my remarks. Apparently, some 89 per cent of paedophiles operate nowadays in chat rooms rather than loitering by schoolyards, as they did once upon a time. These days, the internet is very much the turf on which paedophiles operate, and this bill will certainly be a significant roadblock to that practice. The Australian Families Association, in quoting some American data, estimated that some 50 000 sexual predators are on line at any one time. So, there are an awful lot of predators trawling the internet in order to prey on our children. This bill will make it much more difficult for those paedophiles to operate in South Australia. Again, I thank the opposition and the government for their support, and I commend the bill to the council.

The Hon. S.G. WADE: I would like to follow on from the comments made by the Hon. Mr Hood in relation to the cooperation that has taken place. In fact, the Hon. Mr Hood did not go back quite as far historically as I thought he perhaps should have, in the sense that members would recall that the genesis of this bill was really in a Family First amendment to the Child Sex Offenders Registration Bill. As I understand it, the government requested that Family First not persist with its amendment to the Child Sex Offenders Registration Bill because the government did not want to delay that legislation and, to its credit, Family First agreed to withdraw its amendment so that that bill would not be delayed. As I understand it, Family First prepared this bill as an alternative amendment to the Summary Procedure Act. The government indicated at that stage that 'it would look favourably', I think was the term used, on the bill, and I commend the government for following through on that and supporting the bill and producing some amendments, as the Hon. Mr Hood has indicated, that do enhance the legislation.

Perhaps it would be appropriate to acknowledge that, as I understand it, this is the first piece of legislation the Hon. Mr Hood has introduced in the council. I think there have been few examples of private members' bills passing in this place since I was elected, and I think it is a good example for the future that the Legislative Council, working cooperatively, can discharge its role as an effective legislative organ. The Legislative Council adds value to the processes of this parliament, and it should be supported in that role by a cooperative approach. I urge the government to look at other excellent pieces of legislation on the private members' business agenda and not feel that the only good ideas come from the bureaucracy.

The Hon. P. HOLLOWAY (Minister for Police): I commend the Hon. Mr Hood for bringing this bill forward, and I believe that in its amended form it will be a very worthwhile addition to the powers the police have in dealing with the curse of paedophilia. As I have said, there were some technical legal questions, and I did not have the facts with me. However, I will ensure that they are all addressed when the bill is introduced in the House of Assembly.

The PRESIDENT: Any bill that protects our children is a wonderful bill. However, it is not Christmas yet, so we will not start exchanging gifts.

Bill read a third time and passed.

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 31 July. Page 568.)

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I rise to support the Appropriation Bill. I was not going to speak to or make a contribution on this legislation but, given that I had to correct a very important assertion made by the Hon. Stephen Wade in relation to funding for black spots, I am going to make some very brief comments on all my areas. First of all, in relation to emergency services and the comments made there, in particular the MOU with local government, my advice is that it is expected that an MOU between emergency services and local government will be in place by 31 August 2007, or very shortly thereafter. I understand that the LGA senior state executives will meet on 16 August. I really have to reinforce that at no time has there been any doubt about the goodwill of local government to supply plant and equipment should it be needed. What the MOU is about is formalising the arrangements which have been in place on the ground for very many years.

In relation to the comments made about the new station in the southern suburbs, the decision to add another layer of safety for the residents of the southern suburbs was one based on managing risk. It is about a regional response, and one made for all the right reasons, namely, to see a safer community. I asked my office to undertake an audit of what consultation had taken place in and around the budget decision, and that has already been placed on record. All three agencies will have a very important emergency services role in the southern suburbs.

Our volunteers are important to us and there are many forums in which they are represented so that their views can be heard. I would not even presume to put a price on the service our volunteers provide to our community. In relation to road safety, as a minister I do not think I have ever been boastful about the reduced fatalities that we saw last year, but I think honourable members have to appreciate that we need to have some measure in terms of targets and, like everybody else, I am pleased that we have had our fatalities reduced.

There have been many other initiatives since winning government in 2002. I will just name a few (or just the most obvious): we released the first SA Road Safety Strategy in 2003, and introduced the Rural Highway Saturation program. In particular, in relation to the budget, the program of works in 2007-08 will include road infrastructure improvement at 45 black spot locations under both the state program and the AusLink Black Spot Program, which includes investing in and operating projects on both arterial and local roads. In addition, the 2007-08 budget includes $34.86 million to SAPOL for road safety initiatives; $4.4 million for new rural road safety programs; $7.2 million for shoulder sealing in rural areas; and $3 million for the level crossing upgrade program.

As I mentioned, the Hon. Stephen Wade incorrectly asserted that the government has reduced funding for the state black spot program. The honourable member is new and it is his first year as a shadow minister, but I would ask him to go back and look at the budget papers: the capital investment statement in Budget Paper 5, page 33, and the Portfolio Statement Budget Paper 4, Volume 2, where page 6.22 shows only the capital component of the state black spot program. However, the total program, which is $7.2 million in 2007-08, is made up of both investing and operating funds. The

decrease in the capital component in 2007-08 does not mean an increase in the allocation in the black spot program but simply a transfer of $499 000 to the operating budget in line with correct accounting procedures and standards. In fact, the overall allocation to the state black spot program has increased by $200 000.

In relation to corrections, several comments were made by the Hon. Stephen Wade and I again take this opportunity to set the record straight. He suggested that this government does not have a strategy to reduce deaths in custody. We already have an ongoing program to eliminate hanging points in all our prisons. A significant proportion of the corrections capital budget is spent each year on eliminating them—around $1 million over the past three years. Prisoners designated as at risk and showing potential for self harm may be placed in either special management units or prison infirmaries. These units provide a save environment for prisoners until such time as they undergo any medical assessment or treatment as may be required prior to their return to the mainstream prison population.

The department also has an investigation review committee, chaired by the chief executive, which reviews every incident and ensures that all relevant internal and external recommendations are adopted and strategies developed to minimise risk. As well, the Department of Correctional Services and the prison health service have developed and implemented a range of joint system protocols which greatly improve communication and the sharing of information. We are continually improving the system to prevent people from suiciding, and the new prisons will only have safe cells. To suggest that the department or I do not care and that we do not have any strategy is plainly incorrect.

Today the honourable member asked a question and a supplementary question on community corrections. I would like the opportunity to expand and clarify the response I gave today. All offenders on probation or parole have an individual case manager. Through that case manager they receive one to one counselling. This is the statutory obligation of the department. In addition, special intervention programs are delivered to groups and sometimes on a one to one basis as requested or considered necessary. The department has no statutory obligation to run these programs but does so as it is an important part of assisting offenders with their rehabilitation. I place on record that it was this government that funded the violence intervention and sex offender programs. It was this government that introduced programs for offenders on the APY lands and this government that funded an additional six psychologists for drug and alcohol intervention programs in community corrections.

I reiterate the point I made earlier today that there has been no diminution in services, other than the difficulties arising from the recruitment and retention of specialist staff. We will continue to do what is right in community corrections, notwithstanding some of the difficulties we encounter from time to time. We need to remember that the department has custodial corrections and community corrections, and rehabilitation sits across both areas.

To put community corrections into context for the record, courts may refer offenders to the department to undertake community-based sanctions. That might include probation, community service, intensive bail supervision, court ordered home detention and post sentence home detention. Offenders referred to the department for community-based supervision are allocated a case manager to assess their risk of reoffending and any needs they have that are related to their offending. During the period of their community based orders, offenders may be required to undertake programs to address the offending behaviour as part of their case plan.

In addition to those offenders referred by the courts, the department's graduated prisoner release policies provide community-based supervision for many prisoners leaving prison through parole and home detention programs. Services are provided through 16 community correctional centres throughout the state, including Port Pirie, Whyalla, Port Augusta, Port Lincoln, Ceduna, Coober Pedy and Marla. I do not have the 30 June 2007 figures with me but, as of 30 June 2006, 364 staff worked in community corrections across the state supervising 5 974 offenders who had 6 943 community based orders. The department has very committed staff who deliver good services in a very difficult area of public administration, and I take this opportunity to acknowledge that service this evening. As I said, I was not going to actually speak on this legislation, but I welcome the opportunity to add my support for the Appropriation Bill.

The Hon. G.E. GAGO (Minister for Environment and Conservation): Given that a significant number of questions were asked of my portfolio areas, I would like to take this opportunity to add a few comments formally to this debate. The 2007-08 state budget was a fantastic watershed for the modernisation of South Australia's mental health service. It confirmed the commitment from February this year when we announced our response to the Social Inclusion Board report, 'Stepping up: a social inclusion action plan for mental health reform 2007-12'. At that time, we announced an investment of $43.6 million as a first step towards our major reform of South Australia's mental health system.

This initial commitment comprised $18.2 million for 90 new intermediate care beds, $20.5 million for an extra 73 beds in 24-hour supported accommodation across Adelaide, $1.84 million to allow smooth changeover between the current system and the new five tiers, $1.6 million to place eight mental health nurse practitioners in regional areas over the next four years, and $1.47 million to provide priority access services for about 800 people with chronic and complex needs, including those who also have drug and alcohol problems, a history of homelessness and those who may be involved in the criminal justice system.

Additional commitments announced in the budget also demonstrate the Rann government's strong commitment to bolstering mental health. The 2007-08 state budget brings the funding that has been announced for mental health reform this year alone to $107.9 million, $93.5 million of which will be spent over the next four years. An amount of $36.8 million has been allocated for non-government organisations to provide non-clinical community rehabilitation and support for people with mental illness through rehabilitation and continuing support packages, day programs, respite places and other support services. These NGO packages and programs will support our stepped care model for mental health reform by making support and rehabilitation available for clients in the community. This will help reduce hospital admissions and, most importantly, it will help keep people well.

This budget will provide funding to NGOs of $5.9 million in 2007-08, building to about $10 million in 2008-09, by which time recurrent mental health funding to NGOs will have almost doubled to over $20 million per annum. I am advised that the NGO funding was $3.7 million per annum when this government came into office during 2001-02, so

I find it incredible that the opposition bleats about and bemoans the case of NGOs when in fact a measly $3.7 million was contributed towards NGOs when we took over from the former Liberal government.

I am advised that the budget increases by the Rann government show that recurrent funding support for NGOs by 2008-09 will have increased by over 440 per cent since 2001-02. I stress that again: an increase of 440 per cent since 2001-02. It should be noted that this does not include the one-off support of $25 million in 2005-06. Contrary to the nonsense sprouted by the lazy opposition, this is all new money—money that it neglected to invest in improvements that other states made in the 1990s. South Australia did not make that investment at the time because, sadly, we had a Liberal government that did not care about mental health.

In the 2007-08 state budget, we also announced a service for adolescents experiencing the first symptoms of mental illness. The budget provided $1.6 million over four years to allow for the establishment of a dedicated team that will act as a network hub for early psychosis, providing early intervention for young people. This early intervention team will focus on improving access to services and reducing delays in initial treatment. It will also help prevent relapse by providing a combination of therapies, including psycho-education about illness and treatment for patients and their families and best practice use of early, low-dose drug treatment.

Community mental health will be at the centre of the new mental health stepped care model, and the budget provided $12.1 million over four years to commence the building of six new community mental health centres across metropolitan Adelaide. A further $13.8 million has been provided in the forward capital program to complete the centres, at a total cost of $25.9 million. These centres will provide a range of specialist assessment and treatment mental health services and offer consulting and rehabilitation space for clients and office accommodation for our community staff. These will be buildings that people will want to work in, modern clinics in which our staff can practise their professions.

The $93.5 million in additional mental health spending allocated in this year's budget for the next four years is all new money. These new initiatives are not in any way a continuation of anything the previous Liberal government did, and it shocks and appals me that any representative of a party that was so neglectful of mental health whilst it was in government could come into this place and try to claim credit for these reforms. It is time to accept that new and better things are being done by this government and get on board, in the interests of mental health consumers, carers and loved ones.

The 2007-08 budget has built on the already considerable funding injections made by this government to improve South Australia's mental health system. Previous funding has included the new Margaret Tobin Centre and Repatriation General Hospital mental health facilities, employing more than 100 additional mental health workers across the system as the result of a $10 million investment in late 2005. Our reform agenda for South Australia's mental health system is putting people with mental illness at the centre, and I look forward to working with consumers, carers and mental health sector workers to implement much needed reforms.

Expenditure for the Department for Environment and Heritage has increased significantly in 2007-08—approximately $5 million relative to the estimated result for 2006-07. The increased expenditure budget for 2007-08 will enable DEH to progress a number of priorities and implement the No Species Loss strategy. This provides an encompassing framework that will guide our efforts to improve the conservation and sustainable management of our state's biological diversity and provides the basis for government, industry, indigenous, rural and urban communities and NRM boards to work together to put in place new and innovative measures for improved nature conservation in South Australia.

This budget will provide an enormous boost to the protection of our marine and coastal environments. This is an issue that is high on the public agenda. South Australia's Strategic Plan acknowledges this by setting a target to create 19 marine parks by 2010. This year's budget papers show an additional $4.2 million over the next four years for marine parks, demonstrating the government's commitment to achieving South Australia's Strategic Plan targets. Funds have also been reallocated internally in DEH, and expenditure on marine parks in 2007-08 will be approximately $3 million. On 1 September 2006 I released a draft marine parks bill for public comment. This purpose-specific legislation will inform the dedication, zoning and management of South Australia's marine parks, and I am pleased to say that the Marine Parks Bill 2007 was introduced in parliament on 20 June 2007. I look forward to the ensuing debate and continued bipartisan support for this important issue.

Another government priority in the budget is a tender scheme for planting that will commence for the River Murray forest project, which has been allocated $2 million in 2007-08. The first plantings are expected to occur in autumn 2008, depending upon weather conditions. Five additional park rangers will be recruited across regional South Australia to consolidate the good work already being done by rangers across the state and as part of the commitment for 20 additional rangers in this term of government.

DEH will continue to build its fire suppression capacity through the recruitment of additional brigade members and employment of seasonal fire crew. In conjunction with the CFS, a remote area firefighting team program will be developed to increase DEH's capability to respond to fires in remote and difficult access areas. I am very proud of the significant initiatives in both mental health and the environment that this budget delivers. Given the unprecedented number of questions that I have been asked, I seek leave to incorporate the answers to questions asked by the Hon. Michelle Lensink into *Hansard* without my reading them.

Leave granted.

In reply to **Hon. J.M.A. LENSINK** (26 July).

Will this allocation of $7.1 million be provided to DEH's program 7: Heritage Conservation?

The Hon. G.E. GAGO: I have been advised: No.

What is the state government's global budget for maintaining all state heritage places? When was that last increased?

I am advised:

Within the Department for Environment and Heritage, $2.8 million is budgeted for heritage management. This includes:

- $250,000 for the South Australian Heritage Fund Grants program, which provides grants of up to $25 000 to assist private owners of State Heritage listed properties, and
- $200,000 for the Historic Building Maintenance Fund for State Heritage Places within the State's National Parks and Reserves.

The Department for Transport, Energy and Infrastructure is allocated $1 481 000 (2007-08) for the Historic Buildings Conservation Program for government owned State Heritage Places. This program supplements the amount allocated by individual government departments for maintenance of their State owned heritage buildings, within their on-going assets management programs.

The State Government increased heritage funding by $2.9 million over four years as part of its Heritage Directions strategy, announced as part of the 2004-05 State budget.

Can sites in need of upgrades, such as the Old Adelaide Gaol, expect to receive any of that funding?

I am advised:

The Old Adelaide Goal will not receive funding from the $7.1 million referred to in the Department of the Premier and Cabinet budget papers. However, an additional $100000 from the Department for Environment and Heritage has been made available to address Occupational Health, Safety and Welfare issues identified at the Gaol earlier this year. This additional funding complements the existing annual operating budget for management of the Gaol of $139,000.

Regarding Marble Hill, what did the government anticipate through the expression of interest, and what are the timeframes?

I am advised:

The Government's purpose for the 'Expression of Interest' was to encourage innovative proposals for the future development and management of the Marble Hill site, which respect, preserve and interpret its cultural and natural significance and allow for continuing public access. Expressions of interest have now closed. Whether negotiations with a proponent will result in a contractual arrangement for the site is expected to be known in the latter part of 2007.

The Port Augusta courthouse has been sold; does the government also intend to sell the Port Lincoln site? If this old heritage-listed building is not sold by the asset management group, what opportunity will the government give a local community group to upgrade and use it? Can the Minister advise who purchased the whole courthouse at Port Augusta and what was paid for it? How is local government being supported financially to prepare local heritage registers?

I am advised: The former Magistrates Court buildings in Port Augusta have not been sold. These buildings form part of a new Cultural Arts Precinct for the City of Port Augusta, recently announced by Hon John Hill MP, Minister Assisting the Premier in the Arts. As part of this arrangement, the land and buildings will be placed under the care, control and management of the Corporation of the City of Port Augusta.

The Department of Justice has declared the former Port Lincoln Courthouse surplus to requirements. In the process of declaring the property as surplus, the Local Council was consulted to see if it was interested in taking on the property. Local community groups approached the Port Lincoln Council regarding this matter, however, the Local Council declined to register an interest in the property and formally advised the Department of Justice that it had no interest in the property. As a result, the sale of the Courthouse has been advertised through the Port Lincoln Times and a public auction date is set for 17 August 2007.

As part of the Heritage Directions funding initiative, the State Government has allocated $580,000 over four financial years (2005-06-2008-09) to assist Local Councils in South Australia to assess the significance of local heritage places and to undertake Heritage Plan Amendment Reports, as well as establish Council local heritage incentive schemes.

Can the minister advise what estimated number of those [visitors] are to the Morialta Conservation Park?

I am advised:

The estimated number of visitors to Morialta Conservation Park in 2006-07 was 173,708.

Can the minister provide a run-down of all of the potential options regarding the land adjacent to the park which is currently for sale?

I am advised:

Options to purchase all or various portions of the land adjacent to the entrance of this important Conservation Park are being considered by Government in light of the service of a notice of intent to compulsorily acquire the land.

Can the minister provide a full list of visitor numbers to all other major parks?

I have been advised that estimated visitor numbers for 2006-07 are as follows:

2006-07	Site Name
335,427	Belair National Park
618,475	Cleland Conservation Park (including Cleland Wildlife Park, Waterfall Gully and Mt Lofty Summit)
42,164.	Deep Creek Conservation Park
122,948	Flinders Chase National Park (including Cape Borda Lightstation)
110,843	Seal Bay Conservation Park
126,567	Flinders Ranges National Park
134,000	Innes National Park
119,487	Lincoln and Coffin National Parks
63,191	Naracoorte Caves National Park

Can the minister provide details of investments being made in all parks; that is, the amount on maintenance and the amount on capital improvements to camping grounds, barbecue and picnic facilities and visitor information?

I am advised:

Budgeted investments being made in parks, in 2007-08, are approximately:

- $6.95 million in capital replacement and improvements to camping grounds, barbecue and picnic facilities and visitor information and associated infrastructure, and
- $6.5 million in maintenance of day visitor facilities.

Can the Minister advise, since [Zero Waste SA's] inception, what contribution to the reduction of waste to landfill has taken place?

I am advised:

Since Zero Waste SA's inception in 2004 waste to landfill has reduced by about 9 per cent, this is in large part a consequence of Zero Waste SA's grants of $6.9 million in kerbside collection improvements, recycling and resource recovery infrastructure, implementation of regional waste management plans and other programs to improve waste management in South Australia.

Given that the construction and demolition waste stream is such a significant contributor to waste, what strategies does Zero Waste SA have to reduce it?

I am advised:

While the construction and demolition waste stream was a significant contributor to waste, much has been achieved by the resource recovery sector assisted by Zero Waste SA with grants totalling $495,000.

The government's promotion of green buildings and Zero Waste SA's partnership with KESAB through the Clean Site program has also influenced the construction and demolition industry regarding waste management and waste minimisation.

The construction and demolition waste stream is highlighted with other streams in South Australia's Waste Strategy. The Strategy identifies a number of actions many of which have been implemented or are in the planning stage.

The EPA is budgeting for an increase in collection from fees, fines and penalties by some 65 per cent, so some explanation of that would be appreciated.

I am advised:

The budget line Fees, Fines and Penalties and Regulatory Fees includes collections from the solid waste levy, the liquid waste levy and licence and regulatory fees under the Environment Protection Act and the Radiation Protection and Control Act.

The predominant reason for this increase is due to the solid waste levy. In the 2006-07 budget the government announced an additional $10 million to be collected from the solid waste levy, which was roughly double the existing rate.

Liquid waste levy estimates have reduced by about 1.2 per cent, due to volume reductions and Licence fees have increased from $9.020 million in 2006-07 to a budget of $9.688 million in 2007-08.

The 7.4 per cent increase in licence fees reflects a combination of the annual indexation factor of 4.2 per cent plus a review of some fees, particularly the Radiation Protection Licence fees to better reflect cost recovery of the regulatory effort required to administer those licences.

The Liberal Party has been advised that NRM Boards will be charged full cost recovery for any advice or services that the Department of Water, Land, Biodiversity and Conservation provides to boards.

Will the minister confirm this? If it is to occur, will the minister provide a set of costings for that particular advice for which the department is likely to charge?

I am advised:

The Department of Water, Land and Biodiversity Conservation, along with other government agencies including the Department for Environment and Heritage, Environment Protection Authority and Department of Primary Industries and Resources SA, provide, and will continue to provide, a range of advice and services at no cost to the Natural Resources Management Boards.

Full cost recovery is applied where government agencies undertake specific projects or services on behalf of Natural Resources Management Boards. The cost recovery methodology ensures that the true cost of delivering these projects or services is fairly and accurately reflected in the funding agreement. Cost recovery includes salaries and on-costs, financial services and information technology costs associated with delivering each project or service.

What benchmarks does the department have in relation to the time in which [water licences] are processed?

I am advised:

90 per cent of applications will be processed within the Licensing Timeframes Guide described in the DWLBC Water Licensing Customer Standard. The timeframes range from 5 to 40 business days, depending upon the type of application and whether a detailed technical assessment is required in order to determine the application and ensure the proposed use will not have a negative impact on the water resource.

In 2006-07 the total cost was estimated at $16.5 million, and in this recent budget it has been estimated at $16.5 million. Funding of $300,000 had been set aside for 2005-06, $1.3 million for 2006-07 and $1.1 million for 2007-08. Has any of that funding over those three years been expended and on what?

I am advised:

$547,000 of the original allocation of $16.5 million has been expended in prior years 2005-06 and 2006-07 in the development of options and planning for a new forensic mental health centre.

As noted, the 2006-07 Budget Papers proposed that $1.3 million was to be spent in the last financial year. As I stated last financial year this projected amount would obviously be influenced by the reform agenda and our current master planning as well as our need to take into consideration the new prisons. As a result of the Government's decision to change this project substantially and build it at Mobilong the projected amount was not expended last year.

Prior years' expenditure included concept planning, site analysis and early design work for the forensic facility. The early work was based on the Oakden site and commenced prior to the Government's decision to develop the new men's and women's prisons at Mobilong. However, much of the work already undertaken has been carried forward and used to test the suitability of locating the new forensic mental health centre at Mobilong. The work undertaken over the past two years has been critical in developing a foundation for detailed documentation for the new facilities.

Given that James Nash House is continually under pressure, what is the occupancy rate for James Nash House?

I am advised:

The occupancy figures for James Nash House for the 12 month period ending June 2007 it was 92.40 per cent.

Will the Minister advise about the Glenside overflow beds? I believe that there are some 10 of them and that they are continuously full. What are the occupancy rates of those beds?

I am advised:

There are 10 forensic beds in Grove Closed at Glenside. The occupancy rate was for the 12 months ending June 2007 was 82.66 per cent.

Has the Government developed a new draft Mental Health Bill, and when will it be released?

I am advised:

Cabinet approved the drafting of new mental health legislation in December 2006. The Department of Health has received the draft Mental Health Bill 2007. liaison within Government, with agencies directly affected by the provisions, is nearing completion. The draft Mental Health Bill 2007 will be made available on the Department of Health website for public comment in the near future.

Why are the targets for the 2007-08 set to show a somewhat static level compared with the previous financial year?

I am advised:

The targets for inpatient separations and outpatient attendances for 2007-08 have remained static compared to 2006-07. The estimates provided are based on figures of inpatient and outpatient services data from previous years.

Does the Minister expect greater demand because of the impact of the methamphetamine use?

I am advised:

According to the 2004 National Drug Strategy Household survey, the prevalence of meth/amphetamine use in South Australia stabilised between 2001 and 2004 (4.1 per cent).

The proportion of clients presenting to drug and alcohol services in SA with amphetamine as the principle drug of concern has remained stable between 2003-04 and 2005-06. This has also been the case for Drug and Alcohol Services SA (DASSA) detoxification services. It is therefore not anticipated that there will be a greater demand for detoxification services in the coming year because of methamphetamine use.

What are the waiting periods for each of the detoxification services?

I am advised:

The average waiting periods for the two Drug and Alcohol Services SA (DASSA) detoxification units during June 2007 were:

- 4.5 days for the Alcohol Unit Payneham (AUP)
- 2 days for Warinilla

How many beds are there in the system and where are they located?

I am advised:

The Alcohol Unit Payneham (AUP) has 12 beds and is located at Fourth Avenue, Joslin. Warinilla has 10 beds and is located at Osmond Terrace, Norwood.

What was the purpose of this funding?

I have been advised:

Funding for the South Australian Illicit Drug Diversion Initiative for 2007-08 is the subject of a new Deed of Agreement between the Australian Government Department of Health and Ageing and the South Australian Department of Health.

The COAG Illicit Drug Diversion Initiative is part of a nationally agreed approach to illicit drugs which combines strong national action against drug supply with early intervention for drug users to help reduce the prevalence of and harms associated with drug use in Australia.

On which programs did the state government expend it?

I am advised:

In South Australia, the Illicit Drug Diversion Initiative comprises the Police Drug

Diversion Initiative (PDDI) and the Court Assessment and Referral Drug Scheme (CARDS). The PDDI aims to provide early intervention for people in possession of drugs and CARDS is a court-based referral scheme providing for a brief treatment intervention.

Under the Deed of Agreement, the Initiative funds 27 agencies (government and non-government) throughout the State of South Australia. Each funded agency provides intervention appointments by accredited health professionals. The Initiative is also supported by the Drug Diversion Line and the Court Appointment Line, which is a 24- hour, 7 day per week telephone referral and appointment booking service for the South Australia Police and the Magistrates Courts.

Why has the amount fallen to $25,000?

I am advised:

At the time the Government's budget was prepared the agreement for ongoing Commonwealth funding was not yet in place, leading to the significant reduction in funding shown within the 2007-08 financial year. We are now finalising matters to enter into a new agreement.

Has a new source of funding been identified—and, if so, what is it—or will these programs end?

I am advised:

It is anticipated that the COAG Illicit Drug Diversion Initiative will continue into Phase 3 post June 2008.

Was this provided to DASSA services exclusively, or was any of it distributed to non-government organisations?

I am advised:

It appears that the Hon Member has misinterpreted the budget statement in Budget Paper 4, Volume 2, page 7.27, subprogram 3.2:

'The increase in expense between the 2007-08 Budget and 2006-07 estimated result is mainly related to annual indexation including approved Enterprise Agreements and additional funding associated with 2006-07 Budget decisions, which for SAHS will mainly fund further expansion of hospital services, additional funding for Drug and Alcohol Services SA,. . .'

Hence the question should be in relation to 2007-08 Budget, not the 2006-07 Budget. The following answers to questions raised by the Hon. Member are based on the 2007-08 Budget Papers.

DASSA has received an additional $400,000 for 2007-08. The funds are for the APY lands Substance Misuse Service.

Which NGOs receive recurrent funding, or are they all on contracts?

I am advised:

Department of Health funded non-government organisations are all on Service Agreements or contracts.

What factor is used to determine increases in NGO budgets? and do they receive an annual CPI increase, or is some other basis used?

I am advised:

Department of Health funded non-government organisations generally receive the annual CPI increase or an agreed amount based on discussions between the parties.

Those non-government organisations funded from Commonwealth sources receive whatever indexation that is forwarded through the Department of Health.

What percentage of drug and alcohol funding in South Australia is provided to NGOs and what percentage to DASSA?

I am advised:

Incorporating both DASSA's net budget and the Department of Health's Drug and Alcohol Services Program, the non-government sector receives approximately 25 per cent and DASSA the remaining 75 per cent.

However, the above percentages do not take into account other drug and alcohol services provided all or in part by other government agencies or non-government organisations and funded through the 2007-08 Budget process.

What strategies has the government undertaken to assist NGOs with staff recruitment and retention?

I am advised:

The government has provided funding totalling $206,000 under the Drugs Summit for the establishment of a drug and alcohol sector non-government organisation peak body. The peak body known as the South Australian Network of Drug and Alcohol Services has been established and is working with the government to canvas issues currently facing the non-government sector, which do include matters around staff recruitment and retention.

Can the minister confirm that the Drugs Summit funding has concluded, and is, she aware of any NGOs that may cease to be viable because of a lack of funding?

I am advised:

There is still one project receiving funding until the middle of 2008. I am not aware of any non-government organisations that will cease to be viable because of the finalisation of funding from Drugs Summit initiatives.

What is the reason for the increase?

I am advised:

The baseline data used for the smoking target for the percentage of cigarette smokers aged 15 to 29 years was 2004 data derived from the Health Omnibus survey, a figure of 27.9 per cent.

The 2014 target in the updated version of South Australia's Strategic Plan was set to reduce the percentage by 10 percentage points between 2004 and 2014, requiring reaching a target of 17.9 per cent from the 2004 baseline.

If you take the baseline figure of 27.9 per cent in 2004 when we announced the Strategic Plan, the current rate of 23.4 per cent is well ahead of the 1 per cent reduction required each year to reach the target of 17.9 per cent by 2014.

What measures is the government utilising to attempt to reach the South Australian Strategic Plan target of reducing prevalence to 17.9 per cent by 2014?

I am advised:

The Government takes the issue of smoking seriously and has initiated a number of programs and hard hitting campaigns, which show the health impacts of smoking. One major initiative is banning smoking in cars when children under the age of 16 are present. Combined with legislative restrictions on where people can smoke and a comprehensive surveillance and enforcement program, the Government is ensuring that retailers do not sell tobacco products to minors and smoking becomes less acceptable socially.

Total bans on smoking in hospitality venues and further restrictions on displays of tobacco products at the point of sale will come into force from 1 November 2007. These strategies will contribute towards a decline in smoking prevalence across the community and particularly younger people.

In addition, funds have been allocated to a number of government and non- government bodies for programs that are designed to reduce youth smoking prevalence. These have included the following: running cessation programs at a local level in major rural areas; and providing targeted quit support to young Aboriginal people and those with a mental illness to ensure that they quit and stay quit.

Sustained and coordinated effort will be necessary to further reduce smoking rates in young people to reach the target of 17.9 per cent in 2014. That is why this Government incorporated this issue into our Strategic Plan.

Can the Minister confirm whether the government has changed this target?

I am advised:

The original youth smoking target under South Australia's Strategic Plan was maintained taking into account the findings of the community consultations that were held last year. The target is to reduce the percentage of young cigarette smokers by 10 percentage points between 2004 and 2014.

Does the government have a more recent valuation?

I am advised:

As at 30 June 2006, Valcorp Australia pty Ltd valued DASSA's three sites at a total of $8.1 million based on continued use as health facilities. The variation from the Brown Falconer valuation is due to the difference in use assumptions. The Brown Falconer valuation was based on selling all three sites to the market.

The feasibility study proposed to fund the redevelopment [of Glenside] was through a loan. Which agency will be responsible for this loan? Is this another PPP proposal?

I am advised:

The feasibility study the Hon Member mentioned relates to the feasibility of the original business case. The Glenside Master Plan will recommend a preferred procurement process for the development of the health facility at Glenside including DASSA.

One of the risks identified in the briefing is that the rebuild would need the support of the local community as well as the local council. What steps has the government taken to undertake this aspect of its planning process?

I am advised that a statutory planning approval process will be recommended in the Glenside Master Plan.

I have a hard copy of the responses, if members are interested. They all look as if they have gone to sleep over there. With that, I support this very fine piece of legislation.

The Hon. P. HOLLOWAY (Minister for Police): I thank members for their contribution to the Appropriation Bill for 2007-08. As my colleague the Minister for Environment has just said, there were a number of questions that had been asked quite beyond what we have had in previous years. The department has been able to provide answers to some of the questions that have been asked but, obviously, it is just not possible to answer all of them. First, I will address the Leader of the Opposition's remarks during the budget. He began by making some observations about the budget for the

Primary Industries and Resources Minerals and Petroleum Division which really should not be let go unchallenged.

The fact is that if one looks at the budget papers (Portfolio Statement page 5.12) one can see the expenditure in the mineral resources development division of the Department of Primary Industries and Resources. Contrary to the honourable member's assertion that staff have been run down or overworked within the department, if one looks at the expenses on employee benefits and costs one can see quite clearly that they have gone from an actual cost in 2005-06 of $13.443 million, the budget for 2006-07 was $13.997 million, the estimated result for 2006-07 was $15.487 million and the budget for 2007-08 is $15.815 million. So, there has been a significant increase in that part of the budget that relates to the employees within the Minerals and Petroleum Division of PIRSA that does reflect the additional demands on the workers in that sector, who have been doing a fantastic job.

The fact is that, since this government has been elected, we are spending over $30 million on the PACE program. This PACE program is additional funding to what was previously in the budget to support the government's exploration information efforts—the pre-competitive scientific data that is provided by PIRSA. So, there will be something like $30 million over the five-year period provided as a result of this government's efforts. It is as a result of that that we have got such exceptional increases in exploration in this state: over 400—

The Hon. R.D. Lawson interjecting:

The Hon. P. HOLLOWAY: No, it isn't, actually. If we did, why has our proportionate exploration within this country jumped from less than 5 per cent of the Australian total some years ago to about 14 per cent? How could we have increased our share of the nation's exploration if we were not doing something exceptional? As I said, I could not let those remarks made by the Leader of the Opposition go without addressing them.

The honourable member also made some comments in relation to the police budget, where he said that more than one whole term later this government is only now starting to consider legislative changes to take some sort of action against outlaw motorcycle gangs. That is simply not true. This government enacted some time ago a series of legislation in relation to outlaw motorcycle gangs. The fortification of premises was one of them. The effectiveness of that legislation, of course, has been challenged in the courts repeatedly, which has held it up, but that legislation was introduced several years ago. Indeed, we also took action in relation to the infiltration by outlaw motorcycle gangs of the security industry. We have also taken—

Members interjecting:

The Hon. P. HOLLOWAY: Yes; of course they are, and they will. As soon as we close that one down, once more, they will look for something else. Does the Leader of the Opposition really think that bikies are just going to say, 'Well, look, we're going to stop indulging in criminal activities now. We're just going to go away; we're going to go straight'? We will make it very tough on these groups, and we have been doing so.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: If the Leader of the Opposition would like, we can go back over all of the events that occurred in 2001 just prior to the election of this government. There was a series of explosions, there was a shoot-out, and three members of one bikie gang were killed in Wright Street in the city. I have put these incidents on record in parliament before; I will not go through them again. I just need to correct the record that, in fact, this government has done far more about the issue of outlaw motorcycle gangs than ever before, and, what is more, we will be doing a lot more in the future.

In relation to the police, the Leader of the Opposition said the following:

> I think that it is high time this government actually resourced the South Australia Police force to a higher level and to standards that the committee would wish to have.

In every single budget this government has increased the police budget significantly in real terms—a 5 per cent increase in the past year. We have increased the numbers of police and we have increased the resources. We bought the police a new plane so that they can better service country areas. Through the arrangement that was conducted through Emergency Services the police now have three helicopters. We are buying a new boat for the Star Force offshore operations. We have put up a series of new police stations through the PPP process; we just opened one at Golden Grove last Friday. We have other police stations at Berri, Victor Harbor—

An honourable member interjecting:

The Hon. P. HOLLOWAY: No; that is true. Golden Grove was not a PPP, but the PPP stations were at Mount Barker, Berri, Victor Harbor, Port Lincoln and Gawler. Of course, there was also the station at Aldinga which was not a PPP, either. We have both through the six PPP projects, which were a combination of courts and police stations in some cases, and also the Golden Grove and Aldinga police stations. One could go on and on. After many years we will revamp the police academy; that is provided for in the future budget. This government is actually providing police with the resources they need and has done so in record amounts.

The Leader of the Opposition then asked some questions. His first four questions were in relation to the budget of Primary Industries and Resources. In relation to the first question, he essentially asked why there has been an under spend. The underspend relates mainly to delays with the Brukunga Mine Rehabilitation and Electronic Plan Amendment Report projects, offset in part by expenditure on the completion of West Beach SA Aquatic Sciences Centre Seawater Intake Pipe Rectification program carried over from the 2004-05 year. The majority of the $1.454 million variation in question was reflected in the 2005-06 estimated result in the 2006-07 budget papers. For Brukunga, the underspend in 2005-06 was mainly due to the deferral of expenditure pending the outcome of feasibility studies relating to the final stage of the program.

For EELPAR, the underspend in 2005-06 resulted from deferral due to design changes required to deliver on revised Better Development Plans output requirements. For the West Beach SA Aquatic Sciences Centre Seawater Intake Pipe Rectification program, the 2005-06 actuals include an additional $0.607 million that was approved as the carryover into 2005-06 from 2004-05. However, the original 2005-06 budget did not include this amount. The revised 2005-06 budget of $1.144 million included the $0.607 million carryover. The question was about the 2005-06 figure rolled into the 2006-07 financial year. The answer is that the Brukunga Mine Rehabilitation Program underspend was carried over into the final year of the program (2011-12), with the Electronic Plan Amendment Report underspend of $0.434 million carried over into 2006-07. The next question was:

Does the 2006-07 budget figure of $4.724 million include any 2005-06 carryovers?

The 2006-07 budget figure of $4.724 million includes the 2005-06 carryover for the Electronic Plan Amendment Report program. The remaining expenditure was already budgeted in 2006-07 for the Brukunga Mine Rehabilitation Program ($3.44 million) and Marine Innovation SA ($0.8 million). There is a series of tables here that provide the detail, and I seek leave to have those tables inserted in *Hansard* without my reading them.

Leave granted.

	2005-06 Budget	3006-06 Budget	Variance	Comments
Brukunga mine rehabilitation	1 600	4	1 596	$1.325 million approved to last year of program 2011-12, with the remainder reflected under operating expenditure in 2005-06. Expenditure has been deferred pending the outcome of feasibility studies relating to the final stage of the program.
Offshore fisheries patrol vessel	600	569	31	$31 000 budgeted expenditure for 2005-06 was brought forward and expended in 2004-05.
West Beach SA Aquatic Sciences Centre seawater intake pipe rectification	537	1 144	-607	The 2004-05 underspend of $607 000 was approved as a carryover into 2005-06, with the 2005-06 revised budget of $1.144 million including this carryover.
Electronic plan amendment report	510	76	434	The 2005-06 underspend was approved as a carryover into 2006-07. The project experienced delays as it was initially predicated on the 'tightly constrained' mandated modules of the Better Development Plans (BDP). Changes to the operating environment and the mandated nature of BDP (now only voluntary take-up required by councils) has resulted in changed outputs. This led to delays as programming changes are required to deliver on the new requirements.
Marine Innovation SA	0	0	0	
	3 247	1 793	1 454	

	2006-07 Budget	Comments
Brukunga mine rehabilitation	3 440	Inclusive of all moneys which would have been spent in this period, irrespective of 2005-06 underspend.
Offshore fisheries patrol vessel	0	
West Beach SA Aquatic Sciences Centre seawater intake pipe rectification	0	
Electronic plan amendment report	484	The 2006-07 budget of $484 000 includes the approved carryover from 2005-06.
Marine innovation SA	800	Inclusive of all moneys which would have been spent in this period, irrespective of 2005-06 underspend.
	4 724	

The Hon. P. HOLLOWAY: The second question asked by the Leader of the Opposition was:

I refer to the net cost of the minerals subprogram on page 5.13 of this year's Budget Paper 4, Volume 2. I note that the actual figure for the 2005-06 financial year was $21.092 million, when the budgeted amount for the program was $18.595 million. Can the minister explain the reasons for this $2.497 million blow-out? Which programs and services under PIRSA were cut as a result of this abovementioned overspend?

The answer is that the $2.497 million change in the net cost of services is not a blow-out and relates to a number of items that were fully funded. These include a funding transfer from the petroleum subprogram, enterprise bargaining increase and Brukunga mine rehabilitation and PACE expenditure reflected under operating (with budget under investing). The funding transfer from the petroleum subprogram relates to funding announced in the 2004-05 budget for regulatory compliance activities, which was initially reflected all under petroleum. The transfer is for minerals share of this regulatory compliance funding. The third question asked by the leader was:

I refer to the net cost of the minerals subprogram on page 5.13 of this year's Budget Paper 4, Volume 2. I note that the estimated result for the 2006-07 financial year is $17.793 million, when the budgeted amount for this program was actually $17.254 million. Can the minister please explain the reasons for this $539 000 estimated overspend? Which programs and services under PIRSA were cut as a result of the abovementioned overspend?

The answer is that the $539 000 change in the net cost of services is not an overspend and relates to an enterprise bargaining increase, for which additional funding was provided. As a result, no programs or services under PIRSA were cut. The fourth question from the leader was:

I refer to the performance commentary for the Planning SA subprogram, page 5.16, Budget Paper 4, Volume 2. Specifically, I refer to the completion of the Development (Panels) Amendment Act 2006 in January 2007. One of the objectives of this bill was to provide greater policy, procedural and timeliness certainty for community and applicants. My question to the Minister for Urban Development and Planning is: what additional resources have been allocated in the budget to cope with the growing number of development applications caused by this state's booming economy?

The answer is that the Development Act specifies that councils are responsible for assessing all applications in South Australia, unless otherwise specified in schedule 10 of the regulations. As a consequence, councils deal with over 90 per cent of all applications, with the Development Assessment Commission assessing the remainder. The development application fees are set out in schedule 6 of the development regulations in order to provide consistency across the state.

On 1 July 2006, the development assessment fees were increased to increase the cost recovery rate for councils. The fee increases were deliberately designed to provide a small increase for simple applications, such as sheds and garages, with a larger increase for more complex applications, such as large-scale factories and non-complying development. While the fee increases will assist councils in addressing the increased number of applications, councils are also encouraged to minimise delays in processing applications where possible. In addition to increased fees and councils reducing delays, the government has commenced a 'cutting red tape program' in order to reallocate resources currently spent on minor matters.

The proposed introduction of the new development plan amendment provisions of the Development Act, along with the better development plan policy modules, will also assist in providing greater certainty for applicants and the community. In addition to the matters mentioned above, I have recently announced a planning and development review, which will further assist councils and government agencies in addressing increased development applications arising from a confident economy that has been achieved by the good work of this government.

The leader then asked a number of questions in relation to the police budget. I do not have answers about that yet, and I am happy to respond during the break to the honourable member in relation to those. There was a significant series of questions. Also, there were a number of questions asked by other members, including the Hon. Rob Lucas and the Hon. John Dawkins, in relation to Treasury. The Treasury will seek to prepare answers to those and will also seek to provide those as quickly as possible during the break.

In relation to that matter generally, however, I think I should comment on some remarks the Hon. Rob Lucas made in relation to the estimates process itself. One of the difficulties is we had a huge list of answers that my colleague the Minister for Environment and Conservation provided in relation to questions from the Hon. Michelle Lensink, and the Hon. Carmel Zollo put some answers on record, and also I have done some and will provide answers to other questions. But I think it begs the question about what is the purpose of the new Budget and Finance Committee that has been established in this council if we are to continue to not just seek answers during the debate on the appropriation bills but also have a much greater number.

I think there has been a convention in this place that, where the Leader of the Opposition has placed questions on the *Notice Paper*, these were addressed by the government. It certainly has been the practice in the past, both when the Hon. Rob Lucas was treasurer and also when he was opposition leader, that we sought to provide those. But, if every member in the place is going to ask questions during the committee stage, and a significant number of them, obviously it will greatly increase the workload. It does beg the question why we would have a Budget and Finance Committee of this council if it is not going to perform that function. I think that is something that needs to be addressed.

The Hon. Mr Lucas also asked some questions about the conduct of these committees. All I can say is that in relation to my committee I had very minimal questions on the three portfolios I have. In relation to one portfolio I did not make any initial statement. In the other two committees any initial statement that I made was no more than a few minutes and the government members of the committee did not ask any questions during estimates committees in relation to any of my portfolios. That is the arrangement I had in relation to my particular committees, and I think it is unfair to criticise the chairs of committees and other members in relation to the conduct of those committees. Quite clearly, it is up to each minister to make some arrangement with their shadow ministers and, as I said, that was the arrangement I had.

I have been on committees in the past, I remember, when I was in the House of Assembly back in the early 1990s, and during those committees it was the practice that the government would ask three questions, the opposition would ask three, and so on, and that would go on all day. But, as I said, in my committees where the government members did not ask any questions at all, the entire time was made available to the opposition to ask questions about the budget, and I was happy to do that, and I know some other ministers were also. It was really a matter of negotiation with the opposition in relation to times and conduct.

In relation to whether or not the Legislative Council should have its own committees, I think it is something that should be investigated further. I know when we had the debate on the establishment of the Budget and Finance Committee that I made the offer to any members (particularly the Independents) if they wished to come and talk to me about better arrangements. I would welcome that discussion but, to date, no-one has actually taken up that offer. But I would think, with the experience in this budget and with the large number of questions asked here and the fact that we do now have this Budget and Finance Committee, that it is time, over the next 12 months, to consider how we can better examine the budget in relation to this place.

We have three ministers in this place who have all appeared before the estimates committees in the lower house and, if I have to spend a day answering questions in the House of Assembly estimates committees, why not do it here in this place instead? Perhaps we will reach some arrangement in relation to that, but we certainly need a more effective system than we have at the moment. However, I do not accept the comments made by the Hon. Rob Lucas that that is entirely the government's fault. As I said, it needs some agreement between both the government and the opposition and the other parties here if these committees are to work properly.

A number of other comments were made by members during the Appropriation Bill, as is appropriate, given that this is an opportunity for members to address a wide range of subjects. In relation to the specific questions, I will endeavour to get answers for those as quickly as possible. Again I comment that, if we are to have this committee functioning, we need a more rational and systematic way in which we can answer such questions in the future. I commend the 2007-08 budget of the Rann government to the council.

Bill read a second time and taken through its remaining stages.

STATUTES AMENDMENT (INVESTIGATION AND REGULATION OF GAMBLING LICENSEES) BILL

Adjourned debate on second reading.

(Continued from 25 July. Page 485.)

The Hon. D.W. RIDGWAY (Leader of the Opposition): This bill, in line with measures announced in the 2006-07 state budget, proposes to recover costs incurred by the Office of the Liquor and Gambling Commissioner in regulating the TAB. The Liquor and Gambling Commissioner will be required to notify the TAB and the casino one month before the commencement of each financial year of the amount to be recovered—an amount to be approved by the minister. The bill also clarifies the probative reviews regarding the sustainability of the casino and the TAB and their close associates to continue to hold major gambling licences. These reviews are to be conducted by the Independent Gambling Authority, with full cost recovery from the casino and the TAB. This piece of legislation has some aspects to which the opposition is opposed, namely, that it overrides written agreements with both licensees and the government simply in order to collect more tax; and, in doing so, it sets a dangerous precedence for any business entering into an agreement with this state government.

The South Australian TAB has had a duty agreement in place since 2001, which does not include any clause relating to contributing to the day-to-day costs of the Office of the Liquor and Gambling Commissioner. In 2004, when the government decided to adopt the policy of full cost recovery from the casino and the TAB for the cost of administering the gambling regulation to those two businesses, the South Australian TAB entered into a written agreement in good faith. The agreement was not to expire until 2016, and the South Australian TAB would pay (and has done so since the beginning of this agreement) $250 000 per annum (plus CPI) towards the costs of gambling administration. This agreement was written in order to prevent the need for legislative change, and the duty agreement was signed by the Treasurer and the South Australian TAB's directors.

In 2005 the South Australian TAB received off-the-record advice from a third party that an item within the budget papers would be of concern to it. This was the first indication of the government's intention to recover full costs for gambling regulation, and there was absolutely no consultation with the South Australian TAB. Since that time, the South Australian TAB has made its views on the situation fully known to the Treasurer. The Treasurer advised that the necessary amendments would proceed to parliament for approval and forwarded a copy of the draft bill to the TAB for comment. No South Australian TAB recommendations on the draft were accounted for in the statute which was presented in the house. The casino, already involved in a written agreement, contributes around $860 000 per annum to the same costs.

The casino's submission to this bill has also been largely ignored. Furthermore, only the South Australian TAB and the casino are proposed to be levied with the recovery costs charge rather than all parties that are subject to gambling regulations. The sole purpose of this bill is to increase tax revenue. The South Australian TAB already pays wagering and gaming taxes to the amount of about $6.39 million and the casino pays about $20.98 million. The TAB pays state and federal taxes of some $9.72 million and the SkyCity Casino some $42.75 million.

The industry makes a fair argument that in paying between $79 million to $90 million in taxes to state and federal governments the costs are recovered many times over. Of great concern in the bill is that the amounts collected by the Liquor and Gambling Commissioner are at the sole discretion of the minister (with advice from the agency). There is no control, no consultation and no method of appeal by the TAB or casino. Further to this, the minister has not clarified how the actual costs will be established that the industry will be charged. The Hon. Iain Evans in another place has asked the Commissioner for the document which outlines how these costs are established. As yet he has not received any such document.

The shadow minister for gambling has pointed out that, where usually the minister would apply to the Treasurer for resources for the Office of the Liquor and Gambling Commissioner by means of a budget bilateral, the minister will no longer have cause to fight for these resources, because they will be fully charged to the industry. Those costs can change at any time simply with the approval of the minister. The Treasurer has a history of breaking promises, especially where the gambling industry is concerned.

We can recall his backtracking on his promise not to increase gaming tax straight after the government's first election, when he proudly announced that he had the moral fibre to go back on his word. The government has confirmed that both the South Australian TAB and the casino have met all payments in relation to the current agreements. Mr President, being the fair-minded man that you are, you would have to ask yourself why indeed the government would now seek to break the agreements it has made, given that the signatories to those agreements have not broken any of the requirements placed upon them.

The South Australian TAB and the casino are already heavily regulated and closely monitored, with the IGA and the Office of Liquor and Gaming Commission already having to approve the suitability of all staff, managers and board members, obtain information from the police on these people and conduct inquiries, reviews and inspections as they relate to the staff and premises. So, why does the government feel that the inclusion of the amendments relating to probity reviews are necessary? It is simply a revenue raising scheme.

The opposition has made it clear that its principal argument is in relation to the government legislating to override its own written agreement with business. Interestingly enough, yesterday's *Hansard* indicates that the Hon. Mr Finnigan supports the very argument the Liberals have made. Mr Finnigan stated that this government had not said it is 'going to dishonour the commercial contracts that have been entered into. . . I do not recall any minister suggesting that.' Much to the contrary of this statement, that is exactly what this government does wish to do by means of this bill, that is, to dishonour its commercial contract.

Mr Finnigan went on to say that to repudiate contracts would be 'an extraordinary proposition and a very dangerous one for the business community. . . it is important that the business community is able to have confidence' in the government and this state. On this occasion, the opposition agrees 100 per cent with the Hon. Bernard Finnigan that the business community does need to have confidence. That was expressed through Business SA, and I am sure all members

have received a letter from Business SA in the past couple of days.

Further, on the topic of commercial contracts, Mr Finnigan made the point that it is incredibly important that those people who are looking to invest in South Australia have confidence in this government. If they do not have confidence in this government, they may well decide not to invest in the state. Again, this is the very argument that the South Australian TAB made in its letter to the shadow minister for gambling. The letter states:

> When TAB and SkyCity decided to invest in South Australia, [they] did so on the basis of agreements with the government.

This government, like any business, should be bound by commercial contracts. The TAB stated:

> By imposing new taxes and charges in breach of its agreements, the government is undermining the confidence of existing and prospective businesses in South Australia.'

The government has set a very dangerous precedent by signing contracts. I know that the Hon. Nick Xenophon has some amendments on file in relation to this bill. Where will it stop? We might see the Minister for Environment and Conservation legislate to undo contracts that protect our environment. There are a whole range of topics we could introduce into the debate where the government might see fit to use its legislative power to break agreements with the community. It might be gambling today; and tomorrow it could be the environment, the health system or the education system. Who knows where it will end? With those few words, I indicate that the opposition does not support the bill.

The Hon. A.M. BRESSINGTON: I also rise to speak to this bill. As members would be aware, I am no fan of the gambling industry. After working in hotels for many years, I have seen the damage done by an industry which, in my opinion, is under-taxed and which has very few restrictions on the hours it is allowed to operate. I am also aware of the number of attempts made by my colleague the Hon. Nick Xenophon to bring the industry to account. I am also aware of his endless struggles with the government to make headway on such matters. I have also known many people who have succumbed to gambling addiction. The life of those people is now in tatters, and it will take many years for them to recover both financially and emotionally.

I am also aware of the revenue the gambling industry brings to the government. As a rule, I would say: increase the taxes, improve legislation and deliver accountability and a level of social responsibility. Yet, what I see is a government that will regulate only to increase revenue, not for the wellbeing of the people of South Australia and not for the purpose of decreasing the impact of gambling. In the budget there was no mention of an increase of funding for counselling for problem gamblers. We have a bill before us to regulate and investigate gambling licences, or so it says.

Both the South Australian TAB and SkyCity have negotiated long-term contracts with this government and, combined, they have paid well over $200 million for their licences to operate. Both businesses have negotiated with the Treasurer the terms of those contracts. I believe that the contract term for the TAB is up for renegotiation in 2016 and SkyCity will renegotiate in 2015. I believe that these agreements were entered into approximately three or four years ago. The briefing provided by the Hon. Paul Caica's office was clear that the standing agreements made between the Treasurer and the TAB and SkyCity were negotiated. Both businesses, between them, pay a combined sum of $79 million and the changes proposed by this legislation will bring the government a total increase of $1.5 million, but there have been no attempts to negotiate and I, for one, ask the question: why?

If, in fact, the TAB and SkyCity were able to negotiate with the government to pay an amount in excess of $79 million a year, one would wonder whether, if attempts were made to renegotiate, they would have been partly successful, rather than putting this council in a position of having to be responsible for overriding legal and binding contracts between private enterprise and this government.

Of course, there are other questions: why did the government make such long-term contracts with the TAB and SkyCity if, in fact, the arrangements in the contract were not suitable? Surely the Treasurer is able to calculate and reasonably predict the amount of revenue and the cost of such arrangements in a competent manner to avoid such measures as legislation to dissolve those agreements. How would such legislation affect the confidence of future investors in this state if, in fact, this parliament makes it a practice to override contracts with private enterprise when the Treasurer simply decides that he wants more?

How will the interference of this parliament affect confidence in private enterprise when word spreads that government contracts are not really worth the paper they are written on? Is it the responsibility of this government to take such action? Obviously, it is within the powers of the parliament or this bill would not have been proposed, but is it the responsibility of this parliament to interfere when the Treasurer obviously does not get it right at the negotiation table?

If this bill is passed, how much will it cost the taxpayers of South Australia to pay both the TAB and SkyCity compensation to which their agreements say they are both entitled? It seems to me that the Treasurer is now recognising the challenge of meeting his commitment or prediction to deliver a $212 million surplus for the next four years and that he is now making a money grab via an industry which he knows is not popular and which he also knows it is not politically correct for members in this place to be seen to be defending. Yet, the essence of this bill is not about gambling; it is about whether or not this parliament is prepared to step over the line and become involved or interfere with the credibility of government contracts made with private enterprise. Call me paranoid but I see this as a very dodgy precedent because it removes all responsibility from the government to ensure that negotiations in the future are well thought out, planned and costed.

As a result of this bill, it may well be that if this or any other government were to miscalculate, then this parliament can dissolve the contract. Furthermore, it opens the door for deliberate deception and to negotiate attractive contracts with no intention to honour them. If this bill is passed, I ask (as the Hon. Mr Ridgway did): where will it stop in the future? I am aware that some of my colleagues have struggled with this bill because, as I said, to be seen to support gambling is not acceptable. However, I stress again that this bill is not about gambling; it is about this parliament's willingness to go where it does not belong—the dissolution of legally binding contracts between the government and private enterprise. We may not like the gambling industry but we must respect that, if it was good enough for the TAB and SkyCity to pay hundreds of millions of dollars for their licences to operate in this state with a contract that states there will be no

increase in taxes, then they must be legally entitled to that contract being honoured.

If this matter were to be reversed—that is, that private enterprise or even the non-government sector were to attempt to break their contract with the government—would they then have access to the parliamentary process to support them to do so? The answer to that question, I can guess, would be a resounding no, because no-one other than the government has the ability to develop a bill that relates to the expenditure of funds or to have input into the contractual agreements of the government. There are contracts out there made between the government and non-government sector that are less than fair, yet there is no course of action open to that non-government sector in these matters. This sector receives the crumbs of financial assistance to deliver services to some of the most vulnerable in our society, yet their only option is to suck it up and make do.

I am not sure whether the government believed that it would receive the sympathy of this parliament because it appears to make an unpopular industry more accountable, and I believe that some members in this place will feel damned if they do and damned if they do not. The points that need to be considered are: the use of this parliament to bail the government out of what can only be seen as poor negotiations; the use of this parliament to rescue the government from poor financial planning and budget promises that cannot be kept; and the use of this parliament to cross the line and step into the area of breach of contractual law, which I believe will greatly undermine the integrity of this council. It is important for all members to separate the issues when debating this bill and to be very clear on what they could be setting up for the future. We must ask ourselves whether this is the core business of the parliament and whether we condone the partial erosion of the line between government and private enterprise and, if the answer is yes, then where is the new line?

In the DrugBeat of SA program, one of the things our clients learn is the value of your word. In fact, it is stressed with clients who are learning how to operate in an ethical and reasonable fashion in the real world that you are only as good as your word. Whether that word be written or spoken, it must be honoured. How a person keeps his or her word is our character. Trustworthiness and reliability will be judged by others. On that note I will conclude, stating my absolute opposition to this bill on exactly those grounds.

The Hon. SANDRA KANCK: The stated purpose of this bill is to recover costs of regulating the TAB and the casino, so the respective Authorised Betting Operations Act 2000 and the Casino Act 1997 are to be amended by this bill. The only justification given in the minister's second reading explanation for doing this is that notification of this move was given in the budget. I find that to be a less than satisfactory explanation, and it is certainly not any sort of a justification. As a consequence, I was dependent on the briefing from ministerial advisers to understand the government's rationale. Currently the casino pays $870 000 per annum, which is CPI adjusted for the cost recovery of regulating activities there, but the government says the real costs are $1.8 million. I understand that, at the time of the sale of what were previously government entities, the new owners would not or could not come at full cost recovery.

In coming to a position on this bill I have had to grapple with two questions: first, is the government recovering costs; and, secondly, in passing this legislation are we supporting the government breaking a contractual agreement? The Hon. Ann Bressington has talked about this matter of separating the sort of industry with which we are dealing with certain legal principles, and I agree with that. I cannot make this decision based on what industries I like and what industries I do not. I am certainly no fan of the gambling industry—I have never been inside a TAB and I probably go to the casino once or twice a year with friends to have a meal. I get up the escalator as quickly as I can so that the less I can see of it the better.

However, in dealing with this bill I have met with representatives of SkyCity and the TAB, and they tell me they pay gambling taxes set at 43.5 per cent, whereas the next highest in the country is the Northern Territory at 22.5 per cent. It seems, on the basis of those figures alone, that surely the government is recovering its costs. I seek a response from the minister in regard to the question of cost recovery and the amount that is being paid for gambling taxes.

I also note that the government is paying $110 000 per annum into the Gamblers Rehabilitation Fund. The TAB duty agreement fixes the duty payable to the government for a period of 15 years, commencing in 2001 unless a variation to that is agreed in writing. It seems that we have a variation which is not agreed in writing; it is being done via legislation. I ask the minister to explain to the council what has occurred to alter the government's commitment to honouring that agreement. There is nothing in the minister's explanation to explain that. Even though the government wants to alter the agreement, it is not meeting its part of the bargain by having that variation agreed to in writing, and to me that sounds like a breach of contract. I am not a contractual lawyer by any means, but that is what it sounds like to me.

In 2004, the TAB agreed through a variation agreement to pay some of the government's regulatory costs: $250 000 per annum indexed to the CPI for costs associated with the Liquor and Gambling Commissioner's office, and to $70 000, also indexed, for triennial reviews of the TAB to be conducted by the Independent Gaming Authority. This bill is going to override that and, again, that sounds like a breach of contract to me.

SkyCity has an approved licensing agreement, and clause 14 refers to an event. Clause 14.1 provides:

'Event' means an event contrary to an assumption set out in clause 14.2;

Clause 14.2 provides:

The Treasurer acknowledges that the Licensee has accepted the Casino Licence on the assumption that (unless the Licensee has agreed to the contrary), during the Exclusivity Period, the Casino Licence will be subject to the following conditions:

(a) Casino duty will not be imposed on the Licensee in respect of gambling at the Casino otherwise than in accordance with the casino duty agreement;

The TAB agreement also has a definition of an event. It provides:

'Event' means an event contrary to an assumption set out in clause 11.2;

Clause 11.2 provides:

Acknowledgment by Minister.

The Minister acknowledges that the Licensee has accepted the Licence on the assumption that during the Initial Period the Licence will be subject to the following conditions:

(a) duty will not be imposed by the State on the Licensee in respect of commission from or returns on the betting operations of the Licensed Business other than in accordance with the Duty Agreements;

The key to this is this word 'event'. The government claims that there is no event, because the charge that is envisaged in this bill, described as the recovering of costs, is not a duty. SkyCity and the TAB obviously disagree. It has come down to duelling legal opinions, basically. The crown law opinion has been provided to me confidentially, as has the legal opinion of SkyCity and the TAB.

Without referring directly to those, it is clear that, if this bill is passed, there is no doubt that SkyCity and the TAB will be heading straight for the courts to challenge the legality of this bill. The legal opinions then of the government, SkyCity and the TAB will not count—at that point at least—because the court will determine whether this charge is a duty. Should the court find against the government, the taxpayer will have to pay compensation, because that is part of the agreement, and the state will be no further ahead financially by this move. So, regardless of the cost to government of being taken to court, or the prospect of compensation having to be paid if the government loses, my ultimate decision is based on the importance of process. As I cannot countenance government using parliament in this way to effectively breach a contract, I indicate Democrat opposition to this bill.

The Hon. NICK XENOPHON: I indicate my support for the second reading of this bill, but I wish to reserve my position in relation to the third reading. I have had some amendments tabled, and I will refer to them briefly in the context of my second reading contribution. I would like to say that this is not an easy issue—particularly for my crossbench colleagues—and I think it is one with which we have all grappled. Perhaps we have come to slightly different conclusions—and I understand and respect those opinions of my colleagues—but, essentially, there is an issue of concern in terms of the matters at stake.

My first point is that this is not a typical industry. The gambling industry (the casino, the TAB, and indeed the poker machine industry in clubs and hotels), which is not the subject of this particular bill by its nature, is not a typical industry. It exists by virtue of being legalised by acts of this parliament. It is an activity that was illegal—it has been in common law for hundreds of years—but it has been made legal by acts of parliament. My primary concern has always been in respect of problem gamblers. The impact and key test for me will be whether, if this bill is passed in an amended form, it makes a difference in the short or medium to long term with respect to problem gamblers and levels of problem gambling in this community.

Earlier today during private member's time I referred to the South Australian Centre for Economic Studies' report on the impact of poker machines. This report was commissioned by the Independent Gambling Authority, and it gives a very comprehensive picture of the number of South Australians who have been hurt by poker machines. It should be acknowledged that the casino, with just under 990 machines, is the biggest single poker machine venue by far—it is the biggest gambling establishment in this state—and of course the TAB, with its outlets in pubs and clubs and its stand-alone outlets, is another very significant gambling institution.

I would like to acknowledge the assistance and helpful information provided by Grant Harrison, general manager of the TAB, and Andrew Lamb, manager of government relations for SkyCity Casino, when I met with them earlier this week, and also the government's advisers, headed by Paul Ryan from the minister's office. In terms of dedication I think it should be acknowledged that Mr Ryan became a father for the third time yesterday at about, I think, 4.55 a.m. but he was at a briefing in my office at 11 a.m. I think that is pretty good dedication, and he deserves to be commended by all of us for that (I am also very pleased to note that his third child is named Nicholas Laurence). He should be congratulated and commended for his dedication to his work.

I have seen legal advice from crown law that the government provided to me on the same basis as it was provided to other crossbench MPs. I have not had the benefit of seeing the advice that SkyCity received in relation to this—and, to be fair to the casino, I did not specifically request it—but it seems to me that there are, as the Hon. Sandra Kanck points out, duelling legal opinions regarding whether these additional charges are a duty and whether it falls foul of the agreement.

I understand that there are two differing legal opinions but, having read the crown law opinion, I believe there are some compelling arguments that indicate that this is not a breach of the approved licensing agreement because seeking to recover these costs is not a duty as such. However, I understand there is a contrary opinion from SkyCity Casino's lawyers. I have to say that I think there is some irony here when the casino and the TAB say they want certainty in their operations.

Leaving aside who is right and who is wrong, in terms of the legal opinions, I think there is some irony in relation to their position because the very essence of the business of gambling is one of uncertainty. When people gamble, and I do not say this in a judgmental way at all, the very nature of the gambling contract is that it is no sure thing. My retort is: why should the casino and the TAB be on a sure thing in terms of their arrangements? But I understand the issues that are concerning the opposition and a number of my crossbench colleagues.

My concern is that there ought to be a greater degree of transparency and accountability in the process of investigation and regulation of gambling licensees. Here we are simply dealing with the SkyCity Casino and the TAB, not with poker machine venues, and that is relevant in the context of what I believe are quite stringent requirements in terms of probity checks, the continuing checks as to the suitability of licensees, which is part of this bill, and it is reflected in the authorised bettings/operations legislation. The same level of stringency does not apply, I believe, with respect to poker machine venues, and I believe that is an anomaly. It is an anomaly because what is good for our two major gambling entities, if you like, in this state also should apply to poker machine venues if we are concerned about basic issues of probity and the suitability of persons being involved in those particular industries.

We have heard in recent days of the influence of motorcycle gangs in the finance and loan industries in this state and, of course, there is a concern, particularly with respect to an industry such as gambling, that they may find a way to infiltrate this industry, particularly with respect to poker machine licences. I know that is an issue that has exercised the mind of regulators, and quite rightly so, in the past not to have that pernicious influence in that industry. That is one issue that is not the subject of this bill, but it is a counterpoint with respect to the issue of licences, the level of scrutiny for the casino, and the ongoing level of scrutiny for the suitability of licensees and close associates, compared to a poker machine licence holder. That is something that concerns me and I believe it is something that needs to be rectified.

I should also refer to Business SA's argument that it is bad for business, in terms of the uncertainty that this bill gives. Again, this is not a typical industry. It is worth mentioning the South Australian Centre for Economic Studies report, which states at page 46, in terms of employment in the gambling industry—this is the report to the Independent Gambling Authority recently—that the job intensity associated with, for instance, poker machine gambling in Australia is quite low at 3.2 jobs per $1 million of gambling income, compared to 8.3 jobs per $1 million of sales of liquor and beverages and 20.2 jobs per $1 million of takings from meals, with the retail sector employing 6.5 persons per $1 million of income, or twice that of the gambling sector. In terms of economic issues and job growth and business activity, I think those figures speak for themselves.

I have tabled a number of amendments, and I understand that my colleagues—particularly in my brief discussion with the Leader of the Opposition—will need to take those back to their party room to consider them. As to my amendments in the committee stage, if this bill gets to the committee stage, I can put further information and they can be debated then. I believe that we need to have some adequate scrutiny of where this money is going.

In relation to points made by the Hon. Ms Bressington and the Hon. Ms Kanck in relation to the whole issue of where the revenue is going, my amendments in effect ensure that there is a continuing annual reporting mechanism to the minister and in turn to the parliament as to certifying the cost of an investigation, giving details of the nature of the investigation and, also, with respect to administration costs, that those details must be given, and that the money was actually spent for the purpose for which it was raised, and that we have that level of scrutiny.

This amendment has not yet been filed, but I also think that it is appropriate that there be an inquiry—at this stage, I believe that the Independent Gambling Authority will best carry it out—in terms of the role of the Liquor and Gambling Commissioner and the way the Commissioner's office handles investigations. Several years ago I had a complaint by a young man, a minor at the time, who alleged that he lost a significant amount of money at the casino—some $40 000. There were very real concerns about his welfare. As a result, complaints were made, and the gambling council was involved. There were issues about the way that the process of that complaint was handled and what came from it.

I think that there are some legitimate issues in terms of the way that complaints are handled, the enforcement of gambling regulations in this state, and the interplay between the Commissioner's office and the Independent Gambling Authority. Indeed, that is one matter that the Statutory Authorities Review Committee, of which I am a member, is looking at. I hope that we will be in a position to report on that in the not too distant future. In the context of regulation and enforcement, I also refer to the number of inspectors in the casino—some 11 inspectors.

During the estimates committee on 2 July this year, I believe that the shadow minister, the Hon. Iain Evans, made some very good points about the level of scrutiny within the casino. The casino is a 24-hour operation and it has a number of staff, but there is something like 10 inspectors for another 4 800 licensed venues. There is something wrong with that, and I agree with the opposition's comments about that in terms of the adequacy of the scrutiny of poker machine and other licensed premises. If this amendment means an opportunity to free up and have more inspectors, that is something that I would like the government to indicate, because at the moment it is woefully inadequate. With the greatest respect to the minister, I do not think that the response given by the government was adequate.

In Estimates Committee B on 2 July 2007 in an interchange between the Hon. Iain Evans and the Hon. Paul Caica, the minister stated the following:

> It is staffed by 10 inspectors and a manager. In relation to the number of inspectors for hotels and clubs, the OLGC currently employs nine liquor and gaming inspectors, who not only have responsibility for inspecting the 592 venues with gaming machines but also for another approximately 4 800 licensed venues in the state that do not operate gaming machines. So, that is 10 and a manager for the casino, and nine for the hotels and clubs.

The Hon. Iain Evans asked a very pertinent question: why the imbalance? I believe that the minister essentially agreed with the Hon. Mr Evans about this imbalance during the interchange between the two.

Of course, the member for Goyder is the shadow minister for gambling, but the Hon. Mr Evans was part of the estimates committee. My question to the government is: what plans are there to have a greater number of inspectors for the 592 premises with poker machines and the other 4 800 licensed premises? What plans are there with respect to that matter? Will passing this legislation free up resources, in the context of having extra inspectors? I believe that that is relevant, in terms of my consideration with respect to this bill.

I also propose in my amendments to deal with the issue of the casino keeping electromagnetic records (and I understand that the casino has been moving towards digital records, to a large extent), retaining them for at least one month rather than the current seven days and having a sign that indicates that the surveillance tapes are being kept for that period. At the moment, the casino has signs saying that people are under video surveillance, or words to that effect. I am suggesting that it should be extended and, at the very least, include the detail of how long those tapes are kept, because I think that will resolve many disputes.

I have received complaints about conduct at the casino, and sometimes simply viewing the tapes can defuse the issue. In a couple of instances where there were complaints, once they were viewed by the Commissioner's office and I was satisfied with the response, the casino's explanation of what had occurred was quite reasonable. There have been other occasions when, unfortunately, constituents have come to my office and made allegations that the tapes were not kept, which resulted in a huge factual dispute. I think that having that reform would defuse many issues and be a sensible measure with respect to compliance.

I believe that, if there is a greater degree of scrutiny and accountability, and if there are undertakings and an indication from the government that extra inspectors will be provided for the rest of the gambling industry in this state, those sorts of measures would assist with respect to the reduction of problem gambling. For that reason, I support the second reading of this bill. However, I make it very clear that I reserve my position with respect to the third reading, subject to the government's responses.

Bill read a second time.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): Can I conclude my remarks, sir? I was waiting for the Hon. Mr Hood to make a contribution.

The PRESIDENT: The Hon. Mr Hood was not going to make a contribution.

The Hon. CARMEL ZOLLO: I think I need to speak.

The PRESIDENT: The minister can speak to clause 1.

In committee.

Clause 1.

The Hon. CARMEL ZOLLO: I thank the chamber for its indulgence. I understood that another honourable member wanted to make remarks, and I did not jump up quickly enough. I want to comment in relation to the second reading contributions that were made in this place and the other place. Members raised issues about the policy of full cost recovery and voluntary arrangements between the government, SkyCity and the SA TAB. I would like to provide some more details for the record.

The government's policy of full cost recovery was first announced in the 2003-04 South Australian state budget. Legislation to implement this policy was first introduced to the House of Assembly in October 2003. Some amendments were made to the bill in the Legislative Council, and the amended bill was passed by the council. At the time, the amendments were considered unacceptable to the government. The government's intention to pursue full cost recovery from SA TAB and SkyCity Adelaide on behalf of South Australian taxpayers for the regulation of these private businesses has remained constant. The 2003 bill, however, ultimately lapsed and was replaced by the introduction of voluntary arrangements with licensees.

On 25 August 2004, SA TAB wrote to the then minister for gambling (Hon. Michael Wright) volunteering a payment of $250 000 per annum, indexed to the consumer price index in South Australia, and the actual cost up to a maximum of $70 000 for triennial suitability reviews. On 12 October 2004, SkyCity Adelaide wrote to the then minister for gambling volunteering a similar arrangement of $850 000 per annum, indexed by CPI, and actual costs up to a maximum of $70 000 for triennial suitability reviews. These offers were only for partial cost recovery. The government prepared amendments to the duty agreements to formally implement the voluntary offers. SA TAB executed the amendments to the duty agreement, while SkyCity Adelaide did not. Both have paid their partial contribution to costs in accordance with the offers they made.

It should be noted that neither the letters nor the amendments to the duty agreement indicate that the government will abandon its policy of full cost recovery. Following the 2006 election, the government reviewed expenditure across all agencies with the objective of reprioritising government expenditure to front-line services. As a result of that review, the 2006-07 South Australian state budget confirmed the government's policy of full cost recovery from SkyCity Adelaide and the SA TAB. Despite suggestions from some members, here and in the other place, the government has been advised that the bill that is currently before us does not constitute an event under the approved licensing agreements, nor does it override or constitute a breach of the SA TAB duty agreement. For the record, the term of the SA TAB duty agreement is:

> Subject to clause 4.2, this agreement operates from the date of the grant of the licence by the Governor to the licensee and continues until the date on which the licence is cancelled, surrendered or expires.

Assuming the licence is not cancelled or surrendered, the SA TAB duty agreement will end on 30 June 2100. The government acknowledges that there is the potential for the SA TAB to pay under this bill and the TAB duty agreement. It is for this reason amendments to the TAB duty agreement are currently being prepared by the Crown Solicitor's office to eliminate the partial cost recovery clauses from the TAB duty agreement.

I note that members have indicated that they will be filing amendments and have placed questions on the record to be dealt with in the committee stage. Having provided a fairly extensive history of the events preceding this bill, I would like to conclude with the essential point of this bill, that is, it rightly shifts the remainder of the costs of regulating SkyCity Casino and the SA TAB from the South Australian taxpayer to the businesses that benefit most from the regulation. It is disappointing that the opposition has sought to muddy the waters on this matter when its purpose is clear and right. Before I commend the bill to the council, I also add my congratulations to Mr Paul Ryan and his wife on the birth of their third child, and I note the diligence he gives to his work.

Progress reported; committee to sit again.

STANDING ORDERS SUSPENSION

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

> That standing orders be so far suspended as to enable the Clerk to deliver the Appropriation Bill, the Statutes Amendment (Budget 2007) Bill, the Murray-Darling Basin (Amending Agreement) Amendment Bill and the Public Finance and Audit (Certification of Financial Statements) Amendment Bill and messages to the Speaker of the House of Assembly whilst the council is not sitting and notwithstanding the fact that the House of Assembly is not sitting.

Motion carried.

ADJOURNMENT DEBATE

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

> That the council at its rising adjourn until Tuesday 11 September 2007.

In doing so, I first wish all the members of the council, the MLCs as well as the table staff and all those in Hansard and associated with the parliament a restful and healthy break. Hopefully, everyone can avoid the flu which seems to be going around and which I am desperately fighting off at the moment. I hope everyone does have a healthy and enjoyable mid-winter break. It is also important on this occasion that I should record the fact that on Friday Noeleen Ryan will be leaving us from the Legislative Council, and I am sure that we will all miss her. Noeleen actually commenced as a clerical officer in the Parliamentary Library back in 1991.

She was transferred to the Legislative Council committees office in 1993, working with the Legislative Council on administering the joint standing committees, and subsequently transferred to the Legislative Council to provide support to the select committees and administration in 1995, which is when I came to this place. It does seem quite a long time ago now. In 1996 Noeleen was appointed Parliamentary Officer, which has included acting as Clerk of Papers and Records and looking after all the papers tabled, their indexing and compilation, and so on. Of course, she has also been a secretary to the Printing Committee, which has no doubt created so much work that one could understand why she would need a break from this place.

Noeleen has worked as secretary to a number of select committees: the internet gambling committee, which I was on and which went for some years; the retail trading hours select committee; government funded national broadcasting; mental health disorders; the pricing, refining and storage and

supply of fuel; and, most recently, the Families SA committee. I know that Noeleen is one of the real quiet achievers of the place, and the words that most readily come to mind with her are that she is incredibly helpful and very efficient at her job. For a while, Noeleen looked after the travel entitlements of members and did that very well, and I am sure that everyone in this place would appreciate the service that Noeleen provided.

I know that she has put many hours of work into the updating of the Members' Statistical Register, which is an incredibly useful document. All members were presented with a copy this year and, certainly, I have found it very useful and very interesting. Thank you, Noeleen, for doing all that work. Noeleen's duties also included the tabulating of all amendments, as well as the production of the schedules of amendments which, given the number of amendments that are handled in this place, is not an inconsiderable task. Noeleen really has been exemplary in her work, her attention to detail and her accuracy.

As I say, the words 'helpful' and 'efficient' really do come to mind with Noeleen. I wish Noeleen all the best for her future endeavours. We hope that, from time to time, she does manage to come back and drop into the Legislative Council. Thank you, Noeleen, for everything you have done for us over 16 years in this parliament.

The Hon. D.W. RIDGWAY(Leader of the Opposition): I rise to endorse the comments made by the Leader of the Government. Certainly, I wish everyone in this place an enjoyable few weeks' break. I thank the table staff, Hansard and all the people who support us in our role here for their great work. I wish them an enjoyable break from their traditional duties. I also add to the comments of the Leader of the Government in relation to Noeleen. The opposition will certainly miss you, Noeleen. Thank you very much for your support over the 16 years you have been here.

In my short time here, thank you for your very insightful indications of what may or may not be happening at the President's dinner, and the way that people may be expected to behave. Thank you very much for your help in that respect. I was fortunate to win a CPA trip to Adelaide in my very first year in parliament—very fortunate, indeed! My wife, Meredith, often talks about the walking tour around the CBD of Adelaide on which Noeleen guided her. So, thank you very much for that. In closing, I do not know whether this is appropriate but, Mr President, you might like to attend one of the parliamentary education sessions offered in this place. I notice in a recent paper entitled 'Enlightened' by the member for Light, Mr Tony Piccolo, that, speaking as the President of the Legislative Council, you say:

> Tony represents your interests [the electors of Light] in the House of Representatives.

I think it might be more appropriate, Mr President, if, during the break, you brush up on your skills as to which house of parliament Tony Piccolo represents.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I also rise to place on record my appreciation of the service to this parliament by Noeleen Ryan. Noeleen has always undertaken her duties in an efficient and diligent manner. As former chair of several committees, her assistance and knowledge has always been invaluable to me. Noeleen has a great sense of humour and is personable and courteous in her manner. Apart from having a bright personality, Noeleen does have a great sense of style with tremendous dress sense. Her shoes particularly are the subject of a great deal of discussion and envy.

Although the male members of this chamber may not have noticed, women do notice these things. I know that many of us will miss her deadpan expression in the corner. Occasionally you have the eyebrow being raised, but then she looks down. She is particularly amused by some of our very great debates in this place. On a more serious note, I join the Hon. Paul Holloway in wishing Noeleen the very best in her choice of a new career and in her future endeavours. Again, I thank her for her patience—I think that 'patience' is a good word—and service to this parliament.

The Hon. J.M.A. LENSINK: I rise in shock, horror and disappointment because I was not aware before this evening that Ms Noeleen Ryan was to be departing from the service of this esteemed chamber. I endorse all the comments made by the previous speakers. Noeleen is a unique individual. She possesses a unique sense of humour, which is greatly appreciated, and she has done a great service to this chamber. We wish her well in all her future endeavours, and we will miss her greatly.

The Hon. SANDRA KANCK: Like the Hon. Ms Lensink, I knew nothing about this until about 10 minutes ago, so I too am in a state of shock. I remember when Noeleen took over dealing with travel that I was so utterly impressed by the rapidity with which she dealt with issues that I think on the first occasion I went out and bought her flowers because I was so overwhelmed by it. However, I soon came to accept it. It was not that I did not appreciate Noeleen's efforts; it was just that it would have been very expensive to buy flowers every time she got it right; I would have been bankrupted. I very much appreciated Noeleen's quiet wit, and I hope that we still do get to see her from time to time and that, whatever she is doing, she will come in to check us out to make sure that we are behaving.

The Hon. J.M.A. Lensink: And to laugh at us.

The Hon. SANDRA KANCK: Yes, I often think that she must be laughing at us, but she is always incredibly diplomatic. I would certainly welcome her dropping into my office any time.

The Hon. NICK XENOPHON: I, too, join with my colleagues in wishing Noeleen Ryan all the very best. Unlike the Hon. Sandra Kanck and the Hon. Michelle Lensink, I have known about Noeleen's leaving this place for a few days; however, I am still in a state of shock. I think Noeleen's impeccable professionalism is beyond question, and she will be sorely missed. I think this place will be the poorer without her, but she may not necessarily feel the same way about us! With those words, I wish her all the very best.

The PRESIDENT: I would like to say a few words, but before I do I would like to say that I am certainly glad the Hon. Mr Ridgway is still getting country newspapers sent to him that indicate that I am still going to the bush. I wish the chamber staff, Hansard, the Library and the catering staff all the best, and I hope they have a safe and healthy break. Likewise, I also wish all members a safe and healthy break. Yes, Noeleen, we are very sad to see you go. I know what a very hardworking person you are, and I know that you often beat the cleaners into this place. When I was living in Clare, I used to come in here very early in the morning sometimes, and Noeleen was always here. So, she spent long days in

here. I know there are rumours going around about the reason Noeleen is leaving. One reason is that she has been employed by the Art Gallery and will be in charge of expensive painting repairs, but I do not know whether there is any truth in that rumour.

There is another rumour that Noeleen is going to take up bookmaking at the Melbourne Cup Carnival or that she is going to be a television tipster for the carnival. Of course, there is another rumour that she is going to join the family business and, if that is the case, we wish her the very best in that and we hope she has a very successful business. However, the rumour I believe to be true is that Noeleen is to become a Port Power trainer. It has always been her wish to be a trainer at the Port Power Football Club, although I know that since Mattie Primus retired she is not as keen on the club as she used to be. However, whatever you do, Noeleen, we wish you all the best. I have really enjoyed knowing you and working with you, and I thank you very much.

Motion carried.

At 11.10 p.m. the council adjourned until Tuesday 11 September at 2.15 p.m.