LEGISLATIVE COUNCIL

Wednesday 24 October 2007

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:17 and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.M. GAZZOLA (14:18): I bring up the 9th report of the committee, being the annual report for 2007.

XENOPHON, HON. N.

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:18): I seek leave to read a ministerial statement that was just given by the Premier in another place.

Leave granted.

The Hon. P. HOLLOWAY: As the statement relates to the constitutional requirements for filling the casual vacancy in the Legislative Council, I believe I should read it out here. The Premier stated:

Yesterday I informed the house that the government will act in accordance with its legal advice in relation to the filling of the casual vacancy caused by the decision of Mr Nick Xenophon to prematurely quit the Legislative Council.

I will turn to the legal advice the government has received in a moment. In essence, what it says is that to nominate an eligible candidate to fill the vacancy the No Pokies Campaign must establish, amongst other things, that it is a political party, that it endorsed Mr Xenophon as a candidate for the 2006 election, that it publicly recognised that endorsement and, importantly, that Mr Xenophon represented himself as the endorsed candidate of the campaign.

I informed the house yesterday that I had not received a letter from Mr Xenophon, the No Pokies Campaign, or the mooted replacement, anti land tax campaigner, Mr John Darley, about the replacement. Following my statement I received a letter from Mr Xenophon, originating from his legal practice. He repeats his public statement that Mr Darley is his preferred replacement. If, by that letter, Mr Xenophon purports to satisfy the requirements of the Constitution Act then he has completely failed. As a practising lawyer he should know better. Certainly, his public statements immediately following the March 2006 election suggest he knows more than he is now prepared to acknowledge.

On Monday 20 March 2006, two days after the election, when asked who would fill the casual vacancy if something should happen to his running mate Ann Bressington, Nick Xenophon said this on Radio 891:

'It's a very interesting constitutional point...it's unprecedented so I don't know what the answer is. It's being looked into. Because I am not a political party it raises all sorts of issues as to what will happen. Hopefully nothing will happen to Ann in the next eight years and nothing to me.'

In that exchange Mr Xenophon disclosed the complexity of this constitutional issue and, in particular, the relevance of party status in the selection of a replacement. Mr Xenophon makes no mention of that matter in his letter to me yesterday. Nor does he purport to act with the authority of any party or the No Pokies Campaign itself.

As I have indicated, an eligible nomination can only be accepted by the joint sitting of the houses if Mr Xenophon has publicly represented himself as the endorsed candidate of the No Pokies Campaign operating as a political party. Satisfying this requirement may prove difficult to reconcile with Mr Xenophon's public mantra that he is an Independent. For example, on election night in March 2006, in relation to the election of Ms Bressington and the issue of political parties, he said that his party room meetings would be when he was shaving in front of the mirror. He confirmed that view on ABC Radio on Monday 20 March 2006, when he told ABC listeners that that would not change 'because Ann Bressington ran on my ticket, but we are Independents'. Certainly that view was persuasive with Ms Bressington. She told the *Weekend Australian* of 25 March 2006 that Mr Xenophon had asked her and anti-tax lobbyist John Darley to join him on the ticket simply so the Xenophon name would appear above the line on the voting card.

Ms Bressington also told *The Advertiser* of 20 March 2006 that the two would remain independent. She went on to say, 'Nick is so anti party politics'. Mr Xenophon himself in the same article expressed that he would remain independent, regardless of the number of seats he won. He said, 'I'm never going to change from independent. I'm never going to be a minister and I will never join any party.' A widely circulated political pamphlet distributed by Mr Xenophon for the 2006 election was personally authorised by him. In it he refers to himself as an Independent. There is no acknowledgement that he is endorsed by the No Pokies Campaign acting as a political party. Election advertisements are likewise authorised personally by Mr Xenophon, care of his legal practice address. I table a copy of the pamphlet and advertisement for the information of honourable members.

Campaign donations are sought for a campaign in his own name. It would appear Mr Xenophon wants to have his cake and eat it too. When he considers there is electoral advantage to assert his independence, he does so at every opportunity. Now, when he has decided he has outgrown our parliament and he wants to appoint his successor, he pretends to have some authority to nominate his preferred candidate. It is clear from his previous

public statements that Mr Xenophon, a lawyer, knows the nomination must come from a political party. The parliament and the public have a right to know whether Mr Xenophon is making this nomination as a representative of a political party. If so, where is the evidence to satisfy the requirements of the Constitution and, if so, what does this say about his so-called independent campaign for the Senate?

To date I have not been approached by any person or organisation to demonstrate the right to nominate an eligible candidate to fill the casual vacancy. Obviously it will be preferable to resolve this issue before the joint sitting of the houses rather than the sitting itself. The government does not want to see the situation descend into a constitutional crisis or fiasco or give opportunistic politicians the forum for political stunts.

I am advised that the nomination and selection of the replacement is justiciable, that is, it can be challenged in the Supreme Court of South Australia. It is therefore imperative that the filling of the casual vacancy be done properly and in accordance with the law so as to avoid a legal challenge that would only serve to undermine the integrity of the Legislative Council. I have written to Mr Xenophon, inviting him to place before me any relevant material, including whether he is acting on behalf of a political party, so that I may give my full consideration to whether his nomination falls within section 13(5) of the Constitution Act. I await a responsible and properly presented approach with anticipation, and a commitment to act in accordance with the Constitution, the law and relevant conventions.

I now turn to the constitutional requirements for the filling of a casual vacancy in the council. Section 13(1) of the Constitution Act makes clear that the person to be chosen to fill a casual vacancy in the Legislative Council is to be selected by an assembly, that is, a joint sitting of members of both houses of parliament. It will therefore be necessary to conduct an assembly to select the replacement for Mr Xenophon. That assembly must be conducted in accordance with section 13(4).

Section 13(4)(a) provides that the assembly shall meet at a time and a place fixed by proclamation. Thus, the Governor will determine the time of the assembly. I am advised that the assembly should be convened as soon as reasonably practicable having regard to all relevant considerations. In other words, the assembly should not be unduly delayed nor need it be unduly rushed. It may be delayed if some good reason exists but not for an excessive period. In practice, that means the time will be determined by cabinet.

As I have indicated, it is my intention to recommend to the Governor a date prior to the federal election. That, of course, will be subject to resolution of the issue of who is eligible to be nominated. Any question before the assembly is to be decided by a majority of the votes cast by the members actually present at the meeting. Each member present at the assembly, except the person presiding, has one deliberative vote; the presiding member has a casting vote.

Section 13(5) requires that where the member who has resigned was at the time of his or her election 'publicly recognised by a particular political party as being an endorsed candidate of that party and publicly represented himself or herself to be such an candidate' the person chosen by the assembly to fill the vacancy shall, unless there is no member of that party available to be chosen, be a member of that party nominated by that party to occupy the vacancy.

Members interjecting:

The PRESIDENT: Order! It is a very important matter.

The Hon. P. HOLLOWAY: I think I should read that again, as follows:

Section 13(5) requires that where the member who has resigned was at the time of his or her election 'publicly recognised by a particular political party as being an endorsed candidate of that party and publicly represented himself or herself to be such a candidate' the person chosen by the assembly to fill the vacancy shall, unless there is no member of that party available to be chosen, be a member of that party nominated by that party to occupy the vacancy.

I am firmly advised that, before section 13(5) can govern the process, the relevant political party, rather than Mr Xenophon personally, must nominate Mr Darley (or another of its members) as his replacement. I am also advised that, before making a decision to support a candidate nominated by that party, the government should satisfy itself that there is sufficient evidence that the nomination is within section 13(5); that is:

(a) whether at the time of the 2006 election the No Pokies Campaign Inc. (or some other relevant group) was a political party, albeit not registered as such, on the basis that it had amongst its objects the promotion of the election of candidates endorsed by it;

(b) alternatively, whether at the time of the 2006 election the No Pokies Campaign (or some other relevant group) was a political party, albeit not registered as such, on the basis that one of its activities was to promote the election of candidates endorsed by it;

(c) if the answer to either (a) or (b) is 'yes', whether Mr Xenophon was the endorsed candidate of the campaign (or some other relevant group) for the 2006 election;

(d) whether the campaign (or the other relevant group) publicly recognised that fact;

(e) whether Mr Xenophon publicly represented himself as the endorsed candidate of the campaign (or the other relevant group) at the 2006 election. He should be specifically asked to reconcile any such claim with his frequent use of the label 'independent'; and

(f) whether the person now recognised by the campaign (or the other relevant group), whether Mr Darley or someone else is, currently a member of the campaign or relevant group.

I am advised that Mr Xenophon was nominated by a registered political party under section 53 of the Electoral Act 1985. I am also advised that the No Pokies Campaign is not a registered political party under Part 6 of the Electoral Act. For that reason, Mr Xenophon had applied under section 58 of the Electoral Act to be grouped together with other candidates on the ballot paper. The effect of section 58 is to permit Independent candidates to group together so as to obtain the benefit of 'above the line' voting. Section 13(5) of the Constitution Act does not refer to registered political parties. It simply refers to 'a particular political party'.

I am advised that the term 'political party' is defined in section 4 of the Electoral Act to mean 'an organisation of which an object of activity is the promotion of the election to the House of Assembly or the Legislative Council of candidates endorsed by it'. I am advised that the section 4 definition accurately reflects the meaning intended in the Constitution Act. Adoption of the same meaning also enables the Electoral Act and the Constitution Act to operate as a coherent legislative package. Moreover, the definition also reflects the ordinary meaning of the term 'political party'.

On that point, I leave you with Nick Xenophon's own words on Radio Station FIVEaa on 20 March 2006, two days after he was re-elected for his second eight-year term. Mr Xenophon said: 'We're not a party, I've never been a party, I'm an Independent.'

I now table a pamphlet and electoral advertisement for the 2006 election authorised by Mr Xenophon in his personal capacity.

SANTOS

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:31): I table a copy of a ministerial statement relating to the Santos shareholding cap made today in another place by the Premier.

NORTHERN EXPRESSWAY

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:31): I lay on the table a copy of a ministerial statement relating to the Northern Expressway land acquisition made earlier today in another place by my colleague the Minister for Transport.

QUESTION TIME

SA WATER BUILDING

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:31): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about South Australia's first six-green-star rated building, being the SA Water building.

Leave granted.

The Hon. D.W. RIDGWAY: Today the Premier issued a press release entitled 'South Australia's First 6 Green Star Rating Announced', which states:

SA Water's new headquarters under construction in Victoria Square has today been granted 6 Green Star Rating—the first building in South Australia to gain such a ranking.

He then goes on to talk about a number of the attributes of this green-star building, including an on-site cogeneration plant to decrease peak electricity; 100 per cent fresh outside air under most seasonal conditions, promoting a healthier work environment; and a range of others. However, one in particular that was of interest to me was the collection of rainwater 'and treatment of the building's sewage for reuse in toilet flushing'. This particular aspect has cropped up on a number of occasions in press releases on the Sensational Adelaide website, and on Adelaide's premier development construction site it talks about recycling and treatment of waste water for irrigation and external landscaping. In its detailed report to the Public Works Committee (which I will not go through in detail), it talks about the environmental benefits of this project and it lists a number of them, including the use of class-A recycled water for toilet flushing, irrigation and cooling towers.

On the website of the Premier and Cabinet of 28 November 2006 it again talks about all the benefits and the use of recycled water for toilet flushing and the use of waterless urinals. As the minister and a number of members know, I have spent a lot of time discussing construction matters with the building industry and, in fact, some weeks ago I caught up with a number of people, including some involved with this particular project. In particular, we discussed the environmental benefits of it and the sewage recycling. I am sure not everyone in this place has an understanding of sewage, but recycling of sewage from public buildings—

Members interjecting:

The Hon. D.W. RIDGWAY: Members opposite probably have a greater understanding than my colleagues behind me. However, the recycling of sewage from public buildings is an extremely difficult challenge because it does not contain shower water or washing machine water, and so more solids are contained in public building waste water. Then it talks about the use of waterless urinals which further exacerbates the problem. In fact, the advice we have received is that none of the grey water or black water in the SA Water building could be recycled because there would be too many solids in the product. In fact, they were going to be using recycled water piped in from Glenelg. My question is: is the press release of the Premier accurate when it says that they will be recycling the building's sewage for toilet flushing, or is that just another lot of Bottrall spin?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:35): I have had the opportunity of looking at Australia's first six-star building in Swanson Street, Melbourne. The Melbourne council mines the sewage that goes past the building, and that is what is used to supply that particular building. I have also had a look at another six-star building, which is a refurbished building and the headquarters of Szencorp, out on St Kilda Road, Melbourne. I would encourage anyone visiting Victoria to have a look at those buildings. I am very pleased to say that those technologies are now being adopted in this state, and we will have our own six-star building for the first time. I know that the first six-star building cut its water use compared with a similar building by something like 70 or 80 per cent and by a similar per cent in relation to energy consumption. Whether the SA Water building is mining or recycling, or some combination of both, the sewage that goes past—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: I suspect that what SA Water is doing is mining the sewage like the other six-star buildings are doing, but that is a matter—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: I would have thought that members opposite would welcome the fact that we are up there. Australia's very first green star building was opened only about a year ago, on 20 August 2006. The fact that we are now following on from Melbourne, where they have refurbished a building to a six-star rating, is something everyone should be very pleased about. I am not aware of any other such buildings in any other Australian capital. I am certainly very pleased about it. That is why I took the opportunity when I was in Melbourne for a ministerial conference to look at this building, and I would encourage the shadow minister to do likewise. I am sure that people would be pleased to show him around because they are obviously proud of it.

Interestingly enough, because of the improved air flow in these six-star buildings and the fact that they are not as reliant on the sort of airconditioning we have, that is one of the economies of these buildings. It is attractive to tenants because you do not have the sick building syndrome like so many of our buildings. It was interesting to see that the attendance record, certainly over the first 12 months or so, was three or four per cent better than would otherwise have been the case. So, there are productivity benefits from having this six-star rating.

The Hon. D.W. Ridgway: Everyone likes something new.

The Hon. P. HOLLOWAY: Well, it is not just the newness; it is also the fact that, in relation to the airconditioning, you do not have the 'flu going around the building as rapidly as you do with some of the traditional airconditioning systems. I think we should be congratulating SA Water and the state on the fact that we now have our first six-star rated building. Whether it taps the sewage going past the building and recirculating its own, or whatever the source, I am sure that this building, if it is six-star rated, will use about 80 per cent less water than comparable buildings that do not have the six-star rating, and I think we should all welcome that.

GLENSIDE HOSPITAL REDEVELOPMENT

The Hon. J.M.A. LENSINK (14:39): I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about the Glenside Concept Master Plan.

Leave granted.

The Hon. J.M.A. LENSINK: As many honourable members would be aware, a meeting was held for the adjoining residents in relation to the Glenside proposal. In one of her publications

to local residents, the minister has indicated that the master plan (or the actual plan, if you like) will be released in December this year. It was reported on radio this morning that health department officials advised local residents that the government has no money to rebuild the site unless the land is sold, and also that the whole proposal is non-negotiable. My questions for the minister are:

1. Will the minister confirm whether this is the case?

2. Will the minister advise what the point of consultation is?

3. What aspects in the concept plan are negotiable?

4. What aspects of the proposal will actually be left to the City of Burnside?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:40): I thank the honourable member for her most important questions and also for the opportunity to talk about my commitment to the consultation process. Indeed, the state government has earmarked capital funds (which have been previously announced) that will be used as part of the funding for the Glenside reform agenda which I launched some time ago. It outlines the building of a new 129-bed hospital, consolidation of services and, of course, the whole redevelopment of the Glenside precinct into a health, cultural, commercial, retail and housing precinct with a commitment to significant amounts of open space, including wetlands.

To put that into context, the master plan was part of the reform agenda initiated by Monsignor Cappo and the Social Inclusion Board to bring our whole mental health system back into balance through a stepped model of mental health reform and a complete overhaul of the mental health system throughout South Australia—and Glenside is one plank in that. When I launched the Glenside Concept Master Plan I said, at the outset, that we would be consulting about the details of the plan and ensuring that the views of both the local and mental health communities were incorporated into it.

The Concept Master Plan clearly sets the policy priorities for redevelopment. Based on the work of the Social Inclusion Commission and the board, we made a very firm commitment to destigmatise Glenside by opening up the space and replacing the facilities which are currently there (and which were built in an era of institutionalisation and custodial-type care). We have committed to rebuild state-of-the-art, modern mental health facilities and other health facilities there, as well. We want to make Glenside connected to the community and bring the community into the campus for cultural activities, to create opportunities for work, and to be able to live in a near-city location. As I have previously said in this place, the current campus consists of something like 64 buildings spread out across the site, many of them out of date, in poor repair and uninhabitable.

By consolidating the health facilities on the site into a new purpose-built building, we will be able to free up parts of the land for redevelopment and responsibly use the income from that development to help build the excellent new treatment facilities. We would expect funding to come from the previously committed capital expenditure, as well as the income from that development. Of course, I have reminded people before that the reform agenda will result in an overall increase of 86 adult beds across our mental health system. I think it is exciting that the development will include additional residential areas. Many of the neighbours of the current Glenside site live on land which was once part of Glenside Hospital in the past and which was eventually sold for housing.

There are a number of people who are already neighbours and have benefited from such redevelopment in the past and who very much enjoyed living in that close location. The housing development is about helping to contain our urban sprawl and improve social and environmental outcomes. Some people have questioned why we have not yet released the detail of the master plan, particularly for the residential development, for the hospital and for other health facilities. From the very beginning, we said that we will consult clinicians as well as mental health consumers in the design of the new facilities. Our policy brief is that we will have a world-class facility, and we will now be consulting carefully about those details to bring that about.

The design of these facilities will be driven by the models of care currently being designed in consultation with a wide range of experts. Of course, in addition to the consultation going on with the mental health community, I have also instructed the Department of Health to begin a process of consulting with the local community. We have deliberately chosen not to predetermine the outcome of those details—such as the number of entrances to the health facility and other parts of the site, road placement in the residential area and detailed design of the recreational space—before we have consulted with the community. Those are the sorts of things that we have commenced, and

we want the neighbours to that site to have an opportunity to have input into those sorts of decisions.

Part of the process, of course, is gathering information and views from the community. I have asked senior officers to hold a number of community forums aimed at gathering direct input from a wide range of local residents so that they can have their say. The format of those meetings has been designed to ensure that not just the loud voices are heard but the quiet voices as well, and that everyone has a chance to have their say and raise issues of concern, and that, in turn, we have the chance to respond to each of those individual comments and concerns. All of the input from those forums will be fed back to me personally, and I have asked that those views be taken seriously in drawing up the details of the plan as well as in forming the design aspects of the plan.

Consultation for this project began with the launch of the concept master plan. That involved discussions with the staff, unions, non-government organisations, consumers and a wide range of other stakeholders. The community residential listening events were another step in that. I remind members that there will also be, as part of the planning process, a two-month statutory public consultation process, so there will be plenty of opportunity for people to provide further input.

I have also indicated that I would like to establish a community reference group to meet regularly to bring together a number of local community and other stakeholder groups to nominate local residents and other important stakeholders, and I intend to work very closely with that group during the coming months. I hope that the reference group members will provide input and contact for the local community voice to maintain an ongoing dialogue.

Other opportunities we have made available for information and consultation with the community include a range of staff and union meetings, a toll-free information line—which is not just about providing information to people who requested it but it also enables people to feed their views and opinions to us—and a website, Mr President, that I know you are very keen on. This site not only provides up-to-date information but again provides the opportunity for people to ask questions or voice opinions, and suchlike, and we respond to those.

There has also been a communication sheet, and a range of those will go out. I have already met and scheduled meetings with different groups as part of the consultation process: local schools, local councils, professional organisations such as the Royal College of Psychiatrists, the Mental Health Coalition and the NGO sector, including consumers and carers, at the Margaret Tobin awards during Mental Health Week. So, as you can see, Mr President, a very extensive and comprehensive community consultation process has commenced and will continue.

GLENSIDE HOSPITAL REDEVELOPMENT

The Hon. J.M.A. LENSINK (14:51): As a supplementary question: will the minister confirm that the ministerial PAR will exclude the City of Burnside from any decision-making?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:51): The process for the new ministerial DPA (it has been changed) involves an extensive public consultation process. As I said, it involves a statutory two months of public consultation, it requires extensive input and it enables the general public and any other stakeholder to have their say, to raise concerns and to have those concerns met.

XENOPHON, HON. N.

The Hon. R.D. LAWSON (14:52): I seek leave to make a brief explanation before asking the Leader of the Government a question concerning the replacement of the Hon. Mr Xenophon.

Leave granted.

The Hon. R.D. LAWSON: In *The Advertiser* of Friday 12 October it was reported—and it has not been denied by the Labor Party—that it had been having discussions with the Hon. Nick Xenophon about his entering federal politics for at least six months, initially in relation to the Hon. Mr Xenophon's possibly running for the House of Representatives seat of Sturt, which the ALP representatives discouraged him from doing.

The Attorney-General, the Hon. Mr Atkinson, has publicly announced, as is reported in the same journal, that he had discussions with the Hon. Mr Xenophon on 29 September this year. Senior Labor sources are quoted as saying that the Labor Party had been 'working on a strategy on the understanding Mr Xenophon was going to quit the upper house'. The same report, I might

add, quotes the Premier as saying he was 'obviously sorry to see the back of Mr Xenophon'. Just how sorry we saw yesterday, when the Labor Party used its votes to opportunistically deny—

The Hon. P. HOLLOWAY: On a point of order, Mr President: comment is not only wrong but it is also out of order. It is quite wrong; and, secondly, it is out of order. He should not be giving opinion, particularly wrong opinion.

The PRESIDENT: The Hon. Mr Lawson will refrain from opinion.

The Hon. R.D. LAWSON: Thank you for your wise counsel. I understand the sensitivity of the leader and will not tread on his toes. The Premier in a ministerial statement yesterday suggested that one of the reasons the government could not arrange for the prompt calling of an assembly of members was the fact that he had not received written advice from the Hon. Mr Xenophon. My questions are:

1. Is it not the case that the subject of the Hon. Mr Xenophon's replacement has been discussed by ALP officials and ministers over the past few months; and, during those discussions, was the question of the replacement of the Hon. Mr Xenophon discussed with Labor officials?

2. When was the minister made aware of the Hon. Mr Xenophon's intention to resign?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:55): The first I knew that the Hon. Mr Xenophon was going to resign was when he rang me shortly before his press conference, and that is when, I believe, he contacted other members of this place, the Leader of the Opposition, the Premier and the like. I have seen the press reports referred to by the Hon. Robert Lawson. I have also seen the press coverage of the Hon. Mr Xenophon denying that he had had discussions with anybody for more than six months. The only meeting I have seen confirmed by anybody was the discussion that he had with the Hon. Mr Atkinson, which I think the Hon. Mr Xenophon confirmed. The date given for that was fairly recent; it was not six months ago.

The Hon. Robert Lawson can carry on all he likes with his speculation, but the fact is that the Hon. Mr Xenophon's decision to go to the Senate was, obviously, ultimately his and his alone. I do not see how it could be suggested that anybody in this place, anybody in any other party or anywhere else would be encouraging him to go. It is obviously his decision and he is entitled to do that. I am not aware of any discussions at all with Labor officials, other than, as I said, the one discussion that was had—

Members interjecting:

The Hon. P. HOLLOWAY: I mean, all of us in this place have had discussions with the Hon. Nick Xenophon about all sorts of political issues. We know his views on things, and he has a joke about it. I am also aware that there was some suggestion that he would be running for Sturt. I remember the Hon. Mr Xenophon himself telling me how he had made that joke about it at one stage, and I think a number of us around this parliament would have heard him say this, but we all knew that he was just being humorous. We all knew that that was the Hon. Nick Xenophon's sense of humour, and he does have a very good sense of humour. It is a pity that some members opposite do not appreciate that. If this is the best that the Hon. Robert Lawson can come up with, if this is the issue of the day, the major issue facing South Australians, then I feel sorry for him.

XENOPHON, HON. N.

The Hon. R.D. LAWSON (14:57): Minister, is it not the case that, contrary to the statement you have just made, the Hon. Mr Xenophon denied that he had made any deals with the Labor Party but did not deny that he had been having discussions with the Labor Party for the past six months?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:58): That is really a matter for the Hon. Mr Xenophon. As I said, the only meeting that I am aware of, in any way, shape or form that he has had, was that conversation that he had with my colleague the Attorney-General. I very much doubt that he has had any discussions with any party officials or anybody in any detail, other than, as I said, those around the bar conversations about politics that all of us in this place have from time to time.

KANMANTOO MINING LEASE

The Hon. B.V. FINNIGAN (14:58): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question regarding the Kanmantoo mining lease proposal.

Leave granted.

The Hon. B.V. FINNIGAN: I understand that Hillgrove Copper has signalled the next opportunity for economic resources development in South Australia, with a plan to redevelop the 1970s era Kanmantoo copper-gold mine. Can the Minister for Mineral Resources Development inform the chamber about the public consultation process for the Kanmantoo mining lease proposal?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:59): I thank the honourable member for his important question. This state's mineral exploration boom has also seen a resurgence of exploration activity in the Adelaide Hills and in other regions near our developed townships. The Hills and areas to the north and south of Adelaide are part of a geological region of the state recognised as having a very high endowment of metals, precious metals and other mineral deposits and extractive resources.

There is a historical perspective to prospecting and mining in the Hills. In fact the first metal mine in Australia was established shortly after settlement in the late 1830s at the Glen Osmond mines. There are many historical mines in the region considered to be an important early contributor to the development of the local economy and jobs in the fledgling colony of South Australia.

Some of these historic mining sites may well be reborn as a modern contributor to the state's mineral exports. Our modern day explorers are just as committed as were our first prospectors to making discoveries. There is also a good relationship between explorers and mining and extractive operations and their neighbouring communities, simply because it makes good business sense. There is mutual advantage in fostering these relationships. The industry wants communities within which it operates to benefit from the industry's presence. We recognise that mining is also a strong contributor to regional development and regional job creation.

Hillgrove Copper Pty Ltd is pursuing plans to reopen the Kanmantoo copper mine located between Callington and Kanmantoo, within the District Council of Mount Barker. Hillgrove Copper is a wholly-owned unit of Hillgrove Resources, an Australian resource company listed on the Australian Stock Exchange. Hillgrove is focused on developing base and precious metals within South Australia. I am informed that, if the mining operation resumes as proposed, it will initially lead to the spending of $100 million by Hillgrove to develop the site and the creation of 400 jobs in that development stage. This is expected to translate to 200 permanent jobs once the Kanmantoo mine returns to production.

Hillgrove's Managing Director, Mr David Archer, said today that the mining lease proposal at Kanmantoo marks the achievement of a major project milestone and reflects an immense amount of effort contributed by the community, Primary Industries and Resources South Australia, and other South Australian government departments, consultants and the Hillgrove team. Since its beginnings in the Kanmantoo area in the 1840s, this mine has made significant contributions to the South Australian economy. Between the 1840s and 1880s underground methods were used to mine rich copper loads until the 1970s, when a large open-cut mine was developed to access larger lower-grade copper resources.

Hillgrove recently submitted a detailed mining proposal to the Department of Primary Industries and Resources SA in support of its application for a mineral lease for the Kanmantoo copper project. This proposal is to be publicly circulated by PIRSA in the next few days. Hillgrove has been engaging with key community interest groups since early 2004, and formal community consultative meetings have been held since mid-2005. As a result of this process, the Kanmantoo Callington Community Consultative Committee (KCCCC) was formed in early 2007 to ensure continued consultation throughout the lease application process and beyond.

This level of community engagement resulted in the KCCCC making 129 written recommendations to Hillgrove on issues involving flora, fauna, non-indigenous heritage, Aboriginal heritage, noise, processing, visual, socio-economic, mining, air, odour, greenhouse gas, groundwater, traffic, integrated waste, land form and mine closure. The company has accepted

108 of the recommendations in full and 21 in principle, with some modifications, and summarised in its mining proposal how each one of these matters will be resolved.

Among the issues identified during the community engagement process, a number of high risk issues have emerged, including native vegetation clearance, transport routes and water usage. The mining lease proposal document puts forward Hillgrove's views about how risks associated with these and other important issues will be mitigated, controlled and/or managed. One such risk management technique has seen Hillgrove enter into a memorandum of understanding with Mount Barker District Council for the council to supply waste water from the council's effluent treatment facility for mining operations.

Hillgrove will process this water for reuse at the proposed mine site. Formal community consultation on the mining proposal will begin tomorrow on 25 October 2007 with public advertising of the proposal. The proposal will be available for consultation for a period of six weeks, with a closing date of 7 September 2007. During this time any stakeholder may make a written submission on any matters of interest. Issues raised in the public submissions must be fully addressed by Hillgrove. The company is required to lodge a public response document addressing those issues. PIRSA, in consultation with other government agencies, will then undertake a detailed environmental impact and risk assessment of the project before a decision by the state government on the mining lease application.

In other words, the process mirrors closely those of a major development. As I indicated in answer to questions yesterday from the Hons Sandra Kanck and Mark Parnell, the consultation that has been employed at Kanmantoo for this project is a model that we expect other proponents of a similar scale mining project to follow.

KANMANTOO MINING LEASE

The Hon. M. PARNELL (15:05): I have a supplementary question. What is the minister's understanding of how this project will impact on two nationally listed threatened ecological communities, namely, the pepperbox and irongrass vegetation communities?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:05): As I indicated in my answer, native vegetation issues are important, although, ironically, I understand that the vegetation is part of the old mine workings. I understand they are issues of which the company is well aware. Obviously, those issues were raised in the community consultation meetings and will have to be addressed by Hillgrove in its response documents, if it is to be given the mining lease.

NATIVE FISH

The Hon. A.L. EVANS (15:06): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about native fish species.

Leave granted.

The Hon. A.L. EVANS: As the minister and members are no doubt aware, this week is National Water Week—a week to promote the protection and conservation of our precious water resources. In the midst of the present crippling drought, National Water Week takes on considerably heightened significance as we not only consider the protection and conservation of the environment but also ensure water security for our own future and the future of our families and children.

In various waterways in this state—the most significant of which is the Murray River—considerable work has been done to improve native fish stocks. I understand that as we hold back water in the river and cut environmental flows to wetlands, and water levels decrease through evaporation and use for domestic, industrial and horticultural purposes, this artificial manipulation of waterways is generally not favourable to the spawning and population increase of native fish. It encourages the strengthening of introduced species, such as the European carp. Family First supports, first and foremost, water security but we are concerned to ensure that the government is doing everything it can to ensure that the good work that has been done in conserving native fish species is not undone due to the drought. My questions are:

1. To what extent is the current method of management of water resources in our waterways affecting the survival of native species in our waterways?

2. What steps is the minister taking to protect the survival and strengthening of native fish species numbers?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:08): Indeed, the drought is having a catastrophic impact on all aspects of our life and society, not only economically but also socially and environmentally. A continuation of current drought conditions is likely to have a significant impact on native fish species in the Murray-Darling watercourse. Two species of native fish—in particular, the Yarra pygmy perch and the Murray hardyhead—live in the Lower Lakes. High temperatures and no rain are likely to place them in a critically endangered situation. Both species of fish are listed as vulnerable under the Australian government's Environment Protection and Biodiversity Conservation Act.

The Yarra pygmy perch is currently protected under the Fisheries Act, as well. The Murray hardyhead is not protected under the Fisheries Act. Populations of the Murray hardyhead do occur in other parts of Australia, although the population of the Yarra pygmy perch in the Lower Lakes have a distinct genetic line and are in greater abundance than in other areas.

To minimise the impact of endangerment of these species, according to the last report I received, a total of 39 Yarra pygmy perch were translocated from the Finnis River and northern shores of Hindmarsh Island to an off-site holding facility. Further rescue attempts are also being undertaken, bringing the number of fish in captivity up to about 130, I understand. Obviously this is a high risk strategy. However, so far, the fish are reported to be doing well.

DEH has also been developing proposals to safeguard critical habitat and individual populations of several threatened species of fish across the state and is assessing the status of most targeted populations on a regular basis. The Australian broadshell tortoise is also currently listed as vulnerable under the threatened species schedule in the National Parks and Wildlife Act. Conversely, this species could benefit from the drought as receding water levels increase foraging opportunities, with small fish and insects becoming more accessible to those sorts of species. Habitat change, predation on eggs and young by foxes and human interference are having a greater effect on this species than the drought.

A number of strategies have been undertaken to improve the quality of our coastal watercourses, including government investment in the upgrade of the Christies Beach waste water treatment plant to assist in reducing the nutrient load going out to the marine environment; waterproofing the south, which is aiming to increase the use of stormwater and also waste water, therefore reducing discharge to sea; and the Adelaide Mount Lofty Ranges NRM board has put together a task force which is aiming to reduce sediment discharge by Christies Creek into Gulf St Vincent. There are a number of strategies which result in improving the quality of our waters and protecting our fish species, including our native fish species.

FREQUENT FLYER POINTS

The Hon. R.I. LUCAS (15:13): I seek leave to make an explanation before asking the Leader of the Government a question about frequent flyer points.

Leave granted.

The Hon. R.I. LUCAS: The leader will remember that on 17 October I asked him a question about frequent flyer points. It was a relatively simple question about how many frequent flyer points he personally had accumulated from any taxpayer-funded travel and whether or not he had used those frequent flyer points. I think that question had been on notice for some eight months or so. The minister's answer, in part—and I think he displayed an undue degree of sensitivity in relation to the question—

The PRESIDENT: Order! There will be no opinion.

The Hon. R.I. LUCAS: There will be none at all, Mr President, only facts. The minister said:

> The problem with sorting those out is that it is not an easy exercise to determine their source.

He went on to say:

> As I said, when one gets a statement from Qantas, the points are accumulated and all grouped together whether it is private travel or personal—

The *Hansard* report stops at that particular point. As a number of members will be aware and from their interjections at the time, when one looks at the frequent flyer point monthly summary (which was provided to members and the minister) that statement is not correct. The minister then went on to claim:

I know that I am very careful of what points I earn privately and I have only cashed in those frequent flyer points.

The minister indicated that he had cashed in frequent flyer points but he had been very careful and he had only cashed in the frequent flyer points that he had accumulated from his personal credit charge usage. My question is: if the minister continues to claim that he cannot answer the question on notice because he cannot distinguish between points earned through his personal credit card and points earned through his taxpayer-funded travel, how on earth can he assure the parliament by saying, 'I know that I am very careful of what points I earn privately, and I have only cashed in those frequent flyer points.'

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:15): The answer is that, when you get a credit card statement each month, it will give you the number of points accumulated on that credit card. So, if you go back and add up those points for each month, you know what they are. However, on the statement you get from Qantas, you get points from a number of sources. As I said when answering a question the other day, I make sure that my points are within my credit card limit. However, there is also private travel.

I would have to go back over statements for the past five or six years, and these are personal statements; they are not sent to the government office or anything but are sent to me personally. I would have to go back to every trip to, say, Melbourne or somewhere, and determine whether it was a private trip or a government trip. That is the easy explanation. Yes, you can keep tabs, although it is still a reasonably complicated exercise having to go back over a period of some time and, frankly, I have a lot better things to do than to go back and check those details. However, I like to ensure that, if I cash in any points, it is within the total of my private credit card. In relation to other sources, such as private travel that goes on to the total, you would have to go back to the source and distinguish whether or not it was government travel. That is the explanation.

FREQUENT FLYER POINTS

The Hon. R.I. LUCAS (15:16): I have a supplementary question arising out of the answer.

Members interjecting:

The PRESIDENT: Order! I know why it is so hard for people to understand the minister's answers when everyone is talking. The minister was quite clear in his answer last time, and he just repeated that this time.

The Hon. R.I. LUCAS: What is it that the Leader of the Government is hiding in refusing to provide this information, which all federal members of parliament somehow are able to provide?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:17): Well, I do not know whether federal parliamentarians have an arrangement with Qantas to provide on a separate account their particular information; I do not know whether or not that can be done. All I have said is that I have a lot better things to do than to go back over five years of monthly records—there would be 60 or 70 individual records—and divide—

The Hon. R.I. Lucas: When I was a minister I didn't have time for private travel.

The Hon. P. HOLLOWAY: Well, there you are, Mr President; he was obviously too busy himself. The thing is that I do not think that when Rob Lucas was a minister the opposition would have sought to waste his time over such trivial questions. What is clear is that I comply with the guidelines. As I have said, I have well in excess of 400,000 points accumulated.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: My last statement gives a cumulative total. Either the Hon. Rob Lucas believes me or he does not; it does not really worry me. It gives me no grief at all whether or not he chooses to believe me. As I indicated the other day, it would suit me fine if we did not get points for government travel, because I do not use them, anyway. Frankly, all they do is provide fodder for bored people like the Hon. Rob Lucas, who have nothing better to do with their time. Why isn't the Hon. Rob Lucas out helping his federal colleagues? Why isn't he out doing something to help his federal colleagues at the moment? I guess it is because they do not want his help. It shows how highly opposition members are regarded.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: If the—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, no, they aren't actually. They are in their private time.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I am pleased the honourable member has raised that question, because he has said by way of interjection that my staff have been out helping Nicole Cornes. It is true that one of my staff members has a position on her campaign team. As I indicated to this parliament some time back in answer to a question, he assists that person in his private time, in his private capacity. It is a lot different from what happened at the last state election. I would like to refer members—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: As the honourable member raised the issue and raised the accusation—

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: What the question has a lot to do with is the sort of innuendo that—

An honourable member interjecting:

The PRESIDENT: Order! There have been enough interjections. The honourable minister can answer the question in whichever way he sees fit.

The Hon. J.S.L. DAWKINS: On a point of order, Mr President. The minister is actually responding to an interjection which you would, quite rightly, tell him he is out of order in so doing.

The PRESIDENT: Interjections are out of order but, unfortunately, I was not quick enough to rule that one out of order. Not being quick enough to rule it out of order, I will allow the minister to respond to it.

The Hon. P. HOLLOWAY: What is important is that the original question was making innuendos about me, and there was a further innuendo from the Leader of the Opposition in relation to the use of my staff. In the Adelaide *Advertiser* of Friday 5 May 2006, an article by Craig Bildstien (of course, a former Liberal member of parliament in Victoria), entitled 'Liberals "running on empty" in campaign', states:

> The Liberal Party's finances were so bad before the March 18 election, MPs had to send almost 20 of their taxpayer-funded political staffers to the party's head office to run the campaign. In a damning appraisal of the election result, Liberal state director John Burston revealed the party barely raised enough money to 'keep the doors open' at its Greenhill Road offices. He admitted a considerable number of former opposition leader Rob Kerin's staff were seconded to work on the campaign at least seven weeks before the poll. 'At times, there were up to 18 extra staff,' he said in a report in the *Liberal Leader* newsletter out yesterday.

There were Liberal staffers (on the admission of the state executive) who were actually working there in the Liberal Party head office. Any staff who work for this government know the rules and abide by the rules, and any assistance they give is as individuals in their own time.

WASTE MINIMISATION

The Hon. I. HUNTER (15:22): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about waste minimisation.

Members interjecting:

The PRESIDENT: Order! Perhaps the Hon. Mr Hunter will repeat that.

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

Leave granted.

The Hon. I. HUNTER: The government has set an ambitious target to reduce waste to landfill by 25 per cent by 2014. I understand that we have reached the target of 10 per cent already. This has been a great effort by South Australians but, clearly, further effort is required. Turning compostable waste (that is, our garden and kitchen waste) into compost and mulch, rather than sending it to landfill, must become a bigger part of the strategy to reduce the amount of domestic waste going to landfill. Will the minister inform the council what is being done to encourage the community to recycle more of our green waste?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:23): I thank the honourable member for his important question and his ongoing interest in these very important policy areas. It goes to the heart of how we all need to change our ways to improve the sustainability of our society and reduce our call on precious environmental resources. Getting waste management right is really about getting our resource management right: the less waste we have, the less we have to then manufacture, mine or harvest. A sustainable society (which is what climate change demands we become) is a society that uses all its resources wisely and throws almost nothing away.

Encouraging and educating the community is part of this transition. South Australians have already demonstrated that they are ready and willing to participate in recycling and that they understand its importance. One example is an initiative that I launched today: nearly 10,000 Adelaide homes will be involved in a trial to address the issue of contamination of green waste in household recycling programs. This initiative not only improves recycling but it also has a flow-on benefit as the product (green mulch) helps commercial and residential gardeners reduce their demand for water. I am advised that a good mulching can actually decrease evaporation by up to 70 per cent; in effect, saving up to 70 per cent in water, so it is very worthwhile doing.

The government has established this trial, working with two local councils, Port Adelaide Enfield and Campbelltown, along with the composting industry, the goal being to produce more usable compost which, in turn, can help save water consumption. Contaminated mulch or contamination in green organic bins requires an extraordinary amount of extra work: sifting through the mulch to remove those materials so that it can be used as mulch. So, green waste recycling is already phenomenally successful, with nearly 900,000 bin-loads of garden organics being collected each year from South Australian homes. What holds the success of this program back is people putting the wrong materials in the green bins, usually through a lack of awareness. I believe that most people would like to do the right thing given the opportunity.

A survey on what goes into the bins has started in Campbelltown, and it will be starting in the Port Adelaide Enfield Council next week. Problem materials that have been identified include plastic bags and plastic plant pots, as well as some more surprising material, like a child car seat and even cutlery. Today, I also saw a toilet cistern included in the green waste. What people might not understand is that they can contaminate an entire truckload of green waste by putting some materials into their green bins, even small amounts.

The educative element of the initiative is to provide stickers for the bins in those council areas to remind people of what is and is not acceptable to put in green bins. A letter and brochure is also provided to the participating households, and I am confident that, as we get the message clear for householders, we will see an increasingly clean green waste that will assist our composting industry, reduce our demand on landfill and result in better water-absorbing material in our gardens.

VICTORIA PARK REDEVELOPMENT

The Hon. M. PARNELL (15:28): My questions are to the Minister for Environment and Conservation about the Adelaide Parklands:

1. If, as expected, the Development Assessment Commission approves the construction of a corporate facility or grandstand in Victoria Park tomorrow, will the government introduce special legislation to override the newly elected Adelaide City Council's likely opposition to granting a lease for this contentious facility?

2. If such legislation is proposed, how is that consistent with the principles set out in the Adelaide Parklands Act which was passed just two years ago, namely, that state agencies and authorities and the Adelaide City Council should actively seek to cooperate and collaborate with each other in order to protect and enhance the Adelaide Parklands?

3. Will the Adelaide Parklands Authority be consulted before any bill is introduced and, if not, what is the point of having an Adelaide Parklands Authority if arguably the most contentious and controversial proposal for the future of the Parklands—

The PRESIDENT: Order! Just ask the questions. You did not seek leave to make an explanation.

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:29): As the honourable member well knows, this matter is before the Adelaide City Council, and the state government will watch with great interest to see the outcome of that decision.

POLICE HOUSING

The Hon. T.J. STEPHENS (15:30): I seek leave to make a brief explanation before asking the Minister for Police a question regarding regional police housing.

Leave granted.

The Hon. T.J. STEPHENS: I was recently fortunate enough to attend the state AGM of the South Australian Police Association. A number of police officers raised with me the incredibly important issue of subsidised housing to attract police officers back to country South Australia. On a number of occasions over the past 12 months I have raised with the minister the lack of police numbers in regional South Australia. It was brought to my attention that the Port Pirie police station is now 27 per cent down on complement. Given that the minister has had a more than adequate amount of time to consider police housing subsidies, what action is he about to take to ensure that we can get police back into country South Australia?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (15:31): At the annual general meeting of the Police Association, which the honourable member attended, he would have been aware that, when the Treasurer announced the new enterprise bargaining offer the government had made, a number of elements in that new remuneration package for police were specifically designed to make it more attractive to get more police into hard to fill positions.

As I understand it, while I accept that the issue of accommodation is important and very significant, by agreement that was not part of the enterprise bargaining that took place. Nevertheless, I concede that it is an important issue, and it is something the government will be looking at separately. In relation to some of the hardest to staff areas of all, such as the APY lands, with some significant assistance from the commonwealth government—which I have acknowledged in this place—we will be able to provide some new housing for police officers in Amata and Pukatja. Also, because of the fire in which the police station was burnt down in Yalata, we will obviously be replacing some housing there and looking at upgrading it.

More generally, yes; police housing is important. The government is addressing it in a number of other ways through enterprise bargaining to make it more attractive for police officers to go to hard to fill stations, and we will be looking at police housing. It is actually in the portfolio of one of my colleagues, but I assure the honourable member who asked the question that I will be doing everything possible to ensure that we improve to the maximum extent we can the attractiveness of police housing in remote and hard to fill locations.

ANSWERS TO QUESTIONS

SOLID WASTE LEVY

In reply to the **Hon. J.M.A. LENSINK** (7 June 2007).

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health): I have been advised that:

1. Since the creation of the EPA as an independent authority in July 2002, the EPA has collected approximately $51.7 million from the solid waste levy. The waste levy, however, has been in place a lot longer than that and has been used to fund various waste management programs including Recycle 2000, the waste management committee and the EPA as a former Division of the Department for Environment and Heritage.

The annual collections from the solid waste levy since 2002-2003 are as follows:

	Total $000	2006-07 Approx. to end May $000	2005-06 $000	2004-05 $000	2003-04 $000	2002-03 $000
EPA	51,696	10,350	11,528	12,107	11,580	6,131

Figures for funds collected prior to 2002 are not readily available.

Since 2003-2004, when Zero Waste SA (ZWSA) was created as an independent authority, 50 per cent of the waste levies collected by EPA have been transferred to ZWSA.

2. ZWSA has expended approximately $20 million to the end of May 2007 on programs to promote waste management practices that, as far as possible,

(a) eliminate waste or its consignment to landfill; and

(b) advance the development of resource recovery and recycling.

The Environment Protection Authority has used 50 per cent of the waste levies collected to support the administration and enforcement of the Environment Protection Act by the following;

- Developing, drafting and reviewing environment protection policies;
- Providing control and minimisation of pollution and waste;
- Conducting compliance investigations and provision of environmental monitoring and evaluation programs; and
- Provision of advice and assistance regarding environmental management practice.

HAZARDOUS HOUSEHOLD WASTE

In reply to the **Hon. A.L. EVANS** (6 June 2007).

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health): I have been advised that:

1. The Zero Waste SA household hazardous waste and farm chemical collection program is carried out in concert with local councils. Since the program commenced in March 2004 and up to December 2006 over 681 tonnes of unwanted material had been received from 12,471 people in 44 regional and metropolitan councils.

While local councils provide a collection site and staff to assist on collection days, the facility is not restricted to residents of the council area – it is available to anyone who needs to dispose of chemicals.

Local councils are responsible for the marketing and advertising of the program while Zero Waste SA takes responsibility for removal and safe disposal of the waste. Zero Waste SA has contracted a professional marketing company (Jon Lamb Communications) to assist councils to manage the publicity and media component of the program.

Council residents are notified by way of advertisements and articles in the local press, a flier is delivered to every household, and posters advertising the collection are displayed at prominent locations around the council area (eg libraries, supermarkets etc) notifying residents of the date, location and opening hours of the collection and what types of materials will be accepted. Other forms of advertising include articles in school newsletters, on local radio, and in council newsletters and on council websites.

Information is also available on the Zero Waste SA website including dates, locations and opening times of collections, types of waste that will and will not be accepted at the collection points, how to safely transport chemicals, and alternatives to hazardous products.

2. The operation of the Dry Creek depot will be re-evaluated as part of a review of the Zero Waste SA household hazardous waste and farm chemical collection program that commenced in July 2007.

3. The review of the Zero Waste SA household hazardous waste and farm chemical collection program will consider all options for the safe disposal of hazardous household waste.

MATTERS OF INTEREST

COMMUNITY EVENTS

The Hon. B.V. FINNIGAN (15:33): I rise to speak briefly on a number of functions and briefings I have recently attended in the community. On Thursday 20 September I attended the dinner for the Third Regional Multicultural Conference at Casadio Park in Mount Gambier. Present was the Hon. Rory McEwen, the member for Mount Gambier and Minister for Agriculture, Food and Fisheries, looking well after his recent illness; and Peter Ppiros, the Deputy Chairman of the Multicultural and Ethnic Affairs Commission was also there, along with a number of other dignitaries.

The Regional Multicultural Conference was a bringing together of a number of multicultural networks within regional areas for a conference in Mount Gambier of which the dinner was part. It was pleasing to see so many representatives there from multicultural networks around South Australia, particularly from the Mount Gambier area and also many others. I was especially pleased to meet a number of members of the various African communities, including some from Liberia and also a couple from Botswana, who are working in Mount Gambier at the hospital and the local school. It was very pleasing. Particularly given the disgraceful slurs that have been made against people from African communities recently by the federal government, it was pleasing to meet with members of the African communities and see what contribution they are making to the community in South Australia.

The dinner was held at Casadio Park in Mount Gambier, which is the location of the Italo Australian Club, and I mentioned there a little about the late Anthony Casadio who was killed in Vietnam and after whom the park is named. I will be saying a bit more about that next year when it is the 40th anniversary of his tragic death.

On Wednesday 26 September, I attended a briefing hosted by the Speaker. The speaker was Mr Hugh Evans, who is the Founder of the Oaktree Foundation, a very impressive young man. He has founded this organisation, The Oaktree Foundation, and I assume that is a reference to acorns growing into mighty oaks. I know quite a number of people who are involved in The Oaktree Foundation, who I have met at Make Poverty History fora and other events. Mr Evans is certainly quite a dynamic young person who has put together this organisation, which has a lot of young members involved in anti-poverty campaigns and in other very noble and useful exercises and work in the community.

On Tuesday 2 October, on behalf of the Hon. Michael Wright, the Minister for Industrial Relations, I attended the 30th anniversary dinner for the Construction Industry Long Service Leave Board. As you probably know, Mr President, in the construction industry, taking into account the transient nature of the industry and the fact that a lot of people are subcontractors, some years ago, in the time of the Dunstan government, a scheme was set up to ensure that those people working in the construction industry have a portable long service leave scheme. The dinner in question marked the 30th anniversary of the Construction Industry Long Service Leave Board.

Also present was the Deputy Speaker and Chairman of Committees, Ms Gay Thompson, who is a former chairperson of the board. Mr David Pisoni, the member for Unley, was there as well. Commissioner David Steel from the Industrial Relations Commission and a number of representatives from employer bodies and employee associations were there as well. Also the Chief Executive of the board, and the Chair, Ms Margaret Sexton was there.

It was pleasing to see that the long service leave scheme of the construction industry has been going for 30 years and it has been a successful scheme. It is a well managed scheme that continues to be viable and ensure that the people in the construction industry receive their long service leave entitlements. I congratulate all of those involved over the years in the Construction Industry Long Service Leave Board, and also those involved in the other organisations I mentioned: the Oaktree Foundation and the various regional multicultural networks throughout South Australia.

ST DIMITRIOS CHURCH

The Hon. R.I. LUCAS (15:38): I rise to speak about the Premier's special appeal, minor grants and community grants fund, which, as I have placed on the record before, a senior manager in the Premier's department said usually pays grants of up to only about $3,000. We understand that it has total funding of a bit over $300,000. We are still awaiting, obviously, information in relation to all of the detail concerning that fund, and I am sure that when all the detail becomes

apparent of some of the grants there may well be a number of matters of significant interest to the members who are interested in proper process in terms of the allocation of funding.

I refer in particular to the grant that has been made to the St Dimitrios Church. I highlighted yesterday, very quickly, that the church in Mr Rann's own electorate wrote a letter to Mr Rann, dated 26 June, asking for a grant towards a building and carpark project costing $430,000.

The Hon. B.V. Finnigan: Beware of Greeks seeking funds.

The Hon. R.I. LUCAS: That is not my view, but it is useful to put that view on the record, and the Hon. Mr Finnigan clearly speaks on behalf of Mr Rann and Mr Atkinson. On the same day, Mr Rann approved the grant and sent a memo to the acting treasurer, the Hon. Mr Holloway, and on the same day the acting treasurer, the Hon. Mr Holloway, approved the transfer of additional appropriation, and that was the subject of some questions yesterday. As a former treasurer, I indicated that it was virtually unprecedented for a grant of almost half a million dollars to be paid in the way that we saw through the Hon. Mr Holloway's processes.

We saw yesterday the government's response in the House of Assembly through Mr Rann and in this chamber through the Leader of the Government, Mr Holloway. When we see the nature of the response—when they are squirming and squealing—we know that we are onto something. The Leader of the Government in this place accused me of a number of things as he normally does: of being sleazy, being a hypocrite, being dishonest and living in the political sewer. I am not taking offence, Mr President: you did not rule it out of order. I happily listened to all of that and the precedent has been established now in relation to what is acceptable, but the best defence he could come up with was, 'You look at the federal government; they're pork-barrelling. They gave some money in the Sturt electorate; Mr Pyne or Mr Turnbull gave some money.'

The Hon. R. Wortley interjecting:

The Hon. R.I. LUCAS: Mr Wortley says that Mr Olsen did—and whatever else. There was no defence of the Premier's processes at all. All they said was, 'But your federal people give grants to people, and that's outrageous; that's pork barrelling', and therefore that is the defence of Premier Rann in relation to this project.

In another place the Premier made accusations that implied racism, that it was an extraordinary attack on the Greek Orthodox Church, that it was a filthy attack on the Greek community and that other ethnic groups will now wonder whether the Liberal Party will target and attack them. Let me make quite clear, as I have done on a number of occasions: the first press release I put out said:

> It is important to note that this statement makes no direct criticism of the church involved, but rather directs all its criticism at Mr Rann and the inadequacies of the processes used in making the grant.

Also yesterday I said:

> As I said to the media, we make no criticism of the church involved. If it can get the money, good luck to it. Our concerns are with the Premier and his processes in relation to this issue.

There was no response from the Premier at all to the substance of the questions being raised. He has done this before: when he is squirming and squealing he launches a counter-attack and tries to browbeat the opposition or the opponent into cowering into giving up on the particular issue. I do not know whether you, Mr President, would vouch for this, but I assure the Premier that I am not a member who will be browbeaten by him, or indeed by anybody. If there are questions of potential breaches of Treasurer's instructions, if the processes are not proper or appropriate, or if there is something the Auditor-General should look at, irrespective of whether it is the Catholic Church (which is my church), the Greek Orthodox Church, the Scouts or whatever, those questions should and will be asked, and nothing the Premier or anyone else says will prevent me (nor should it prevent the parliament) from pursuing those issues.

COMMUNITY SERVICE ORGANISATIONS

The Hon. R. WORTLEY (15:43): I rise to speak about the Association of Community Service Organisations and the Premier's community service awards that I recently attended on behalf of the Premier. The Premier's community service awards are a celebration of the remarkable achievements of service clubs in South Australia. Those clubs recognised for their outstanding efforts include Lions, Rotary, Apex, Soroptimist, Zonta and the Kiwanis. South Australia's service clubs and their many volunteers make an enormous contribution to people's lives, helping out those most in need and truly making a difference in the community.

We have a wonderful tradition of volunteerism in South Australia. South Australia has one of the highest participation rates in the nation, with more than 600,000 of us being active volunteers. Each service club has its fine traditions; traditions developed and nurtured over many years of service to the community. The Lions Club works to answer the needs of challenged communities around the world, participating in a variety of projects important to its communities. Those projects range from cleaning up local parks to providing supplies to victims of natural disasters. The Association of Lions Clubs has provided millions of people with the opportunity to give something back to their communities.

Members of Rotary provide humanitarian service, encourage high ethical standards in all vocations and help build goodwill and peace in the world. As signified by its motto, 'Service above self', Rotary's main objective is service in the community, in the workplace and throughout the world. Members of Apex work together to service their community's greatest needs by promoting service, fellowship and community spirit. The Soroptimist International Club of the South West Pacific is one of the four federations in the world's largest classified service organisation for business and professional women. Soroptimists are executive women of all ages, culture and ethnic groups who work through a program of service to make a difference to women throughout the world.

Zonta selects, funds and participates in community projects, as well as supporting the work of the international foundation. Zonta selects service projects in various countries to benefit the legal, political, economic, educational, health and professional status of women around the world. Kiwanis are volunteers changing the world through service to children and communities. Kiwanis members help shelter the homeless, feed the hungry, mentor the disadvantaged and care for the sick.

The Premier's Community Service Awards highlight and acknowledge some truly outstanding cases of people and projects making a real impact and delivering great long-term benefit to their community. Volunteers are vital in all aspects of community life, including in schools, hospitals, sports and recreation, and emergency services. Volunteers are our communities' most valuable members. They are vital to the strength and vitality of our society. The South Australian government is committed to supporting and developing the community sector. The importance of volunteering is reflected in South Australia's Strategic Plan. The plan not only sets out many economic targets but also contains many targets which are aimed at improving individual and family wellbeing by building strong supportive and inclusive communities.

In a brand new initiative to enable volunteering to flourish, $200,000 worth of funding will be offered to local councils to set up volunteer resource centres in their areas. These centres will provide referral services and a central hub for volunteers. The funding will also provide free training opportunities for volunteers and volunteer managers, empowering them to learn new skills to share with their communities.

Programs, such as the Community Voices program, give screen studies students at Flinders University the chance to work with volunteer organisations to produce promotional and training videos, and the government's partnership with the School of Communication at the University of South Australia allows students to work with community groups to create free websites. These programs benefit both students and community groups. They provide students with real life education and provide community groups with the knowledge to operate more effectively. Volunteers are our communities' most valuable members. Without them our communities would not survive.

WORK FOR THE DOLE

The Hon. J.S.L. DAWKINS (15:47): I rise to speak about the Australian government's Work for the Dole program, in particular the winner of the Prime Minister's Award for Best Work for the Dole Supervisor, Mr David Garrard. UnitingCare Wesley Port Adelaide (UCWPA) has been running Work for the Dole activities since the initial pilot program in 1997 and is the major provider of the Community Work Coordinator (CWC) service in the South Australian metropolitan area. Mr Garrard was nominated by the Marketing Manager of Work for the Dole—Community Work, Nunzio Giurastante, with the approval of the Employment Services Manager, Tony Collins. Both are employees of UCWPA. One of the projects that Work for the Dole runs is where unemployed job seekers are placed with small not-for-profit organisations that act as hosts and provide work experience for one or two job seekers.

In 2004, Work for the Dole approached DKArtz2Muzic Centre in Salisbury East to see whether it was able to act as a host site. The centre agreed and in a short time it became clear that

there was potential for it to support more than one or two job seekers. In discussion with David Garrard at DKArtz2Muzic, Work for the Dole outlined the benefits it could provide as a sponsor, especially in the production of videos and digital photography, which would provide a variety of skills for those taking part. David was enthusiastic about the project and Work for the Dole suggested that the centre produce a video on the various projects being run by Work for the Dole providers.

The resultant video, which was such a success and which was made so professionally, was distributed to CWCs throughout the country, as well as the Department of Employment and Workplace Relations. David went on to make videos on the City of Salisbury and Port Adelaide, which were widely distributed to schools and community organisations. Later projects in which David was involved included a video record of the charity walks undertaken by Vietnam veterans. David was also involved in digital photography.

Work for the Dole arranged for David and his team of job seekers to visit the aged care centres of UCWPA and take photographs of those residents wishing to take part. These were then digitally enhanced at DKArtz2Muzic, framed and presented to the residents. This was a great source of interest and joy to the residents, who were able to present the photographs to members of their family. David was always looking for ways to improve the work experience opportunities for job seekers and each project (which normally runs for six months) was an improvement on the one before.

The variety of work experiences included hospitality, catering, computer refurbishment, upholstery, lighting and stage, carpentry, music and recording. As David has both building and electrical trades qualifications, he recognised that there was an opportunity for employment with the introduction of the safety tagging and testing requirements for electrical appliances. The level of skills and knowledge required is not high, but it offers an introduction into the industry and may encourage job seekers to take up further training opportunities and improve their employment potential.

David sponsored another project covering the refurbishment of computers and trained the job seekers on that activity, as well as the electrical safety tagging and testing. In order to provide the job seekers with work experience in the tagging and testing, Work for the Dole arranged with another sponsor, St Vincent de Paul, to undertake the tagging and testing of all their retail outlets. This was a significant cost saving to St Vincent de Paul and provided the valuable work experience needed. To ensure that he was providing first-class training to his job seekers, David and his supervisors, including his wife Deborah, obtained the certificate IV in training and assessing. This is now opening up the potential for additional training activities to be carried out by David and his team to further improve the skill levels of those job seekers who work with him.

The valuable contribution that David has made to the Work for the Dole program and his enthusiasm, personal efforts and passion to help others less fortunate was recognised by the presentation of the Prime Minister's award for best Work for the Dole supervisor at Parliament House earlier this year. The benefits of the Work for the Dole community activity are endless as it prepares young people for the workforce and gives them the skills and knowledge to excel in their chosen career path. As well as David, UnitingCare Wesley Port Adelaide had two other nominees in the awards: Jillian Wallis, who received a highly commended award under the most outstanding participant category; and the Community Gifts to Children program received a highly commended award under the best community activity category.

MURRAY RIVER IRRIGATORS

The Hon. A.L. EVANS (15:52): I rise to speak on the plight of our irrigators in the face of the current crippling drought. Prices for purchasing water from the Murray-Darling Basin for irrigation use have risen from the usual level of about $250 per megalitre to as much as $1,500 per megalitre—a sixfold increase. The information I am hearing from our constituents in irrigation areas is that they are being driven to the wall by the drought. The wealthier irrigators, who can afford the quadruple water prices, can pay to keep their crops alive. As an aside, I have heard that dairies in the eastern states are profiting from selling their water to South Australians and using their huge profits to buy hay instead of watering their pastures.

Presently, the state government is allowing irrigators 16 per cent of their usual water allocation which, for some, means that they will not be able to keep their crops alive. The devastating impact of this cannot be understood fully unless we appreciate the time it takes for new plantings to move to full production. If the trees, vines and other plants die, the irrigator faces a

number of years before any crop is yielded, and even then it is a few years after that before the crop comes into full production—years of delay that many of them simply cannot afford.

On the subject of the present 16 per cent water allocation for Murray irrigators, I note that the Minister for Water Security's counterpart in New South Wales recently increased allocations from the Murrumbidgee River from 60 to 75 per cent. The Murrumbidgee is a major upstream tributary of the River Murray which, on last reports, saw 150 megalitres flowing past Balranald, which is one-tenth of what flowed past Blanchetown in the same period.

So, the Murrumbidgee is a significant tributary to the Murray system. Not surprisingly, the minister's news that the allocation was to be increased was received with jubilation by the local media, with one local irrigator representative saying this 'could see virtually all high security farmers at full production'. The picture for South Australian irrigators is starkly different. In the Goulburn River system, another more significant tributary, allocations were raised at the start of this month to 23 per cent. I have not found out how much of an allocation Queensland's cotton and rice growers have received, and I hope for our sake that they are not in a similar boat to those on the Murrumbidgee.

The Age newspaper reported last month that federal agriculture minister Peter McGauran, when he was speculating about who may need to take up the federal government offer for money to walk off the land, mentioned South Australian irrigators. He said:

> ...uneconomical blocks in the Sunraysia grape and citrus area in north-west Victoria and south-western New South Wales, and in the Riverland regions along the Murray River in South Australia.

He also said:

> These were a 'legacy of history', with many established for the resettlement of soldiers after their return from World War I or World War II.

In conclusion, it is clear that a lot of South Australian irrigators are facing financial ruin. Family First wonders whether the government has put together projections of the number or percentage of irrigators who will lose their crops this year due to drought and insufficient water allocations. Does the government know how many will go bankrupt and, in any event, how hard that will hit irrigators, their families and communities? We suggest that this summer will be absolutely devastating for these irrigators, their families and for the communities, and we call on the Minister for Water Security to do everything she can for them, especially given so many of them are her own constituents.

FEDERAL GOVERNMENT MINISTERIAL ACCOUNTABILITY

The Hon. I.K. HUNTER (15:57): Today, I rise to talk about the lack of ministerial accountability in the federal government. When the federal Liberal government was elected in 1996, Prime Minister John Howard released his ministerial code of conduct, which outlines standards and practices that were to be maintained at all times. This code was introduced with the promise of ensuring an open and responsible government. The code of conduct stated that 'it is vital that ministers and parliamentary secretaries do not by their conduct undermine public confidence in them or the government'. For the Howard government, this was obviously a non-core promise. The Howard government has now been in power for 11½ years and what have we seen since then? We have seen John Howard's Ministerial Code of Conduct repeatedly tossed aside. First of all, we have seen repeated conflicts of interest, as follows:

- Richard Alston, during his time as communications minister was the beneficiary of a family trust holding Telstra shares.
- Former small business minister Geoff Prosser resigned after it was revealed he was still running three shopping centres.
- Former resources minister Warwick Parer, during the time of his ministry, held large interests in coal and other resource companies. I believe those interests were indeed large; they were around the $8 million mark.
- Former industry minister John Moore, during the time of his ministry, held shares in numerous technology investment companies.
- A large government contract was given to parliamentary secretary Warren Entsch's concrete company.

On top of this, we have seen David Jull, John Sharp and Peter McGauran all made to resign after allegations of travel rorts and cover-ups. But that is just the start. The credibility of the federal government is disappearing faster than ice in the Arctic. We have had 11 years of aspirational goals, mostly honoured in the breach, instead of transparency and honesty. We have had 11 years of hypocrisy instead of accountability, and we have seen special privileges for family members.

Wilson Tuckey lobbied a state police minister on behalf of his son over a minor traffic infringement, and Peter Reith lent his government phone card to his son, who then proceeded to rack up phone bills on the taxpayers' slate. Also, we have seen numerous disgraced former ministers move into high paying industry jobs in areas of their previous portfolio responsibilities. Immediately after he resigned as defence minister, Peter Reith was hired as a consultant to defence contractor Tenix, and health minister Michael Wooldridge signed a building contract for the Royal Australian College of General Practitioners worth $5 million just days before he resigned as health minister and was subsequently employed by—guess who?—the college as a consultant.

However, it is not just former ministers who have become involved in this constant stream of code of conduct breaches. Many current senior cabinet ministers have also been involved in such scandals: Senator Coonan avoided land tax while she was minister for revenue and was later forced to resign from her position on the board of directors of the insurance dispute resolution company she ran from her own home. Employment services minister Mal Brough promoted work education programs that were later revealed to be fundraisers for the Liberal Party. Industry minister Ian Macfarlane was part of a detailed system of rorting that involved GST rebates from fundraisers that he was involved in which were organised by the Liberal Party. Treasurer Peter Costello proceeded to appoint Liberal Party donor, Robert Gerard, to the board of the Reserve Bank even after being informed by Mr Gerard that he was part of a 14-year Australian Taxation Office tax evasion dispute.

We have also seen some outright shonks: Peter McGauran, while acting minister of communications, was unable to remember that he owned 70 poker machines. How can you forget you own 70 poker machines? The list got so bad that the Prime Minister, Mr Howard, dumped his code of conduct overboard rather than lose any other ministers. Finally, we come to the Prime Minister himself with a long list of misdemeanours, whose familiarity with the truth leaves much to be desired—and I may revisit this issue in a few weeks.

The history I have outlined today can hardly be described as the record of an inclusive government, built on integrity and openness, or of a Prime Minister who can proclaim, 'I've got nothing to hide.' Prime Minister John Howard told ABC Radio in 1995:

> Truth is absolute, truth is supreme, truth is never disposable in national political life.

For this Prime Minister, truth seems to have been the first casualty in his large collection of 'ministers overboard'.

PEAK OIL

The Hon. SANDRA KANCK (16:02): The issue of peak oil is one that this government appears not to comprehend and which is reflected in its abject failure to develop a comprehensive public transport plan and in its plans to extend Adelaide's urban growth boundary.

Peak oil is a shorthand description for the point at which all the reserves of oil in the world (both known and unknown) are estimated to have reached their halfway point of consumption. I typed 'peak oil' into the search facility on the Liberal Party's national site and the message came up 'Sorry, no data found'. I went to the Liberal Party's state site and typed in 'peak oil' and none of the offerings that came up were about peak oil. I went to the Labor Party's national website and did the same and the message came up 'The search terms returned no result'. I went further into that website to a section entitled 'Roads, transport and aviation' and came up with about a dozen statements from their federal leader, Kevin Rudd, but it contained diddly-squat about public transport—in fact, it was almost exclusively about roads.

I then I tried the Labor Party's state site and when I clicked on 'news' it took me to the government's website. On I battled, and I typed 'peak oil' into the search facility on the government's website. The page of results that came up for that had absolutely nothing to do with peak oil. For comparison, I checked out my own party's national site and, after typing in 'peak oil', I got 40 different entries about speeches and media releases, which is what I would have hoped to find on Labor Party and Liberal Party websites.

My party's view is that decision-making about transport must be based on the recognition of two crucial environmental limiters: peak oil and climate change. We know that the world's total

recoverable supplies of oil will have reached the halfway point of exploitation somewhere between last year and (if you are an extreme optimist) 2012. Oil is congealed solar energy.

The Hon. B.V. Finnigan interjecting:

The Hon. SANDRA KANCK: Yes, it is contested. You can always get flat earth scientists; they are buyable. Oil is a natural form of carbon sequestration. It took millions of years to be created and, in only 100 years, human beings have used up half of it, and we are using the remainder at a still faster rate, particularly as the economies of India and China create greater demand. Given the lack of information about peak oil on Labor Party and Liberal Party websites, I suspect that most members in this chamber would not understand why this is a critical issue, and so I invite them to consider how dependent we are on oil.

In its various forms we use it to fuel almost all our transport needs: private cars, buses, trucks, trains and planes. Without it, the whole nature of our economy will be forced to change. Businesses that export their products are lauded by government but, as the price of oil goes up—and it will do dramatically as supplies decrease—the cost of those products on world markets will similarly rise, because the price of transport will go up. Businesses that import products will find a similar result. The tourism industry will be hit very hard. It is worthwhile considering that half of the fertiliser applied to our crops is derived from oil. What are we going to do to replace it, and what is the government doing to come up with an alternative? This is an unrecognised but potential disaster in the making.

Today I was talking to a commuter who comes in by train from Gawler. He caught the train at 7am and, by the time he got to Smithfield, there was standing room only. He tells me that it is like this from 7am to 7pm Monday to Friday. Part of the problem is that the platforms for the trains allow only three carriages. So, where is the planning? It is not as if people have not known that peak oil is coming upon us. It was first proposed by an oil geophysicist in 1956. I first became aware of it 20 years ago. Just last month, the former US energy secretary James Schlesinger said:

> The battle is over; the peakists have won.

In an interview with last oil shop.com, he said:

> We are going to face a great difficulty in the near future. Whether or not it is defined as a crisis depends on how you define 'crisis,' but there is difficulty, great difficulty ahead.

It seems that, despite all the evidence, the South Australian government and the opposition will continue dancing on towards the sunset hand in hand, blithely unaware of the reality that faces us. At crisis point, if we are lucky, they just might decide to take some action.

Time expired.

BAIL (DISCRETION) AMENDMENT BILL

The Hon. D.G.E. HOOD (16:07): Obtained leave and introduced a bill for a act to amend the Bail Act 1985. Read a first time.

The Hon. D.G.E. HOOD (16:07): I move:

> That this bill be now read a second time.

Family First is concerned about safety in our community, as I am sure all honourable members are, and we are committed to doing whatever we can to protect families from crime. I have made it a practice to keep close tabs on our courts system over the past several months. Members might also be aware that Family First checks every reported criminal judgment from the South Australian district and supreme courts each and every day; in fact, we have hired a lawyer for that specific task. We also send in frequent FOI requests, and I venture to suggest that the Courts Administration Authority is probably quite sick of Family First by now.

I was alarmed to receive some data back from the Courts Administration Authority about a week ago indicating that there are now some 30,498 court-issued warrants currently active in South Australia. The number is staggering, and that means that, potentially, there is an active warrant for one in every 50 South Australians, on average. I say 'potentially' because, no doubt, there are many offenders with multiple warrants against their name. The number does not necessarily mean that there were 30,000 breaches of bail, because it would also indicate first instance or so-called 'FINS' warrants, which are ordered when SAPOL has been unable to locate an offender. The number would also include warrants for arrest in cases where there has been a failure to pay traffic or court fines.

Some of the warrants are potentially old; in fact, pursuant to section 187AA of the Summary Procedure Act, some warrants can be cancelled only by the Governor after some 15 years. However, a great number of the 30,000 warrants I have mentioned are taken up by people who have failed to attend court in breach of their bail obligations. Data released to me indicates that last year there were some 3,912 convictions for breach of bail and 2,642 estreatments of bail in 2006. Estreatments occur when the bail sum is forfeited to the court due to a breach. Note also that this is the conviction rate; the number of breaches actually charged is much higher.

In the year 2000-01 there were some 2,394 breaches of bail; in 2001-02 there were 2,960; in 2002-03 there were 4,010; in 2003-04 there were 4,612; and in 2004-05 there were 5,729. Alarmingly, *The Advertiser* has reported that last year the number charged has jumped yet again to an incredible 8,202 incidents.

This data shows a continuing trend in the community of disrespect for the authority of our police and the judicial system in general. Clearly, something is terribly wrong, and it is not isolated to the number of bail breaches we are now seeing. Indeed, this is not isolated to our state: it is a trend we see across our nation.

Family First exists because large numbers of South Australians believe that our society is at risk. In the early 1990s our society was threatened with an economic meltdown, and South Australia particularly was dealt a very painful recession. In the early years of this decade we became increasingly threatened by environmental meltdown, and we have begun taking measures to combat global warming, including the Premier's 2050 greenhouse emissions target, which was debated in this place recently.

The next looming threat is to our families and to our society as a whole. How will we function as a society in some years' time if the statistics such as our skyrocketing breach of bail figures continue at their present rates and no-one bothers to turn up to court any more? How will we function as a society when no-one pays their debts any more?

The Advertiser recently reported that there are now an astonishing 480,309 separate outstanding debts owed by South Australians to our Fines Payment Unit. That is just under half a million outstanding unpaid fines in South Australia as we currently speak.

That same problem also extends to the private sector. Indeed, in recent conversations with professionals from the legal field, I was told that in their view some 20 years ago they would perform a service and then send a bill to the client. That does not happen any more in the general sense. Unless they receive money up front for services, they simply do not get paid, on average or in general. Bad and doubtful debt statistics are dramatically on the rise. Indeed, *The Sydney Morning Herald* reported last Thursday an increase of 32 per cent in the past year alone as Australians increasingly borrow beyond their means and no longer feel any obligation to honour those debts.

Since the 1960s Australia's divorce rate has doubled, and in 2006 it stood at 51,375. Our marriage rate reduced by a third over that period and the birth rate halved. Some 41.6 per cent of employed males now work over 40 hours a week. Abortion rates, drug dependence, gambling addiction and suicide have all increased substantially.

Rates of abuse recorded by Families SA have dramatically risen over the past two decades. In 2001-02 some 137,938 children were reported abused or neglected in Australia. I will repeat that number: 137,938 children were reported as abused or neglected in Australia, an increase of 19.5 per cent over the previous year. In the past 10 years the number of people in prison has increased by some 45 per cent. More than 100,000 Australian women are the victims of domestic violence every single year. Each year about 2,500 Australians will take their own life, which is an increase of some 24 per cent since 1988.

Family First believes that our society is in danger of breakdown, because governments everywhere have lost sight of family values. It is quite valid to focus on the economy, and Family First also agrees with the increasing focus on the environment, but if we lose touch with the common values that bind us together as a society we are fighting a losing battle and facing a terrible calamity.

According to a recent survey, some 68.9 per cent of Australians believe that the fundamental values of our society are under serious threat. Family First's core focus is to fight for those values, and Family First is unashamedly socially conservative for that reason. South Australia's dramatic rise in breach of bail offending is part of the larger picture, and Family First is

clearly and vitally interested in ensuring that our bail laws are respected and observed. Any reasonable person must say that action needs to be taken against this dramatic rise in the number of people ignoring and breaching their bail obligations. Indeed, the acting victims of crime commissioner, Michael O'Connell, is on the record demanding changes to the law to reverse the presumption in favour of bail for offenders who have allegedly breached their bail. To use the acting commissioner's words, as reported in *The Advertiser* of 18 November last year:

> If an offender has breached conditions intended to protect victims, then the assumption they should receive bail should no longer exist. The offender should have to prove why they deserve bail again.

Family First wholeheartedly agrees with that statement and its sentiment. We believe that the bill that I present today is quite simple and clear and that it will help to reverse this currently declining situation. Indeed, current section 10(1)(f) allows a bail authority to consider whether an applicant has previously contravened a bail agreement in deciding whether to again grant bail. The amendment will clarify section 10(1)(f) to make it plain that not only previous breaches but also current charges or allegations of breach of bail must be taken into account by the bail authority in deciding whether to give a defendant a further opportunity.

Although Family First understands that some magistrates will informally take current breach of bail allegations into account in deciding the application, this amendment will provide legislative authority for taking that factor into account. We are advised by parliamentary counsel that this move will place a heavier onus on magistrates and other bail authorities to treat ongoing breach of bail allegations much more seriously than is currently the case.

Current allegations for breach of bail remain unproven, and this may explain the current focus on prior proven offending. In this regard, Family First supports the recent statement by the Premier, where he said:

> While alleged offenders who have not yet been convicted are presumed innocent when given bail, frankly, at times, it wears a little thin to see them hauled back before the courts for breaches of bail conditions, only to be bailed again. In my book, these serial bail offenders blow their rights away by their own actions.

Family First wholeheartedly agrees with the Premier's statement. We do not want any more situations like those that occurred in June, where a 17-year old offender, who had some 12 previous breaches of bail and three breaches of bail conditions, was again released on bail. After being granted bail yet again, he was involved in a 140 km/h police chase, where he crashed into another car and killed an innocent 18-year old girl, who simply happened to be driving past. The police minister—and I acknowledge his concern regarding that case—said on the record, 'If you have persistent offenders then the only way the public can be protected is to lock them up.' Again, Family First wholeheartedly agrees.

When we look at Operation Mandrake offenders, I understand that the 49 main offenders targeted have, between them, racked up nearly 1,000 offences and some 130 charges of breach of bail. For how long can that go on? Clearly, something needs to be done. A clear message needs to be sent to the community that our laws and safeguards for the community must be respected. Clearly, they are not being respected at the moment.

I acknowledge that Premier Rann has also recently indicated a desire to re-examine our bail laws and introduce measures in the future. Family First looks forward to working with the government and looks forward to the passage of that legislation. This bill, quite simply, reverses the presumption in favour of bail when bail conditions have been breached. It will make it much more difficult for offenders to reoffend whilst on bail. I commend the bill to the council.

Debate adjourned on motion of the Hon. R.P. Wortley.

WORKCOVER CORPORATION

Adjourned debate on motion of Hon. D.W. Ridgway:

1. That pursuant to section 16(1)(a) of the Parliamentary Committees Act 1991, the Statutory Authorities Review Committee inquire into and report on the WorkCover Corporation of South Australia (WorkCover), having regard to the extraordinary blow-out in the unfunded liability of WorkCover from $86 million in 2002 to $843 million in 2007, the failure of the Government to properly and adequately monitor and manage the unfunded liability of WorkCover, and the claim by WorkCover in January 2006 that the sole claims manager would achieve necessary liability reduction to deliver a fully funded scheme by 2012-13, with particular regard to—

(a) the deteriorating financial position of WorkCover;

(b) the effectiveness of outsourcing the claims management to a sole claims manager;

(c) the tender process and the probity of that process, leading to the appointment of the sole claims manager;

(d) the exposure of WorkCover to the subprime financial market;

(e) the 2007 actuarial report submitted to the WorkCover Board in September 2007; and

(f) any other matters.

2. And that WorkCover provides copies of the following documents by 21 November 2007:

(a) any material provided to WorkCover by WorkCover's Claims Management Agent of—

i. organisational charts;

ii. resources of the agent which are applied in the performance of the agent's functions, including employee resource plans;

iii. resources provided by any other organisation or entity to the agent in or in connection with the performance of the agent's functions; and

iv. commercial arrangements for the supply of the resources referred to in (ii) including details of any charges which the agent is obliged to pay in respect of the supply of those resources, as required by clause 4.5 of the Claims Management Agreement (the Agreement), dated 26 February 2007;

(b) organisational charts provided to WorkCover of all significant positions within the Claims Management Agent's personnel, as required by clause 4.6 of the Agreement;

(c) any documents and correspondence relating to WorkCover's approval of persons to occupy the positions to be designated to be held by key agent personnel, as required by clause 4.6 of the Agreement;

(d) the Agent Performance Evaluation Program and any documents promulgated pursuant to clause 7.1 of WorkCover's Claims Management Agreement;

(e) any reports provided to WorkCover by the Claims Management Agent, outlining the outcomes of its internal audit and quality assurance programs, as required by clause 7.4 of the Agreement;

(f) any reports relating to general or selective audits of the Claims Management Agent, undertaken by WorkCover, as required by clause 7.5 of the Agreement;

(g) a list of all unauthorised payments or any documents evidencing unauthorised payments made by the Claims Management Agent, as required by clause 9.3 of the Agreement;

(h) the 'Certificate of Readiness' of the Claims Management Agent, as required by clause 13.2 of the Agreement;

(i) the transition-in plan of the Claims Management Agent, as required by clause 13.3 of the Agreement;

(j) a copy of the complete and current WorkCover Claims Management Agreement, including all schedules annexed thereto;

(k) all tender documents relating to the outsourcing of WorkCover SA's claims management, for the period 28 February 2005 to 30 February 2006;

(l) all recommendations made to the WorkCover Board, concerning assessment of all tenders for the outsourcing of the WorkCover claims management;

(m) the WorkCover actuarial report for the financial year ending 30 June 2006;

(n) the WorkCover actuarial report for the financial year ending 30 June 2007; and

(o) correspondence (including emails) between the WorkCover actuary and the WorkCover Board, for the period 30 June 2006 to 30 June 2007.

(Continued from 17 October 2007. Page 959.)

The Hon. R. WORTLEY (16:19): The Hon. Mr Ridgway proposes establishing an inquiry into WorkCover by the Statutory Authorities Review Committee. The inquiry would focus on, amongst other things, the scheme's funding position and the engagement of Employers Mutual as WorkCover's claims agent. On 29 June 2007, the shadow minister said, 'WorkCover has already had more reviews than Dame Edna'. So, why does the opposition believe that this inquiry would add anything further? The government recognises that there are important issues to be addressed in relation to WorkCover and it has undertaken a range of actions to address these issues. I will outline those important actions shortly.

Before I do that, I need to clarify a critical point that the opposition appears to have missed. The financial position of the scheme is an important concern. It is true, however, that there is a near universal agreement that the problem with the scheme in South Australia is that not enough

injured workers are returning to work. In fact, South Australia has the lowest return to work rates of all Australian states. Until return to work outcomes improve, we cannot expect to see a sustainable improvement in the scheme's funding position or a significant reduction in levy rates. There is nothing in the terms of reference for the proposed inquiry that seeks to address the key issue for the WorkCover scheme of poor return to work rates. Unlike the opposition, the government recognises the importance of improving return to work in the South Australian scheme for the economic and, more importantly, social wellbeing of the state.

It is important for the Hon. Mr Ridgway to understand the extensive work that has been undertaken by this government to address the scheme's issues. The government, in 2003, appointed a new board, with instructions to resolve the management and administrative issues of the scheme, before looking to other opportunities to improve return to work outcomes. The board has appointed a new management team, which I am advised has reviewed the internal workings of the scheme. The redesign of the claims management contract and—

Members interjecting:

The Hon. R. WORTLEY: We have forgotten more about WorkCover than you know, so just listen to what I have to say. You may learn something.

Members interjecting:

The Hon. R. WORTLEY: Just be quiet and let me speak. You may learn something. The redesign of the claims management contract and engagement of Employers Mutual—through an extensive selection process, overseen by an independent probity auditor—was a vital step to ensure that the scheme is optimally placed to enable return to work.

It is also worth recalling that, as required by the legislation under which WorkCover is established, the parliament scrutinised the regulation which sets out the basis of the contract that was ultimately entered into with Employers Mutual. The WorkCover Board Chair, Chief Executive Officer and legal counsel appeared before a parliamentary committee at the time the regulation was under consideration and explained in detail the contractual arrangements and provided assurances to the committee regarding the robust nature of the probity arrangements in place. After scrutiny and due consideration, the parliament ultimately elected to allow the regulation and, in doing so, supported the nature of the contract that WorkCover later executed with Employers Mutual.

In addition, WorkCover has established new contracts with rehabilitation providers, improved working relationships with medical and allied health providers, set up new strategies to reduce disputation and worked to improve service delivery to better respond to stakeholder needs. The next step must now be taken. As members would be aware, the Minister for Industrial Relations announced on 29 March an independent review of the WorkCover scheme. The first objective of that review is that injured workers should receive fair financial and other support that should be delivered efficiently to enable the earliest possible return to work.

Earliest possible return to work is a key part of WorkCover's and Employers Mutual's claims management strategy for fixing the scheme. That is one of the reasons why WorkCover engaged Employers Mutual to operate in South Australia. In New South Wales Employers Mutual's performance as an agent has outstripped performance by other agents in the New South Wales scheme by more than 20 per cent. WorkCover's claims management contract with Employers Mutual is focused on achieving good return to work outcomes, and the regulation enabling the contract established by this government has set that in place.

Employers Mutual has now been working in the South Australian scheme for a little over a year. Since its establishment Employers Mutual has introduced a new case management model, based on the model proven successful in New South Wales but tailored to the local environment, recognising the challenges particular to South Australia in getting people back to safe work. When they were engaged they promised to employ 275 staff in South Australia, and they now have about 350, including a 25 per cent increase in the number of case managers since transition from the old agents. They have delivered over 8,000 hours of training to their staff—no small investment—and there has been an increased focus and spend on retraining initiatives for injured workers, spending a record $1.1 million on these services in 2006-07.

We knew the task of improving return to work rates in South Australia, especially long-term claims, would not be an easy or quick one. I suggest that members give it time to get on with the job of getting injured workers back to work. The proposed inquiry will add nothing to this important

work but will be more likely to detract from it, averting much needed focus and effort on turning the scheme around.

The last time the Statutory Authorities Review Committee inquired into WorkCover a few years ago, it took almost two and a half years to present its report. While I do not wish to reflect on those conducting that inquiry, surely members would agree that the important issues facing the scheme cannot wait that long. The independent review announced by the Minister for Industrial Relations in March is due to report in just over a month. That review is being conducted by two of Australia's leading workers compensation experts, Alan Clayton and John Walsh. Surely the parliament will be better placed to consider the report of two independent experts when it considers legislation relating to the WorkCover scheme next year, as the minister has indicated will occur, than to conduct a witch-hunt, as seems to be the aim of this inquiry.

Members will know from WorkCover's annual report released last week that the recent increase in its unfunded liability has been significantly driven by the scheme's actuary reassessing the cost of claims that have been on the scheme for more than 10 years. These claimants began their life on the scheme long before Employers Mutual came into the picture. The purpose of the Hon. Mr Ridgway's proposed inquiry is, among other things, to examine why the unfunded liability has increased to its current amount and to find some evidence to support his allegation of government inaction. Clearly there is no question, no lack of transparency, about why WorkCover's funding position is as it is. The WorkCover Board, supported by the audit findings of two leading audit firms—KPMG and Ernst & Young—and the independent actuary to the scheme, has provided no shortage of information about why the scheme's unfunded liability continues to rise, nor could it be reasonably stated that the government has been immobile on this matter, as I have outlined above.

The opposition is behind the times and off target in its demand for an inquiry. The government has already engaged the best experts available to conduct an independent review of the scheme, with a focus on the critical issue of improving return to work outcomes. It is surely not too much to ask that the current review should be allowed to reach its conclusions before launching into another inquiry.

The Hon. R.I. LUCAS (16:28): I rise to speak briefly in support of my colleague the Hon. Mr Ridgway's motion and will speak in reply in a moment. I move:

Paragraph 2—Insert the words 'to the Statutory Authorities Review Committee' after the word 'documents' in the first line.

The line currently reads 'And that WorkCover provides copies of the following documents by 21 November 2007'. The intention was that it would provide it to the Statutory Authorities Review Committee, but out of an excess of caution I have moved to include the words 'to the Statutory Authorities Review Committee' after the word 'documents'. I do not need to provide any further explanation.

The contribution from my colleague the Hon. Mr Ridgway and the drafting of the motion always made clear that it was intended that the documents be provided to the committee, but, out of an excess of caution, this amendment will make absolutely clear that those documents need to be provided to that committee. I indicate my support for the motion.

The Hon. B.V. FINNIGAN (16:29): I thought I would make a contribution on this matter, given that I am the Presiding Member of the Statutory Authorities Review Committee. Fortunately this motion again demonstrates the contemptuous attitude of the opposition to the committees and committee system we have in this parliament. As Presiding Member of the Statutory Authorities Review Committee, I will accept the will of the council. As a former presiding member yourself, Mr President, you would know that the committee can examine references from the Governor, by its own motion or from the council.

Currently, the committee has before it an inquiry into the Independent Gambling Authority (and the committee is in the process of finalising the report on that matter) and an inquiry into the Land Management Corporation, which has been quite extensive and on which a lot of evidence has been heard. This week the Housing Trust returned to report back to the committee. Mr President, you would know that the committee examined WorkCover some years ago. The committee has kept an eye on the accounts of WorkCover and talked about the matter a number of times, but there has not been any motion or raising of the issue in the committee for some time.

What we see in this motion is the opposition playing politics with a statutory authority, but also with the parliament and its committee system. A few weeks ago a select committee was

established by this council to inquire into SA Water. At the time a number of members said that, because the Statutory Authorities Review Committee is set up under the Parliamentary Committees Act to review statutory authorities, why do we not refer it to that committee? At that time it suited members of the opposition and the cross benches to have a select committee so that everyone could get a guernsey. They did not want to send it to the Statutory Authorities Review Committee but, rather, to a select committee.

On this occasion the opposition is not moving to establish a select committee because it suits its members—for some purpose—to send it to the Statutory Authorities Review Committee. The only reason I see that being the case is that it is an initiative of the Hon. Mr Lucas. We know that the Hon. Mr Lucas is still the de facto leader of the opposition in this place; and he may be the de facto leader of the opposition in the state. Certainly, in this council he calls the shots within the opposition, rather than the Hons Mr Ridgway or Ms Lensink.

I assume the fact that the Hon Mr Lucas is on the Statutory Authorities Review Committee is the reason that this inquiry is being sent to that committee. I think we have confirmation of that with the fact that he is the one who has amended the motion today. This motion is simply not about inquiring into WorkCover or the welfare of injured workers. I am sure all members are concerned about injured workers and want to ensure that the WorkCover system works adequately.

As a former union official—of which I am quite proud, not ashamed (as the Prime Minister would have me be)—I am more than aware of the tragic circumstances of workplace injuries and the burden that many injured workers carry. I am sure we all are united in wanting to ensure that the WorkCover system works effectively to address the concerns of injured workers and that people are able to return to work.

This motion is a fishing expedition that would ensure media opportunities for the opposition to talk about WorkCover. As far the opposition is concerned, that is all the committee system is about. We have seen the establishment of the all-powerful (as the Hon. Mr Lucas likes to describe it) Budget and Finance Committee. It is a committee of the council, and it was supposed to enable any member to attend at any time if they were interested in any particular issue. As far as I am aware, before I was a member of that committee, I am the only member who turned up to that committee; no other members have attended.

The Budget and Finance Committee is simply a play thing for the Hon. Mr Lucas to produce media opportunities and questions for him in question time. It takes the Hon. Mr Lucas a couple of months before he asks a question in the council about it. He tries to pretend it is some great revelation when, in fact, the issue has been canvassed at a committee meeting some months before; for example, the disgraceful attack on the grant to the Greek Orthodox Archdiocese in Salisbury.

I will correct the record while I am on my feet in relation to the interjection I made during the Hon. Mr Lucas's contribution during Matters of Interest. My interjection was clearly aimed at the Liberal Party when I said, 'Beware of Greeks seeking grants'. Certainly, it is not my view, and the Premier and the Minister for Multicultural Affairs have more than adequately put on record the government's absolute disgust with the anti-Greek attitudes the opposition has been taking.

I return to the matter at hand. This motion is about providing media opportunities for the opposition. It is not about genuinely inquiring into WorkCover. It is not about trying to discover what we can do to improve the lot of injured workers or the operation of the system. There is no greater proof of that than in the estimates committee after the budget. As I recall it, very few questions were asked in the estimates committee by the member for MacKillop regarding WorkCover. It is not an issue that the opposition has been talking about.

Members interjecting:

The PRESIDENT: Order!

The Hon. B.V. FINNIGAN: Here they are today moving a motion to provide more media opportunities for the Hon. Mr Lucas to promote himself as the true voice of the opposition in this place. Members only have to look at the wording of the motion. It is a disgrace. It states:

> ...[to] report on the WorkCover Corporation...having regard to the extraordinary blow-out in the unfunded liability...the failure of the government to properly and adequately monitor and manage the unfunded liability...

Already, in the wording of the motion, the opposition has condemned the WorkCover Corporation and the government. This proves that the motion is a fishing expedition and an opportunity for the opposition to preen in the media on the issue of WorkCover, not to try to do anything to improve the

effective operation of the scheme and to ensure its ongoing viability or to care for the welfare of injured workers. The wording of the motion itself—as is the wording for all their select committee inquiries—is to hang, draw and quarter whatever it is that the inquiry is about.

Here is a classic example. It is clear that those members of the opposition supporting this proposition have made a judgment already and are already condemning the WorkCover Corporation and the government for their handling of WorkCover. That is clearly demonstrated by the wording of the motion which makes conclusions. I do not know why the Hon. Mr Lucas does not table the report right now. He probably already has whatever it is he wants to say. All he wants to do with this motion is to allow media opportunities in order for him to try to get more publicity for himself so he can re-establish himself as the true leader of the opposition in this place.

Of course, government members are concerned about injured workers, and they are concerned about the ongoing viability and effectiveness of the WorkCover scheme. My colleague the Hon. Mr Wortley has set out what this government has done, and that is to lead the way in trying to ensure that WorkCover can operate the best that it can, including the review which is currently under way and which will be reporting to the government very shortly.

I cannot see what this motion can possibly contribute to the effective operation of WorkCover or the welfare of injured workers. I appeal to those members of the cross-benches who are supporting this motion and say that, if you want the Legislative Council to be taken seriously and if you want our processes in terms of committees, inquiries, select committees and standing committees to be effective and proper and to make a contribution to the good governance of this state, you will oppose motions like this, which clearly have the conclusions already in the terms of reference.

It is merely a massive opportunity for the opposition to try to grandstand. I am sure that opposition members have very little interest in the actual outcome. I confidently predict now that the inquiry will drag on for a long time and that it will probably be me as chairman who has to try to drag the thing to a conclusion because the opposition would have lost interest. We have only to look at how many times opposition members have supported the establishment of select committees and have then lost interest once their media stunts or media opportunities, which is the reason they establish the select committee or inquiry in the first place, are out of the way and they have had their couple of stories, sound bites or pieces appear in *The Advertiser.* That is all they care about, and they then move on.

Members of the opposition are rarely interested in the actual report and in seeing an inquiry through to its conclusion, because that is not in their interests. They have got what they want—they have got their sound bite, they have raised their profile, and they have contributed to their position within the internal machinations of the Liberal Party, which are ongoing. That is what this motion is all about, and that is what so many of the things the opposition puts forward are about.

If we are serious about WorkCover and we are serious about injured workers, we will cooperate and work with the process the government has put in place, that is, to have an independent review, on which we will be reporting shortly. What this motion will do is bring further discredit to the Legislative Council and discredit to our processes. It is a kangaroo court that makes the conclusions before the inquiry is even established. I particularly appeal to those members of the cross-benches who want this institution to be taken seriously and who are trying to convince the public of South Australia that the government is wrong in wanting to see this institution abolished: the best way to go about that is to make it a serious institution which carries out serious inquiries that are in the interests of the good governance of this state.

This inquiry would simply feed into the normal desire of opposition members to create some media opportunities for themselves and to try to advance their position within the Liberal Party. It will do nothing to improve the effectiveness of the operation of WorkCover, and it will do nothing to improve the welfare of injured workers. I therefore urge members to oppose the motion.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:41): I thank members for their contribution. I want to respond to a couple of the points made by members opposite. The first issue I want to respond to is the claim that this motion was promulgated by the Hon. Mr Lucas. I put on the record that this was a matter that I personally took to our party shadow cabinet, in isolation from Mr Lucas. I asked him to move the amendment because he was speaking before me, and I thought it was appropriate that he move the amendment so that members were aware there had been a slight typographical error.

I would like to respond to some of the comments other members have made. It is interesting that the Hon. Russell Wortley talked about the new board that was appointed in 2003.

As I highlighted in my contribution last week, the current minister and this government have continually blamed everyone but themselves for the problems that face WorkCover. They have blamed the former minister; they have blamed the former board and established a new board; then it was the claims manager; and then they said it was a single claims manager. Now, as I said last week, it looks like it will be the poor old injured workers who will be the ones who will pay the price for this government's inaction.

Another contributor to the debate claimed that the government and WorkCover have introduced a range of initiatives over the past five years. However, the situation continues to deteriorate. The Hon. Mr Finnigan talked about having a serious inquiry. If an $843 million deficit in the unfunded liability is not a serious issue, I do not know what is. It really beggars belief that the Hon. Mr Finnigan and this government do not think this is a serious issue. Again, we hear claims, 'We're having an inquiry, and we're going to report in a month'. That has now been delayed until after the federal election. Again, this shows that this government is not able to cope and does not want to be exposed for its inaction during a federal election campaign.

It might be worth while looking at what happened in New South Wales. An article in today's *Financial Review* provides an interesting contrast between the disgraceful performance of this government and what is happening in New South Wales. Under the headline 'NSW WorkCover premium cuts save business $110m', the article states:

> Premier Morris Iemma will today announce a 5 per cent cut to workers compensation premiums after the state's WorkCover scheme increased its surplus to $812 million.

So, New South Wales has a surplus of $800 million and this lot has a deficit of nearly $850 million. The article goes on to state:

> In a move likely to be welcomed by business, Mr Iemma said the strong financial performance of the scheme for compensating injured workers, coupled with the lowest injury rates in 20 years, had enabled the government to announce a fifth consecutive reduction in premiums.

So, you can see the contrast there between the two states. This is the worst performing state in the nation for return to work by injured workers, and it is the worst performing WorkCover scheme in relation to its unfunded liability, which threatens this state's AAA credit rating. Even though the government claims that its great contribution to the state achieved the AAA credit rating, we all know—and it has been reported in a number of forums and in the media—that it was actually the hard work of the former Liberal government that laid the foundations for that AAA credit rating—and this government is on the cusp of losing it.

I do not want to go on for much longer, other than to thank honourable members for their contributions, and the indication that it appears I will have support for this inquiry. I thank the members who will support the inquiry and I look forward to the documents being provided to the secretary of the Statutory Authorities Review Committee prior to or on 21 November. I assume that the secretary will be writing to WorkCover demanding those documents in the near future. I look forward to the support of members.

Amendment carried; motion as amended carried.

OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION COMMITTEE: WORKPLACE INJURIES AND DEATH

Adjourned debate on motion of Hon. B.V. Finnigan:

That the report of the committee, concerning an inquiry into the law and processes relating to workplace injuries and death in South Australia, be noted.

(Continued from 26 September 2007. Page 761.)

The Hon. T.J. STEPHENS (16:46): As the Hon. Bernard Finnigan explained when he discussed this motion, it is an inquiry of the committee into the law and processes relating to workplace injuries and deaths in South Australia. I say at the outset that no-one wants injuries and deaths in the workplace and, while members of this committee sometimes had different views about the best way of preventing this, it would be fair to say that we all had a common goal; that being that our recommendations will help to make South Australian workplaces even safer. As the late great Hon. Mr Nick Xenophon previously explained, rather than going over what the—

An honourable member interjecting:

The Hon. T.J. STEPHENS: He has certainly departed from this place. Rather than going over what the Hon. Mr Finnigan has already covered regarding our work, I will focus on what I

consider to be the key aspects of this inquiry. I share the Hon. Mr Xenophon's satisfaction in seeing that the committee agreed that employers ought to be able to test for drugs and alcohol within the workplace. I share the view that this can have a significant impact on changing our culture, where some employees think it is acceptable to attend work under the influence of drugs and alcohol and, in particular, put not only themselves but the health and wellbeing of their work colleagues in jeopardy.

Quite frankly, this is an absolute key to me. What worries me is the culture in our society today, especially with illicit drugs, and that where there is acceptance of illicit drugs people tend to forget that they are, in fact, illegal. I really do not know how we can seriously progress safety in the workplace in a meaningful way without the ability to randomly test for drugs. Before anybody jumps all over me and says, 'That's fine; what about people in your workplace; members of parliament in the parliament?' I can say wholeheartedly that I have no fear whatsoever of being tested for illicit drugs at any time in any place. If, by example, we need to lead the way then I personally wholeheartedly support that.

We are leaders of our community and if it is good enough for us to expect people in industrial situations to be tested for illicit drugs (that is, illegal drugs) then I have no fear whatsoever about members of parliament (and, in particular, myself) being tested for illicit drugs. Having said that, I would like to thank the members of the committee for their work during this inquiry which I believe was conducted pretty much in a spirit of goodwill and in a bipartisan sense, generally.

I thank the Hon. Bernard Finnigan, Mr Tom Kenyon (the member for Newland), Mr Tom Koutsantonis (the member for West Torrens), Mr David Pisoni (the member for Unley), and the Hon. Nick Xenophon, who is now no longer a member of this institution. The secretary of the committee, Mr Rick Crump, and research officer, Ms Kathryn Bion, did a tremendous job. Rick and Kathryn worked particularly hard, and I congratulate them for their efforts. At times the evidence presented to the committee, because of the very nature of the injuries, was confronting and I thank those people for being so professional.

I share the sentiments of the Hon. Nick Xenophon and the Hon. Bernard Finnigan, that all members are as one in working to ensure that these incidents we have learnt about happen rarely and that this inquiry into workplace injury and death will contribute to progressing workplace safety in this state. I commend the report.

The Hon. B.V. FINNIGAN (16:50): I thank honourable members for their contributions and commend the report to members.

Motion carried.

STATUTORY AUTHORITIES REVIEW COMMITTEE: MEDICAL BOARD OF SOUTH AUSTRALIA

Adjourned debate on motion of Hon. B.V. Finnigan:

That the report of the committee on an inquiry into the Medical Board of South Australia be noted.

(Continued from 26 September 2007. Page 774.)

The Hon. T.J. STEPHENS (16:51): My fellow committee members have previously detailed the bottom line of this report. Given that we have several important matters to address I will not hold up proceedings. I do wish to make my own brief contribution to the report and its recommendations, given that I have been involved since day one, when we began this inquiry some three years ago. I would like to, first of all, raise a positive outcome from the review. We spent a significant amount of time tackling the question of how to prevent drug use within the medical profession. The committee strongly shared the view that patient care must never be compromised. I share the view of some other members that a zero tolerance approach must be adopted in this area. I believe this will go a long way towards ensuring that the medical profession is seen to be utterly professional, as it should be.

Like other members of the committee at the time, I was devastated to learn of a case where a very poor diagnosis was made by a doctor who apparently had a 10 cone a day habit.

Sadly, it was believed to be known within the medical fraternity at the time that this particular fellow had a very serious drug problem. There was a deficiency in the system, because he continued to be allowed to practise and, sadly, it led to the demise of a person who should, I suspect, still be with us today. It is a very serious issue. Before I go further and people say, 'Well, are you prepared to be drug tested in your place of work?' I say that I am prepared to be drug tested at my place of work or any other place at any other time; I have no fear.

I was pleased to see that we, as a committee, saw fit to recommend that the Medical Board be given powers to conduct random drug testing on practitioners. It made the most sense to us that the Department of Health should oversee this process. I personally did not believe that we should go to the expense of drug testing people on a mandatory and regular basis because, from the evidence that I heard, I did not believe that illicit drug use in the medical profession was rife. However, given the evidence that we heard, I believed that there was a problem and that that problem needed to be addressed. The fact that random drug testing could be used as a deterrent was a result with which I was quite pleased.

We were exhaustive in our deliberations during this time, hearing evidence from the Medical Board itself, professional bodies, medical practitioners and the public. I personally learned a lot from the experience and I believe that investing time in this inquiry has been most worth while. I would like to thank all the members of the committee for their efforts in completing this inquiry. I would also like to thank past members, the Hon. Caroline Schaefer, the Hon. Andrew Evans, yourself, Mr Acting President, and the Hon. Michelle Lensink who, as the Hon. Bernie Finnigan courteously noted, completed a significant amount of work in assisting to put the final report together prior to her resignation from the committee recently.

I would especially like to put on the record my thanks to the people who assist the committee: the committee secretary Mr Gareth Hickery, research officer Ms Jenny Cassidy, and the administrative assistant Ms Cynthia Gray. I am sure this report will benefit the community in helping to progress health care in this state through the strong and improved oversight of the Medical Board of South Australia. I am sure that the medical board will give this report serious consideration, and I certainly hope that it does. I commend the report.

Debate adjourned on motion of Hon. Sandra Kanck.

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

Adjourned debate on second reading.

(Continued from 17 October 2007. Page 964.)

The Hon. B.V. FINNIGAN (16:56): In 2004, the state government successfully banned a nuclear waste dump in South Australia. While members opposite were largely silent on the issue, and even encouraged the state government to accept the imposition of a national nuclear waste dump in the Far North of the state, the government battled against the odds and won the challenge against the federal government in court for it to compulsorily acquire land to locate the dump.

The state Labor government has a clear record on nuclear waste storage, and it won an assurance that the federal government would no longer consider our state a dumping ground for the rest of the nation's radioactive waste. The government also succeeded at this year's national conference in having the federal ALP rule out locating any nuclear waste storage facility in South Australia. We said that we could take care of our own radioactive waste, and we have; in fact, we were the first state to carry out a comprehensive audit of how radioactive waste is stored in the state.

The Premier, the Hon. Mike Rann, has ruled out enrichment. The National Australian Labor Party platform, agreed to at the 44th ALP National Conference in April this year, already prohibits the establishment in Australia of nuclear power plants and all other stages of the nuclear fuel cycle. On Friday 15 June this year, the Premier publicly ruled out any uranium enrichment plant being built in this state. On that occasion, the Premier said:

> We, the state government, are opposed to a nuclear power plant and an enrichment plant being built in our state and we will take on the Federal government in the same way that we took them on over their proposal to build a nuclear waste dump in South Australia.

The position of the state government on the question of nuclear power plants has also been clear and consistent. The state government has ruled out local nuclear power plants in this state. The Premier and the Minister for Energy, the Hon. Patrick Conlon, have made several statements on this issue, indicating that nuclear power plants in South Australia would be financially irresponsible, economically unviable and would massively force up the price of power. I am also told that the large size of the nuclear reactor precludes it from supplying a small state market due to its inability to very quickly meet changes in demand; that is, it is able to provide baseload power but cannot address peak demand.

If South Australia's baseload was only provided by a single source—a nuclear reactor—it would not be good risk management and would contravene national electricity market rules. Nuclear power in South Australia is not an option. In fact, the Premier made a statement to the other place on 6 March this year informing the house of the state government's intention to introduce legislation that will trigger a state referendum on nuclear power should the federal government legislate to override the state government's opposition to local nuclear power plants.

The state government said that it would ensure that all South Australians would have a say if a federal Liberal government was to change federal law to allow the construction of a nuclear reactor in South Australia. South Australians did not get a say when ETSA was privatised by the Liberal government; South Australians did not get a say when the federal Liberal government wanted to impose a nuclear dump on South Australia, but the state government is determined that the will of South Australians will be heard on this significant and controversial issue.

Turning to radioisotope production facilities, I am told that the term 'radioisotope production facility' applies to cyclotrons as well as nuclear reactor facilities that produce radioisotopes. The cyclotrons are very important for the production of short half-life radioisotopes used in hospital nuclear medicine facilities for diagnosis purposes, including use as tracers such as fluorine-18 in positron emission tomography (PET) scanners.

PET scanners are very useful tools for diagnosis and treatment planning in relation to a range of cancers. Currently there are only a few cyclotrons in Australia, and the Royal Adelaide Hospital sources radioisotopes from a cyclotron in Melbourne. As medical uses of radioisotopes increase, it is possible that at some point in the not too distant future a hospital or university in South Australia may plan to acquire a cyclotron. Therefore, any prohibition in legislation could impact on medical research affecting thousands of South Australians.

In relation to a nuclear weapons facility, there is no suggestion for a nuclear weapons facility in South Australia, and therefore the state government sees no need to legislate for the prohibition of such a facility. Clearly, the South Australian government would not support such a facility. Any suggestion by the Greens or any implication contained in the bill that nuclear weapons may be deployed in South Australia is farcical at best and alarmist at worst.

The Australian Radiation Protection and Nuclear Safety Act 1998 currently prohibits the federal government from constructing a nuclear fuel fabrication plant, a nuclear power plant, an enrichment plant and a reprocessing plant. The South Australian government has a clear stance on the banning of nuclear waste dumps and nuclear reactors and will use legislation if the federal government tries to impose these facilities on South Australians by overturning current laws. The state government has ruled out nuclear enrichment plants.

The state government does not want to jeopardise any future research into the diagnosis of cancers or other illnesses by prohibiting the uses of cyclotrons. The government opposes the bill for the reasons I have outlined. The government has an exemplary record on the issue of opposing nuclear power plants and a nuclear waste dump in our state. For the reasons I have outlined, particularly in relation to the possible future location of a cyclotron, the government opposes the legislation that the Hon. Mr Parnell has put before the council, as we do not consider that it achieves its objectives.

The Hon. J.M.A. LENSINK (17:02): It will come as no surprise that the Liberal Party will not be supporting this bill, and I will briefly outline the reasons. The mover of the bill, the Hon. Mark Parnell, has outlined in his second reading speech that 'the Greens are introducing the bill today to make absolutely certain that the current administrative ban on nuclear power stations has some legal teeth'. The proposal is that the only way that a nuclear power station or other facility could be established in this state would be by a reversal of an act of parliament.

The position of the Liberal Party is that we believe there should be an informed debate, and this effectively closes the door on that debate. Without wishing to be too self-indulgent, I distinctly remember that as a teenager one of the big things that were front of mind in the list of fears of young people was a third world war and a nuclear war, and for that reason a lot of people of my generation feared nuclear power.

An honourable member interjecting:

The Hon. J.M.A. LENSINK: That is right; I distinctly remember that. So, that was something that was a great fear of my generation. I believe that the fears of the current teenagers would be much closer to global warming and, indeed, I note from an *Advertiser* poll of a range of different high school students that nuclear power was not something that featured in their list of

concerns whatsoever. Obviously, global warming and water security were key issues. So, we believe we should not be shutting the door on this debate.

In relation to the government, I find some of its comments amusing; it is all right for us to dig up uranium in Australia as long as we are not using it for such purposes in this state. So, it is really just a whole lot of positioning on the government's part and, in spite of the words of the speaker prior to me, I believe its position is inconsistent and incongruous.

There is no doubt that our traditional reliance on fossil fuels, particularly in this state, may well have an end date, and we need to look at alternatives sooner rather than later. The technological advancement in the field of energy is very rapid and, therefore, I believe that a lot of concerns that have been raised in relation to reactor accidents such as Chernobyl are not particularly relevant today. So, in the interests of enabling the debate to continue and not shutting the door on what may well turn out to be a much cleaner form of energy, we oppose this bill.

The Hon. D.G.E. HOOD (17:05): I do not have any chewing gum available, but I can certainly get some. I rise to indicate Family First's position regarding this bill. I think the Hon. Michelle Lensink has outlined a very credible position. From the beginning, Family First has supported examining the feasibility of nuclear power in Australia but believes it is just too early in the debate to make a decision either way.

There are significant risks with nuclear power, and that needs to be acknowledged. We have all seen the devastation of Chernobyl and other events around the world, and for that reason we think nuclear power needs to be treated with the utmost caution. Equally, however, nuclear power has brought many benefits to the world we live in. For example, there is no doubt at all that, whilst some disagree, many would agree that there are benefits associated with nuclear power such as reduced emissions and the like.

Family First's position is that it is too early to commit, and the problem with this bill as we see it is that it forces a long-term decision and forces us to commit and rule out something that may be beneficial to our society. We believe it is irresponsible to close the door on any policy or energy options, and this is especially the case as the world commits to the fight against global warming.

Despite its shortcomings, nuclear power remains at present the only proven source of power able to deliver a baseline electricity supply without the emission of greenhouse gases. In 2002 my colleague the Hon. Andrew Evans participated in the debate against the Nuclear Waste Storage Facility (Prohibition) Amendment Act of 2003, which strengthened legislation to ban nuclear waste storage in this state. This bill expands the act so that all nuclear facilities should now be banned. Therefore, enrichment and nuclear power sites are now also banned under this bill.

Family First believes that Australia needs a full and informed public debate of measures to combat global warming, with every option on the table. The entire Australian community has to be involved in making decisions about short and long-term solutions. From the beginning, Family First has stated that we do not believe in any one simple solution; for example, switching from coal to nuclear power. However, we strongly oppose any moves to remove any potential solutions from the table, as they may just prove to be very vital and important solutions to the significant problem of global warming, amongst other issues that we face, both environmentally and economically. For that reason, whilst we certainly can understand the sentiment behind this bill, we are not able to support it at this time.

The Hon. M. PARNELL (17:08): I thank the Hon. Sandra Kanck, the Hon, Bernard Finnigan, the Hon. Michelle Lensink and the Hon. Dennis Hood for their contributions to this debate. I will just respond, first, to some of the comments of the Hon. Bernard Finnigan. He clearly wants to have it both ways: he wants the public to take on—

The Hon. J.M.A. Lensink: He wants to have his yellowcake and eat it too.

The Hon. M. PARNELL: The Hon. Michelle Lensink points out that he wants to have his yellowcake and eat it too. I find the position of the Labor Party quite remarkable. They want us to take on faith their objection to the nuclear industry, or those bits of it other than uranium mining, but they are not prepared to go down the path of legislating. For example, the Hon. Bernard Finnigan pointed to the Premier's commitment to holding a referendum if, for example, it seems that the commonwealth is about to override these non-legislated but stated objections that the Labor Party here has to nuclear power. But that begs the question: if the Labor Party are going to hold a referendum, does that say that they have no view, that they have no policy or have no position? If the referendum was to come back by a small margin perhaps in favour of nuclear power for South Australia, does that then become the Labor Party position? Do they not have a position?

You have to contrast the position of the Labor Party in this state with, for example, the Labor Party in Queensland. At the end of last year the Queensland Beattie government introduced legislation to prohibit the building of nuclear power facilities in Queensland. It was not that hard for the Beattie government to actually put into legislation what it expressed its principles to be and what this government expresses its principles to be. The Queensland legislation, the Nuclear Facilities Prohibition Bill 2006, includes uranium enrichment plants, nuclear power plants and nuclear waste sites in Queensland—the same nuclear facilities that I am seeking to prohibit through this legislation.

I think it is also important to point out that this week is, in fact, the start of United Nations Disarmament Week. The connection between the nuclear industry and the arms race is one that is clear and known to all of us. So, whilst I do not fall for the bait of the Hon. Bernard Finnigan and suggest that we are about to get nuclear weapons in South Australia—that is not the policy of anyone or any party here—I still think that if we are against such a thing happening we can legislate accordingly.

Having listened very carefully to what the Hon. Bernard Finnigan said, I think that the only part of my legislation that tipped the Labor Party against supporting my bill was the fact that some potential technology that is useful in cancer research, and perhaps finding a cure for cancer, might be caught up in my bill. That is not my intention. So, whilst I urged all honourable members to finish their second reading contributions so we could put this to a vote, I have now been enlightened by the Hon. Bernard Finnigan that if I was to remove the reference to radioisotope production then that might be just what the doctor ordered, if I can put it that way, a way to break through the impasse.

It seems that everything else in my bill is very consistent with what the Hon. Bernard Finnigan said. What I now propose to do is to have an amendment drafted to my legislation to remove that sticking point, to remove that radioisotope production reference, so that we are left with the core nuclear facilities that we are trying to ban in this legislation, such as nuclear power and the enrichment of power station grade or weapons grade uranium. I do appreciate the Hon. Bernard Finnigan's comments, and I now propose to go away and prepare those amendments. So, rather than push this matter to a premature vote now, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

PASSENGER TRANSPORT (DISCIPLINARY POWERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 September 2007. Page 777.)

The Hon. B.V. FINNIGAN (17:14): The bill proposed by the Hon. Mr Hood is opposed by the government because we believe that the matter is already provided for by regulation. The requirement for a taxi driver to take a passenger with a working animal, which includes a blind person with a guide dog, is already clearly prescribed, with a penalty for non-compliance in regulation 57 of the Passenger Transport (General) Regulations 1994.

The Hon. Mr Hood identified a matter before the Passenger Transport Standards Committee in December 2005, which involved a passenger with a guide dog being requested to sit in the rear seat of the taxi. This matter was dismissed because the committee ruled that the passenger was not refused a ride. Following this unsatisfactory decision, complaints now include reference to the taxi driver code of practice in schedule 9 of the passenger transport general regulations, which recognises the need to be sensitive to the needs of people with disabilities and have regard to laws about discriminating against the person because of disability. This approach prevents the recurrence of a driver escaping sanction because of a technicality.

Most recently, in the matter of the Passenger Transport Standards Committee versus Nariman Fathi (Judicial No.26 of 2007), Master Norman of the District Court upheld a decision of the Passenger Transport Standards Committee against a driver who refused service to a passenger with a guide dog to suspend his accreditation for a period of three years. The fine of $2,750 was waived on the grounds of financial hardship. This outcome reinforces the commitment to prosecute offences of this nature and ensures that penalties impact on the offending driver and act as a deterrent to others drivers, emphasising that this type of behaviour will not be tolerated.

The government agrees with the Hon. Dennis Hood that a taxi driver refusing to accept a hire by a person with a guide dog is not acceptable and remains absolutely committed through accreditation, training and enforcement to address this issue. Passengers who are refused service are encouraged to provide details of their experience to the Department of Transport so that

appropriate action may be taken. In encouraging feedback from people who have been disadvantaged, it should be noted that since January 2006 the department has received 10 complaints in relation to service allegedly being refused because of the presence of a guide dog. Of these, seven have been referred to the Passenger Transport Standards Committee and one to the Equal Opportunity Commission. In that instance the driver now lives interstate. One has not proceeded because of insufficient evidence and another complainant is still undecided as to whether to provide a statement. These statistics indicate that complaints are taken seriously and pursued through the disciplinary process.

The four accredited taxi companies in Adelaide, being Adelaide Independent, Suburban, Yellow and Adelaide Access Taxis, are committed to ensuring that guide dogs are able to access taxis. Recent efforts to address this issue have included information to taxi drivers and owners, signage for taxis indicating they are guide dog friendly and information sent through dispatch screens in the taxis. These companies receive the bookings and refer them to the taxis for action. Once a booking has been dispatched and accepted by a driver they expect it will be completed. If they receive a complaint that a booking has not be completed, they will usually try to address the customer's needs by sending another taxi and reporting the offending driver to the Department of Transport for disciplinary action.

The proposed amendment to section 36 of the act deals with disciplinary powers. Section 36(2)(a) already provides grounds for disciplinary action if the respondent is found guilty of an offence against this or any other act or law. In addition, the code of practice in the regulations makes it a requirement to have regard to laws relating to discrimination. On this basis the proposed amendment moved by the Hon. Mr Hood is considered to be unnecessary. In addition, the Equal Opportunity Commission and Equal Opportunity Tribunal continue to be able to address any matters related to discrimination on the basis of refusing to carry a guide dog. While I understand the motivation of the Hon. Mr Hood and the noble sentiments behind his bill, the government believes the matter is already covered by regulation to ensure that taxi drivers are not able to refuse passengers with a guide dog or other working animal on which they depend.

The Hon. SANDRA KANCK (17:19): This bill is aimed at making it a bit tougher for taxi drivers to refuse to take on board a passenger who has a guide dog with them. The Hon. Mr Finnigan has said that the legislation is unnecessary because the regulations already provide for that, and in fact the Equal Opportunity Act provides that blind or deaf persons are not to be separated from their guide dogs, yet clearly there is a need for it because taxi drivers have a way of getting around it.

It has been reported by people with guide dogs that, as they have approached a taxi rank, the taxis are lined up and, as they get closer with their dog, the driver suddenly turns on the motor and drives off, ostensibly because they have another call to deal with, but it happens too often for it to be coincidence. Sometimes people with these dogs will book a taxi, not say they have a dog and, while they are standing out the front, the taxi approaches, slows down, sees that they have a dog, speeds up and do not ever drop in to pick up the call. Some people with guide dogs have had the experience of making a call, being honest and upfront and saying they have a guide dog and then finding they have to wait hours for a taxi to come and pick them up.

Some people at a taxi rank have had a driver refuse to let them in with a dog on the basis that they have an allergy or that it is against their religious beliefs. Others do a form of industrial action by refusing to cooperate with the passenger, not helping them into the cab. If they have a sight problem and have the dog, a harness and something they are carrying they may need assistance, but the drivers stand by and let them struggle. Often there is the problem that people with a sight impairment believe they may have been overcharged, but they cannot see the meter. It is obvious that with an ageing population we will have an increasing number of sight-impaired people in our population and more will be using a guide dog to assist them as they move around.

I took up the issue seven years ago, arguing for taxi vouchers for sight-impaired people. My former colleague, the Hon. Ian Gilfillan, also took up the issue and raised a particular instance back in 2005 that bears repeating. I will not go into all the details, but a friend of his had called a taxi. When the taxi pulled up, the driver said to him, 'In the boot'. He thought he meant that he ought to put his bag in the boot. He proceeded to get into the car with the dog next to him and the driver said again, 'In the boot'. He thought that he was offering to put the harness in the boot. He said, 'No, I want the harness here with me.' On the third occasion when the driver said, 'In the boot', with some signalling from the driver, he understood that the driver was telling him he wanted his seeing-eye dog put in the boot. He refused and the driver refused to take him further. The man got out of the taxi and sought the driver's details. He intended to report him but, unfortunately, he

had a heart condition. He had what is called an atrial fibrillation event and he ended up going to hospital, so he was not in a position to report what had happened.

I think there has been an under-reporting of this issue for quite some time for people in this situation. It just becomes too difficult so they give up. It is clear to me, despite what the Hon. Mr Finnigan has said, that there are problems. It might not be legal to refuse to pick up someone but, nevertheless, it is happening. I am not sure that this legislation in itself will necessarily resolve the situation, but it will toughen it up a little more. It is preferable to the current situation, if we have it that little tighter. It is a pity that the government of its own volition has not done something in a concrete manner to improve this situation. If there had been action from the government, I do not think there would be a need for this bill in the first instance.

As far as this bill is concerned—and I do not believe the bill allows for it—I think there needs to be something for dogs in training. The trainers have to take the dogs into all the situations in which the eventual owners are likely to be. With that one reservation, I indicate Democrats support for the bill.

The Hon. D.G.E. HOOD (17:25): Obviously, the government has chosen not to support the bill so I will not waste too much of members' time, but I want to make a few comments. This bill is a little personal for me because my mother is blind—and some members in the chamber are probably aware of that. Through various stages in her life she has used canes and dogs. It is very tough for people who are vision impaired to operate in our society. They rely on taxis. They cannot drive, which is something sighted people take for granted. I cannot imagine what it would be like not to have a car yet my mother has never driven a car in her entire life; and anyone who is blind would be in the same situation.

This bill was a genuine attempt to right a significant wrong that occurs fairly frequently. My mother is blind, and works at the Royal Society for the Blind at Gilles Plains in a sheltered workshop environment. I have met many of her friends, who are vision impaired to varying degrees, many of them quite severely and many of them absolutely blind. They rely on taxis almost every single day of their life. Every single one to whom I spoke—and there would be dozens of them—had a story of being refused access to a taxi on several occasions. It is a genuine problem that exists.

Clearly, from that sample we are talking about perhaps over 100 instances of blind people being refused access to taxis in the past couple of years, so it is a significant problem. I have a letter from a taxi company in response to a complaint that was made. I will not name the company; it is probably not fair. The letter is in response to a complaint that was made, although the bill, if passed, would solve the problem. The letter states:

> Unfortunately, we instruct our drivers as said (that is, pick up people with guide dogs) but, ultimately, the drivers themselves are responsible for their actions whilst on the road alone. All drivers are in fact self-employed subcontracted individuals and, as such, are not supervised while they perform their daily duties.

That is exactly what this bill would have fixed. This bill would have put the onus squarely at the feet of the taxi companies so that those companies would be responsible for a driver refusing to pick up someone with a guide dog. Therefore, the taxi companies would cop the fine—and that was the intention of the bill. It would certainly make them more vigilant to ensure that their drivers did not refuse access to taxis for people with a guide dog. That being the case, it was a genuine attempt to right that situation.

I have received a number of letters detailing similar situations. I met with the Commissioner for Equal Opportunity, Linda Matthews, who expressed strong support for the bill. In fact, the bill was drafted with the assistance of the Royal Society for the Blind. There has been significant consultation with the sectors that would be affected by this bill, including the taxi companies themselves. It is with some disappointment that I note it will not be supported by the government through this council. I look forward to the committee stage of the bill.

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

ROXBY DOWNS (INDENTURE RATIFICATION) (APPLICATION OF ACTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 September 2007. Page 777.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:31): I indicate from the outset that the opposition will not be supporting this bill, and I will explain why in my brief contribution. This bill seeks to remove special exemptions from state law which apply pursuant to the indenture act.

One of the key aspects of this bill is the amendment to section 7 of the act. The key elements of the bill are that the five named acts are to be removed from the power of exemption—the Aboriginal Heritage Act 1979, the Aboriginal Heritage Act 1988, the Development Act 1993, the Environment Protection Act 1993, and the NRM Act 2004.

The bill also seeks to amend clause 35 of the indenture so that the secrecy provisions will no longer apply in relation to FOI applications, but the protections in relation to commercially confidential material, for example, will remain. Clause 5 repeals section 9; that is, Aboriginal heritage can no longer be modified. We know that the Olympic Dam mine is likely to undergo some significant expansion in the next five years. The operation will change significantly from an underground mine to an open-cut mine. A whole range of factors will need to be taken into consideration with an open-cut mine. It is my understanding that in excess of 1 billion tonnes of overburden will be taken out of that mine and deposited somewhere.

We also have the uncertainty of how BHP will deal with the product when it mines it. Whether it will be exported as a finished product—copper, uranium, silver and gold—or whether it will be exported as a concentrate, which at some point has been proposed as an option. A whole range of factors will change the current operation. The decision has to be made whether supplies for the mine will be brought in using existing roads and whether the product will be taken out using existing roads, or whether another railway line will be constructed.

If the expansion goes ahead, there is also the issue of the proposed desalination plant in the Upper Spencer Gulf somewhere near Whyalla and whether or not that will provide water for towns in the region. There are some issues to be decided. Then we have the massive expansion itself. Recently, I managed to take a few days off from the office and I visited the area where the proposed 10,000 man construction site will be built. I also visited the new airport site (which was across the road) which will take significantly larger planes—I think up to 767s will land there. At some point in the future, the opposition is quite happy to look at the indenture act, which I am sure we will see come into this place. I know that it is undergoing some significant review because the scope of the mine, the environmental impact, the impact on Aboriginal heritage and all the acts listed by the Hon. Mark Parnell in the bill will have a significant impact on the expansion.

It seems somewhat premature to be debating this at great length. When the mining expansion goes ahead (as we all expect it will in some form or another), that will be the appropriate time to spend a significant amount of time looking at the indenture act and how it affects all the acts that the Hon. Mark Parnell has listed he would like removed from the legislation, as well as the freedom of information exemptions and the Aboriginal heritage legislation.

From the opposition's perspective, it seems to be premature, given the almost total transformation of the mine. It is an underground mine which, at the moment, produces 300,000 tonnes of copper every year and which will double or treble its output. A whole range of issues will have to considered, including its economic impact and its environmental impact. The opposition believes that, at this time, it is premature to participate in a lengthy debate. We understand why the Hon. Mark Parnell has put these issues on the table. They are important issues but today is not the appropriate time to be undertaking a lengthy debate. With those few words, I indicate that we will not be supporting the bill.

Debate adjourned on motion of the Hon. I.K. Hunter.

ENVIRONMENT PROTECTION (COMMISSIONER FOR THE ENVIRONMENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 June 2007. Page 297.)

The Hon. M. PARNELL (17:37): The Greens are very pleased to support this bill. We believe it provides an important additional check and balance on the use of executive power in relation to environment issues. The Environment Protection Authority, as members would know, is generally referred to as the independent EPA, and that is the way most people think of it. Yet what we have seen through some recent pollution cases, such as the Whyalla case and some of the others the Hon. Sandra Kanck pointed out in her second reading speech, is that that independence is very often under threat. So, if we cannot rely entirely on the EPA to be the independent watchdog for the environment, we need to find some alternative models, and I think the model the Hon. Sandra Kanck has put forward (that is, a commissioner for the environment) is a good model.

It is a good model because the breadth of functions of the proposed commissioner is broad and includes not just items within the scope of EPA powers but also a range of other government agencies—agencies dealing with natural resources management, with the protection of our coast, with the exploitation of our marine environment through fishing or aquaculture, and the protection of our native vegetation as well. All of these issues could come under the watchful eye of a commissioner for the environment.

The difficulty we have with the current system is that a large number of well qualified and well intentioned public servants often find that their recommendations and their decisions are overturned on political grounds. The value of having a commissioner for the environment would be that we could dig down and work out whether some of these problems could be solved through measures, whether it be law reform measures or procedural measures. The Environment, Resources and Development Committee of the state parliament has for some time been looking at the question of coastal development, and one of the issues that came out of the evidence of that committee was that the advice of bodies such as the Coast Protection Board is routinely ignored.

I think the evidence was that, in something like 20 per cent of cases where they give advice to local councils about whether or not to approve a development, that advice is ignored. The advice is usually, 'Don't allow that development to go ahead; it will be harmful to coastal processes,' yet the council ignores it and goes ahead. We see similar cases in relation to native vegetation and also water issues through the Natural Resources Management Act.

I think this commissioner would play an important role, and the fact that the commissioner reports to the parliament, whereas the bureaucrats that he or she would be overseeing all report to ministers, is very important, because it would give us some indication of whether we are using our environmental expertise in the Public Service to its best advantage or whether we are finding that our hard-working officials are being stymied by political considerations. That is why I think having an independent commissioner is important. The Hon. Sandra Kanck, in her second reading speech, referred to a large number of cases where local communities have felt disempowered—

The Hon. Sandra Kanck: You can add to the list.

The Hon. M. PARNELL: I have been invited to add to the list. I will not pretend for one minute that the Hon. Sandra Kanck's list is comprehensive, but what I will say is that I think every case study she refers to is one I have had some involvement in, either during my brief time in this place or during my previous 10 years as an environmental lawyer. The cases she referred to involved people who were, in the main, clients of my office. I had to point out to those clients on a very regular basis that they were not working in a pure system where science and good environmental policy would always prevail; they were working in a system that was very much corrupted to political ends.

The Hon. I.K. HUNTER (17:43): Whilst I acknowledge that there is some merit in the arguments put forward for this proposition by the Hon. Ms Kanck and the Hon. Mr Parnell, the government is concerned that the disadvantages far outweigh those limited virtues. The government does not support the bill. We are concerned that the introduction of a new commissioner, as proposed in this bill, would require significant cost for the government and simply add an extra level of review that would cover similar ground to the reviews that already occur. The Hon. Ms Kanck, in her second reading speech, commented correctly that the Ombudsman and the Auditor-General are examples of publicly-funded bodies that examine government bodies.

Indeed, the Auditor-General currently reviews the EPA annually to guarantee that it is complying with the Environment Protection Act, and the Ombudsman undertakes reviews of the EPA to ensure that decisions are made in accordance with the Environment Protection Act, on application by a complainant. However, these are not the only review processes that have been put in place by successive state governments. Individuals are able to appeal decisions made by the EPA to the Environment, Resources and Development Court if they feel they have been affected as either an applicant or a holder of a works approval or a licence, or as a person to whom an administrative order, such as an environmental protection order, has been issued.

The parliamentary Environment, Resources and Development Committee examines situations relating to conservation, the environment, land use and transport. In particular, it may consider reporting on matters relating to any of the following issues, as they are referred to the committee: how the quality of the environment might be protected or improved; resources of the state or how they might be better conserved or utilised; planning; land use or transportation; and issues relating to the general development of the state. These powers previously resulted in the year 2000 review of the operation of the Environment Protection Authority as well as other studies

focusing on the EPA business, including stormwater and the present inquiry into coastal development.

The EPA itself is an independent body run by an independent board which is not subject to direction by the minister in regard to making reports to the minister, enforcement of the Environment Protection Act, or performing its functions of environmental authorisations and development authorisations. The EPA conducts detailed reviews of practices covered in the Environment Protection Act and is required to publish reports relating to the current state of the environment.

The Hon. Ms Kanck's proposal is based (I think) on the New Zealand Parliamentary Commissioner for the Environment which was established in 1986. If you check that commissioner's website you will find that the staff listed for that commissioner include an Assistant Commissioner for the Environment, a corporate systems manager, a communications adviser, an acting director in charge of citizens' concerns, three principal environmental investigators, six environmental investigators, and two support staff. It is important to remember that, in 2005, the New Zealand parliament voted to provide $2.319 million to fund the office. Again, if this model were to be followed in South Australia, it would require the use of significant resources that could perhaps be better used elsewhere.

The main benefit of Ms Kanck's proposition is, I suppose, the creation of a single office that would have specialised knowledge relating to the processes in regard to the EPA, and of other agencies, compared to the wider jurisdiction of the Auditor-General and the Ombudsman. However, because of the existing review processes of EPA decisions carried out by the Ombudsman, the Auditor-General and the Environment, Resources and Development Committee of parliament, as well as the reviews undertaken by the independent EPA itself, the advantages of another layer of investigation do not seem to overshadow the resources required to establish the proposed environmental commissioner and his or her office and staff. Any such funding would perhaps be better spent on priority projects. The government will not be supporting the bill.

The Hon. J.M.A. LENSINK (17:47): I am in the rare position where I actually agree with everybody who has spoken on this bill already. As I understand it, the Hon. Sandra Kanck has concerns that, while we may have amended the bill which oversees the EPA's roles and responsibilities, it has become a rather timid agency of government in terms of its environmental monitoring and, therefore, this bill seeks to have another agency to oversee it.

The Hon. Mark Parnell also mentioned the need for independence of the EPA and referred to ERD evidence (most of which I also participated in) where agency advice has been ignored, and he specifically referred to the Coastal Development Board. I agree that governance issues are first and foremost when it comes to government agencies, and I completely agree with him that decisions should be based on science and they should also be transparent.

However, the environment portfolio is already covered by a number of agencies: the EPA, obviously; Zero Waste; the Department for Environment and Heritage; and the Department of Water, Land and Biodiversity Conservation. In my brief experience in holding the environment portfolio on behalf of the Liberal Party, it has become quite apparent to me that the environment is not a part of policy area that this government is seeking to prioritise. One of the best examples of that is the decision in relation to the solid waste levy so that, instead of actually providing, in the budget, the appropriate level of Treasury appropriation, this government rather cynically stole the money which was being collected, effectively, by local government. That indicates to me personally that it does not take the environment seriously, if it is not prepared to provide for recurrent funding for those important works.

Indeed, in the budget papers for the EPA there is a considerable amount of resourcing for this financial year which is coming out of fines and levies, and those forms of revenue, rather than from Treasury appropriations. I think that speaks for itself. If this government expects the EPA to operate effectively, it is going to do so through fines and those sorts of means, rather than actually giving it a stable base of funding to enable it to carry out its operations.

I would also like to commend the work of the EPA. I found the staff particularly helpful in relation to the Site Contamination Bill. It could not do enough to assist us and advise us through that very technically complicated bill. Clearly, it is very passionate about its work and very competent. In the interests of resourcing, the Liberal Party will not be supporting this bill, although we are sympathetic towards its aims.

The Hon. SANDRA KANCK (17:51): It is fairly obvious that this bill is about to be defeated. I find that disappointing because it came about as a result of representations from the environment movement which had expressed frustration over a period of time about a number of environment agencies (the department amongst them) and the EPA. It will be disappointed to hear that neither the government nor the opposition has been willing to support this. The Hon. Ian Hunter said that the disadvantages outweigh the benefits, but I wonder what the disadvantage is of accountability, and what the disadvantage is of transparency, because that is what this bill was going to bring.

The comments about the New Zealand Environment Commission having a budget of $2.5 million could well be answered with the interjection that the Hon. Mark Parnell made at the time, which was that it was probably money well spent.

Nevertheless, that is a well developed organisation and one that is well accepted by people in that nation, and they would not expect to be funded with anything less. I assume that in the early stages of setting up something like this that would not be the sort of funding it would get. At the time I introduced it, I said that I was effectively putting it out for discussion. I indicated to people that I was open to having it amended—and I have even had a few suggestions for amendments—but, obviously, I will not have the opportunity to put those amendments forward.

This was a ground-breaking move, because South Australia has never had anything like this before. I can promise you that it will not be the last that this parliament will hear of it, because I will look at the bill and amend it with some of the suggestions that have been made to me. Members can be assured that they will be placed in a position of once again having to consider it.

Second reading negatived.

At 17:55 the council adjourned until Thursday 25 October 2007 at 11:00.